

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2020/0068/TN

Proposal: erection of 18 metre high lattice mast with antennas together with associated ground based and wall mounted equipment

**Location: Robin Hoods Bay New Telephone Exchange
Old Railway Station
Off Thorpe Lane
Robin Hoods Bay**

**Decision Date: 26 March 2020
Extended to:**

Consultations

Parish – 20/02/2020 - The Parish Council object to the plans due to the location of the mast, the area has two bungalows opposite and is next to the village hall, a hub for many events in the village. The Council would like to see an updated plan with a more suitable location than the centre of the village.

Highways – 20/02/2020 - No objections

Site Notice Expiry Date – 11 March 2020

Director of Planning's Recommendation

Approval subject to the following condition(s):

- 1 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site plan proposed	168969-01-100-MD002 Rev 2.A	16/3/2020
Equipment Layout Proposed	168969-01-101-MD002 Rev 2.A	16/3/2020
Elevation proposed	168969-01-150-MD002 Rev 2.A	16/3/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 2 The pole, antenna and associated equipment utilised in the development hereby permitted shall be coloured dark grey and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 3 If the use of the mast for the purposes approved permanently ceases the mast shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing.

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Reason(s) for Condition(s)

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. In order to return the land to its former condition and comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the landscape of the National Park.
3. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.



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Background

This application relates to the site of the BT exchange to the west of the business units, Fylingthorpe Village Hall and the Station Car Park at the top of Robin Hoods Bay.

The site is outside the Robin Hood's Bay Conservation. This site is bounded by trees to the south and west.

This prior notification originally related to the siting of an 18m high lattice mast with associated equipment on the eastern side of the BT Exchange. However, due to concerns regarding the prominence of this mast from the entrance to the site, the siting has been amended to the western end of the site where it is better screened by boundary trees.

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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 an electronic communications mast to be acceptable in principle within a National Park. The only factors that can be considered under such a notification are those concerning the final 'siting' and 'appearance' of the proposed development.

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 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 this site.

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

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.

The English National Parks and The Broads Circular 2010 is a UK Vision and Circular is explicit in its positive approach to encouraging communications infrastructure in National Parks. 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."

In terms of 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.

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

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 important considerations in terms of the proposed siting of the mast include whether or not the proposed mast would have a detrimental impact on the character of the locality and the wider landscape.

The proposed mast, in its revised location would be sited adjacent a substantial building and in the context of mature boundary screening. Due to its revised siting, the mast would not have a wider landscape impact.

The Parish Council objected to the scheme as originally submitted on the basis that it is close to residential properties and close to the village hall. In terms of the visual impact, it is considered that the re-siting would move it away from these properties and the hall and would be far less visible. In view of this it is considered that the Parish Comments have been addressed.

The Parish Council haven't been re-consulted on the revised scheme due to the tight timescales of a Telecommunications Notification, where a decision needs to be made within the timeframe, or the applicants would have deemed consent.

In view of the above, it is recommended that no objections are raised.

Pre-commencement Conditions

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (Amendments Requested and Received)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the re-location of the mast to a less intrusive part of the site, so as to deliver sustainable development.