

North York Moors National Park Authority

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

Application No. NYM/2020/0286/TN

Proposal: erection of 10 metre high mast with antennas together with associated ground based equipment and fencing

**Location: Swallow Head Farm
Fylingdales**

**Decision Date: 17 June 2020
Extended to:**

Consultations

Parish -

Highways – No objections

Site Notice Expiry Date – 26 May 2020

Director of Planning's Recommendation

Approval subject to the following condition(s):

- 1 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location plan	305184-00-004-MD002 Rev 2.A	14/05/2020
Site plan proposed	305184-01-100-MD002 Rev 2.A	14/05/2020
Equipment layout proposed	305184-01-101-MD002 Rev 2.A	14/05/2020
Elevation proposed	305184-01-150-MD002 Rev 2.A	14/05/2020

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 light 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.

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. 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 building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
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 a farmstead located in an open countryside location near to Fylinghall School off the road that leads from Fylingthorpe to Boggle Hole. The application site is located on the western side of the farm group, bounded to the south and east by farm buildings and to the north by rising ground. A public bridleway also runs through the farmstead, to the north of the application site.

This prior notification originally related to the siting of a 12m high mast with associated equipment, however, the height has been reduced to 10m. The pole would be located within the farmyard.

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.

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Main Issues

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.

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.

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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 would be sited in the open countryside, but within an existing group of farm buildings against which it would be viewed. This would help set the mast into the landscape and reduce its impact. The mast would be visible by riders on the bridleway, but the bridleway would not be obstructed and with the height reduced to 10m there would be no wider landscape impact.

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 reduction in height of the mast, so as to deliver sustainable development.