

North York Moors National Park Authority

Ryedale District Parish: Helmsley	App No. NYM/2019/0769/TN
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Proposal: erection of wall mounted antenna, metering equipment and pole mounted antennas

Location: Helmsley Telephone Exchange, Carlton Road, Helmsley

Applicant: Arqiva Ltd, c/o Mr Andrew Cottam, Crawley Court, Winchester, Hampshire, SO21 2QA

Agent: WHP Wilkinson Helsby, fao: Mr Damian Hosker, The Ponderosa, Scotland Lane, Horsforth, Leeds, LS18 5SF

Date for Decision: 20 January 2020

Grid Ref: 461418 484081

Director of Planning's Recommendation

No objections subject to the following condition:

1. The pole and antenna utilised in the development hereby permitted shall be coloured to match the colour of the brickwork with the section above the ridge line being coloured grey and the equipment enclosures shall be coloured to match the colour of the brickwork of the host building and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Informative

1. Bats



North York Moors
National Park
Authority

Application Number: NYM/2019/0769/TN

Scale: 1:1250



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Consultations

17/12/2019 – Town Council - Object. The Council considers that the mast is too close to Helmsley Community Primary School and other properties. It asks that the applicant considers other sites and not prominent locations in town such as the A170.

6/12/2019 – Natural England - No objection

Advertisement/Site Notice Expiry Date - 24 December 2019

Others -

11/12/2019 - Mrs Gemma Montgomery, 39 Ashwood Close, Helmsley - Oppose the application, on the grounds of threat to public health.

The mast proximity is way too close to school and residential housing. My concerns are supported by the research conducted by the EM Radiation research trust. An INDEPENDENT body set up to provide facts on EM Radiation, in relation to health.

17/12/2019 - Mrs June Smith at 6 Pottergate, Helmsley - Object because it is very close to the local primary school building, playground (75 metres), Helmsley Health Centre and only 18 metres from the nearest residential property. After reading the paper (Parliamentary Assembly) final version 'the potential dangers of electromagnetic fields and their effect on the environment' it states 'The potential health effects of the very low frequency of electromagnetic fields surrounding power lines and electrical devices are the subject of ongoing research. According to the WHO electromagnetic fields of all frequencies represent one of the most common and fastest growing environmental influences about which anxiety and speculation are spreading. It states 'the precautionary principle should be applied when scientific evaluation does not allow the risk to be determined with sufficient certainty. Given the context of growing exposure of the population, in particular that of vulnerable groups such as young people and children, there could be extremely high human and economic costs if early warnings are neglected.

The site chosen by Arqiva is favourable to them as it is central but I cannot identify another smart meter mast site within Ryedale. Why here and as mentioned in such close proximity to dwellings and the school?

What research have Arqiva done and what evidence do they have that no harm will come to residents from emissions pulsed from the mast. Surely the precautionary principle should be applied in this instance until independent research is carried out. It may be that Arqiva could be liable should any harm come to residents.

This mast is also visible from many of the resident's gardens and not in keeping with the local surroundings.

17/12/2019 - Mr B Clark, 49 Elmslac Road, Helmsley - Object. Concerned about major health problems they can cause. Also there is no evidence that they are cheaper.

17/12/2019 - Edwin and Ann Kirby, 12 Carlton Road, Helmsley - We are strongly against the above application.

18/12/2019 - Laura Simms, 9 Elmslac Road, Helmsley - Object. This is a totally unsuitable site for the mast and all the high intensity microwave radiation that it would emit close to the school, my house and where I work. Also enclose a leaflet sent to many households in the area setting out the dangers of such smart meters and masts.

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Others continued

20/12/2019 - Anne Stewart, 27 The Limes - Object because not convinced that this metering equipment is safe. Can you reassure us that it has been proven to have no detrimental effects? With all the information that seems to indicate to the contrary, should not the precautionary principle be applied?

20/12/2019 - Mrs J Curtis, 4 Villiers Court, Helmsley - Object on environmental and health grounds. Lack of information on long term damage to the environment and to local residents is very worrying.

20/12/2019 - David Curtis, 4 Villiers Court, Helmsley - Object, largely on health grounds, and probably damage to both the bodies and minds of residents. It is wrong to put health at risk especially when the radio frequencies are untested.

