

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0485/FL

**Development description:** erection of 35 metre high lattice tower with antennas and dishes, ground based equipment including pole mounted satellite dish, generator and enclosure for VSAT together with associated access track

**Site address:** land east of High Dalby House, Dalby Forest

**Parish:** Thornton Le Dale

**Case officer:** Mr Mark Hill

**Applicant:** Home Office

c/o Galloway Estates, fao: Peter Hickson, Clive House (2nd floor), 70 Petty France, London, SW1H 9EX

**Agent:** Galloway Estates Ltd

fao: Mr Peter Hickson, Galloway Estates Ltd, PO Box 17086, Solihull, B91 9UG

## Director of Planning's Recommendation

Approval subject to the following: / Refusal for the following reason(s)

### Condition(s)

Condition number	Condition code	Condition text
1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3.	RSU00	In the event of the mast and associated equipment not being required for telecommunication use, the mast and equipment shall be removed from the site within 6 months of the cessation of the use.
4	RSU00	Noise attenuation measures shall be included within the equipment compound specification so that noise levels (LAeq (1hour)) from the standby generator at the site , shall not exceed the background noise level (LA(90) (1 hour)) by more than 10 dB(a) at any external elevation of any residential dwelling in the locality.

5.	MATS00	The mast tower hereby approved shall be maintained in a non-reflective metal finish, coloured dark grey or dark green or any other such colour as agreed in writing by the Local Planning Authority.
6.	RSU00	No construction or pre-construction clearance work shall take place between the Turtle Dove bird breeding season March to August inclusive.
7.	GACS07	External lighting
8.	HWAY00	No use of the site shall commence until measures have been included into the construction of the access track to the site to prevent any increase in rain water run-off affecting local premises.
9.	MATS00	The trackways hereby approved shall be constructed with Limestone crusher run to match the local geology.

#### Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PLAN02	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.
3	RSN TIME03	In order that the Local Planning Authority can 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.

4,5,7,8,9	RSN GACS 01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
6	RSN MISC02	In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.

**Informative(s)**

Informative number	Informative code	Informative text
1	MISCINF09	<p>PROW to be kept free of obstruction at all times.</p> <p>Please note that the footpath/track situated in the vicinity of the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.</p>

## Consultation responses

### Thornton le Dale parish Council

No objections.

### Highways

Dalby Forest Drive is not a public highway. No Highway objections.

### Third party responses

Arquiva ( TV & Radio Network) - Consider this tall development will have no adverse impact on our operations.

Revd, Ian Robinson, Dalby Forest Drive. Would ask that suitable planning conditions be included so as to ensure : no noise intrusion from the generator, no light pollution and appropriate rain water run-off drainage is provided .

Colin Monson Ramblers Association, please ensure safe access to public rights of way are maintained.

### Publicity expiry

Advertisement/site notice expiry date – 4 August 2021

Site to left of centre popping out above trees.



## Background

Since the 1980's the Emergency services have been using the TETRA/AIRWAVE radio system for their secure communications. In recent decades as commercial the mobile phone networks have provided a mobile data facility the emergency services have been using both systems. The Government have identified savings that could be made from using a single system rather than two communication systems, based on the idea of the emergency services migrating onto the commercial network, using a combination of preferential treatment and expanding the commercial network into rural 'not-spots,' These not-spots tend to occur in remote rural areas such as National Parks where there is no commercial viability for operators like EE to install phone masts. The project to transfer the emergency services onto the commercial network is named 'Emergency Services Network' (ESN) and the project to build non-commercially viable masts by the Home Office and to then be leased to EE ( the ESN chosen provider ) is named 'Extended Areas Service' (EAS).

One of the mobile phone/data rural not-spots which needs to be covered so that the system can go live in 2023 ( the original go live date was 2017 but there was project slippage due to technical and project management issues) is Dalby Forest. Although a mast has already been approved to serve this area back in 2018, subsequent radio modelling indicated the approved site would not be effective and so a further site has been put forward.

This site lies some 1.5 km north-east of the Fox & Rabbit public house and some 0.5km south-east of High House, Dalby Drive, deep within a large tract of commercial forestry used for recreational purposes. There is poor access to the site and it is proposed to lay approx. 500m of new 3m wide crusher run forestry track along a mix of non-planted fire breaks and some cleared corridors. At the end of the track would be a 10m x10m fenced compound containing equipment cabinets and a 35 m high galvanised lattice mast to support the various antennae and backhaul microwave dishes & back up equipment. The tree canopy height in the vicinity is approx. 20m so there would be a significant part extending above the canopy, however the nature and character of this large forest and higher mid slopes position is such that the mast would not be unduly intrusive in the wider landscape.

The Authority's ecologist have noted that Turtle Doves are currently and have previously nested in the locality and seek that construction does not take place within the bird nesting season March to August inclusive. The Authority's local ranger considers no public rights of way would be affected however the Ramblers association feel there are wider potential impacts and ask that the develop be made aware of the need to keep PROW free from obstruction.

## Main issues

### Local Plan

NYM Local Plan policy BL10 supports the provision of new telecommunication infrastructure which is aimed at meeting the needs of local communities subject to criteria, these include; no alternatives, no unacceptable visual impact, least environmentally intrusive option, part of a co-ordinated strategy and provision is made for removal if no longer required.

The application was the subject of pre-application advice and the chosen site and mast height proposed is considered likely to be assimilated into the wider forest landscape without being unduly obtrusive. Dalby Forest is one of the biggest recreational facilities in the Park providing second purpose benefits to many thousands of visitors and this facility will provide back up communications to help local communities the emergency services (a number of air ambulance visits have been made in recent years to recover severely injured cyclists) and general visitors to the forest and its visitor centre,

One local resident (lives closest to site) has commented about need for conditions in respect of: noise, drainage and light pollution and these are recommended as part of any approval. A colouring condition is also recommended as is a condition requiring removal if no longer required for telecommunications. Furthermore the Authority's records indicate Turtle Doves nest in the area, thus it is also recommended that construction take place outside the bird nesting season to avoid disturbance.

### Pre-commencement conditions

There are no pre-commencement conditions needing to be agreed in writing with the applicant/agent.

### Contribution to Management Plan objectives

Approval is considered likely to help meet Policy C8 which seeks to improve mobile phone coverage within 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.