20/12/2019 – Mrs EM Booth, 38 High Street, Helmsley – Object

22/12/2019 - Beth and Jonathan Davies, 6 Feversham Road, Helmsley - Object on the grounds of amenity, potential health concerns and the fact that the proposed location in a residential area is inappropriate. There is no justified need for the technology other than to reduce staffing costs in managing data collection. The Authority refused a similar application relatively recently and we hope it recommends this application for refusal as well.

23/12/2019 - Mrs Priscilla Heath at 5 Carlton Road - Object to this application as we do not feel it is an appropriate place for an antenna to be erected. Based on scientific studies we have concerns about the health issues that may arise from continuous bursts of high intensity microwave radiation which would be emitted by the transmission of data via wireless waves from the antenna.

23/12/2019 - Mrs Anne Nightingale at 2 Station Road, Helmsley - Object.

The site for the mast, which would have wall and pole mounted antenna with metering equipment attached, would be in very close proximity of residential dwellings, the primary school and the health centre. My concern is the distance from the mast to the public

- 135 metres from the primary school building
- 75 metres away from the boundary fence of the school playing field
- 115 metres away from the health centre
- 18 metres away from the nearest residential properties, many of these are occupied by elderly people

I have completed many hours of research and I cannot find any documents which state living near a smart metre mast is safe. I would like to know what research Arqiva have completed and which peer reviewed documents have been produced to state categorically that no harm will come to residents from any emissions pulsed from the mast. In the absence of independent research, if Arqiva doesn't apply the precautionary principle, they may leave themselves open to liability of criminal proceedings. This route has been taken forward in other parts of the world. For your information I have enclosed a link to an article by The Lancet [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30221-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30221-3/fulltext)

23/12/2019 – Mr E Chapman, 5 Cannons Garth Mews, Carlton Lane, Helmsley – Object.

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Others continued

Mrs Pauline Lobley, 4 Canon's Garth Mews, Helmsley – Object. Very concerned about the effects it may have on health especially as I already suffer from health problems. I'm also very much on the side of wildlife in our area especially song-birds.

23/12/2019 – Michael & Anne Wray, Stone Leigh, 9 Carlton Road, Helmsley – Object. Until such things are proved to be safe they should not be in close proximity to houses and in particular schools. Also it is not in keeping in a residential area.

24/12/2019 - Mrs Katie Lawson of 4 Feversham Road, Helmsley – Object. Our property is adjacent to the proposed mast site and we are very concerned by the proposal. Our three children attend Helmsley Primary School and for them there will be no escape from the radiation emitting from the mast. They will be exposed to it 24/7. Whether they are at school, playing in their garden or asleep in their beds they will constantly be exposed to high levels of radiation. I'm sure you can imagine how concerning this is for us.

The mast will be extremely unsightly as it will be higher than all the trees surrounding it. This will also be a constant reminder of the radio waves emitting from it.

If it is necessary for a smart meter mast to be erected in this area then a much better proposal would be for the mast to be sited on the edge of the town and not next to the local primary school in the centre of a built up residential area.

2/01/2020 – Mrs Louise Mayfield, 7 Carlton Road, Helmsley - Object. It is too close to residential properties and the school. It is too high and will be unsightly and out of keeping with the surrounding buildings. We are also very concerned about the health risks of extra exposure to radiation, we have children and do not wish their health and the health of neighbouring children living locally and attending the school to be put at risk. This company were asked to find another location away from the town 2 years ago but they do not seem to have adhered to this request.

Background

Helmsley Telephone exchange is located on a back land plot in a residential area on the north-eastern fringe of Helmsley. The site is accessed from Carlton Road using a narrow driveway between two houses. Glimpses of the building can be gained from Carlton Road and its appearance, at a glance, is fairly consistent with some residential properties. It is single storey building constructed of buff brick under a pantile roof with white framed fenestration. The proportions of the building are similar to a residential bungalow but the fenestration design and pattern make it easily distinguishable as a utilitarian building.

The building measures 3.3m to the eaves and 5.8m to the ridge.

This proposal is not a full planning application, but a prior notification under Part 16 of the Town and Country (General Permitted Development) (England) Order 2016 (the GPDO).

This establishes that the installation of electronic communications apparatus such as smart meters, to be acceptable in principle within a National Park (up to 15m high). The only factors that can be considered under such a notification are those concerning the final 'siting' and 'appearance' of the proposed development.

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Background continued

A determination as to whether the Local Planning Authority approves or refuses the prior approval must be given in writing to the applicant within 56 days of the Prior Notification being received. If the applicant does not receive a written decision from the LPA within that time period, they can proceed with the development. The 56 day period for this Notification is on 20 January 2020.

This prior notification seeks the Authority's view on a proposal for the installation of an antenna support pole to be attached to the gable end of the building with 3 smart meter antennas attached at the top and smart metering equipment being wall mounted at a lower level.

The support pole would be centrally located on the western gable end, in line with the ridge of the roof. The pole itself would project 2m above the ridge of the building with one antenna projecting a further 0.8m, and the other two antennas being lower at 1.1m above the ridge. The smart metering equipment would be wall mounted at 1.3m above ground level.

The equipment would be 18.5m from the nearest residential property, over 60m from the nearest boundary of the school, and over 120m to the school building and over 100m from the Doctors surgery.

In support of the application, it is stated that the equipment and apparatus is required for the Governments' project to develop a new smart metering network.

The smart meter initiative is a key part of the Government's programme to cut greenhouse gas emissions, decarbonise the economy and support the creation of new green jobs and technologies. A key feature of smart metres is that they are continuously connected to data centres and must therefore be linked to an electronic communications network.

The Smart Metre Network (SMN) has similarities with cellular networks with the smart meters being the device that connects and communicates with the network antennas rather than mobile devices. The SMN sites must therefore be located in proximity to the premises that will be served. Consistent with planning policy, the main SMN sites have been largely planned around sharing or using existing communication sites, buildings and structures. However, there are smaller settlements, peripheral areas and remote locations which cannot be covered for a number of reasons and consequently, a secondary layer of smaller sites are required. This notification relates to this 'micro site' layer.

The applicant's supporting statement explains that a sequential approach to site selection has been adopted and site sharing, utilisation of existing buildings and structures have been explored to minimise environmental impact. In this case, the results yielded that no options exist or are comparably better than the chosen BT exchange which is in a good accessible location, already in communications use and available for the SMN.

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Background continued

The main function of a BT Exchange is to form a hub for fixed electronic communication links to local premises and they are therefore well located amongst those same communities that the SMN must serve. As the BT exchanges are already in existing electronic communications use, they also fulfil or can be readily upgraded to fulfil the operational and technical requirements of the SMN. The shared use by the SMN will also be consistent with the existing pattern and nature of the lawful use of the BT Exchanges.

A ICNIRP (International Commission on Non-Ionising Radiation Protection) Certificate has been submitted with the application, as required by Government.

A previous Prior Notification was withdrawn in 2017 for a monopole mast attached to the corner of the building at this Exchange. This proposed pole and antenna measured 11m high (over 5m higher than the ridge of the building) and was similar to a proposal refused by this Authority in 1995. The applicants withdrew the Notification following advice that the Authority was likely to object.

Main Issues**Local Development Plan**

Development Policy 25 (Telecommunications) of the North York Moors Local Development Framework relates to telecommunication provision within the Park and states that the erection of radio and telecommunication masts will be permitted where the proposal does not have an unacceptable impact on the character of the locality and wider landscape.

Furthermore Government Guidance states that National Parks should respond positively to telecommunications development proposals whilst taking into account the need to protect the best and most sensitive environments.

National Planning Policy Framework

This seeks to support high quality communications infrastructure, as it recognises that it is essential for sustainable economic growth. The NPPF also states that the development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services and that when preparing

Local Plans, Local Planning Authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

The NPPF also requires that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

Paragraph 115 of the National Planning Policy Framework advises that the relevant body should be consulted where a mast is to be installed near a school or college. In this case the applicant has advised that pre-application consultations were undertaken with Ward Councillors, Helmsley Community Primary School (Headteacher) and Helmsley Town Council, but that no responses were received.

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English National Parks and The Broads Circular 2010

The UK Vision and Circular is explicit in its positive approach to encouraging communications infrastructure in National Parks; paragraph 80 specifically stating that “For the Parks to be viable places for businesses and for communities to thrive, the communications infrastructure needs to be fit for purpose”. In the context of the additional constraints presented by protected landscapes, the Government nevertheless “is committed to working with operators to ensure the best possible outcome.”

Planning Legislation and Prior Notification Procedures

Telecommunications Operators benefit from certain permitted development rights with regard to the installation, alteration or replacement of telecommunications apparatus. This means that development is either 'permitted development' under **Part 16 of the Town and Country (General Permitted Development) (England) Order 2016 (the GPDO)**, or it requires 'planning permission' for which an application must be made to the Local Planning Authority.

Permitted development rights are more restricted in certain designated areas, such as National Parks.

Development that complies with the requirements of the GPDO, is permitted development. However, within a National Park, the installation of a ground based mast of up to and including 20 metres in height requires an application for prior approval from the Local Planning Authority:

Development within the above category must follow the prior approval procedure, under which the National Park Authority is given the opportunity to say whether it wishes to approve details of the siting and appearance of the installation.

The only factors that can be considered under an application for prior approval are those concerning the 'siting' and 'appearance' of the proposed development. Factors concerning siting may involve, height of the site in relation to surrounding land, topography of the site and vegetation, openness and visibility of the site, designated areas, the site in relation to existing masts, structures or buildings or proximity to residential property. With regard to appearance this can include details such as; materials, colour, design, dimensions, overall shape, solid or open framework. No other factors can be considered by the Local Planning Authority for this type of application.

The principle of the development cannot be objected to, or any other related issues, as this has already been agreed by legislation.

Siting

The important considerations in terms of the proposed siting of the mast include whether or not the proposed smart meter pole, antenna and associated equipment would over-dominate nearby housing, whether it would have a detrimental impact on the character of the locality, or on the wider landscape.

The proposed mast would be attached to the rear gable end of the Exchange building. The building is surrounded on four sides by housing. The boundary to the north is well screened by hedges and trees and the properties to the east are bounded by close boarded fencing. The bungalows to the west and south are only bounded by 1m high post and rail fencing.

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Main Issues Continued

The mast itself would be approximately 18.5m from the nearest wall of these properties. The mast would be clearly visible from these residential properties, but would not be immediately adjacent any of their boundaries, and could not be considered to be overbearing, particularly given the height above the ridge of the building of only 2.8m (including the antenna).

In terms of the wider landscape impact, the building is not widely visible, although glimpses of it are seen from Carlton Road and Elm Green. However, the mast would not be visually intrusive and would be seen against the backdrop of roofs and other street furniture.

Design

The important consideration here is whether or not the proposed smart meter mast would be unsightly and therefore be of a different design. This needs to be considered in the context of the limited designs available for a piece of functional equipment.

What is proposed is a monopole mast with a diameter of 20cm, to be colored to match the building and light grey.

It is considered that this is the most appropriate and least intrusive design and it is not considered that there are any material planning grounds for objecting to the design of the mast.

Health Considerations

Government advice states that all telecommunications/electronic communications proposals should be submitted with an ICNIRP (International Commission on Non-Ionising Radiation Protection) Certificate. Beyond this, health effects should not be considered further by the Local Planning Authority. This applicant has been submitted with such a Certificate.

It is the Government's firm view that the planning system is not the place for determining the health safeguards and if a mast meets the ICNIRP guidelines then it should not be necessary for a Local Planning Authority to consider health aspects further. The enforcement and science monitoring of health and safety issues relating to masts is a matter for the Health and Safety Executive and Public Health England respectively not the Local Planning Authority. The NPPF is very clear on this matter, paragraph 116 of which states:

“Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

However, public concern about the health impact of mobile phones and base stations/masts led to the appointment of an expert committee, chaired by Sir William Stewart, in 2000. The

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Main Issues continued

Stewart Report found no evidence for handsets or base stations having negative health effects, but made a number of recommendations: the report suggested that the impact of base stations near houses, schools and other buildings could have a negative environmental and psychological effect on people (as opposed to direct health impacts). The Government responded by advising Local Authorities to prevent the 'beam of greatest intensity' from a base station's antenna from falling on school premises, but insisted that the report had not called for the removal of masts from schools.

The Stewart Report concluded that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be extremely small fractions of guidelines. The advice also indicated there would be future reviews.

Draft Local Plan

Draft Policy BL10 – Communications Infrastructure – supports the provision of infrastructure development for radio, broadband and other telecommunications and information technology where it is of a scale and design appropriate to the National Park and helps meet the needs of local communities.

However, this Draft Policy can only be given little weight at this stage.

Conclusion

It is not considered that the proposed siting or design of the proposed mast would result in an unacceptable detrimental impact on the character of the area. Furthermore, given that the Government has a strong commitment to deliver the smart metering network to the extent of taking the principle of such development out of the planning system in National Parks reinforces the strong material considerations weighing in favour of this proposal.

Consequently, it is recommended that no objections are raised to the siting and design of the proposed mast.

Contribution to Management Plan Objectives

Approval is considered likely to help meet the aims of Policy C8 of Management Plan which seeks to improve mobile phone coverage in the Park.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.