

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

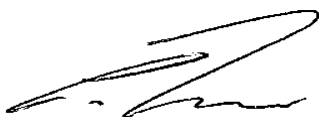
To: Arqiva Limited
c/o Pegasus Group Ltd
fao: Mr Richard Morison
First Floor
South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

The above named Authority being the Planning Authority for the purposes of your application validated 22 September 2021, in respect of proposed development for the purposes of **erection of 80m lattice broadcasting mast together with 10 no. equipment cabinets, access improvement works and ancillary development thereto for a temporary three year period at Bilsdale Transmitting Station, Bilsdale Moor** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby approved shall be only carried out in strict accordance with both: the mitigation measures contained in the associated Habitats Regulation Assessment provide by the Local Planning Authority dated 5th October 2021 (including no construction or de-construction during the bird breeding season March to July inclusive) and 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. The development shall only be carried out in full accordance with the submitted Construction Method Statement.
4. No vehicle over 15 tonnes shall be brought onto the site until a written scheme of access road survey & ongoing repairs has been submitted to and approved by the Local Planning Authority (in conjunction with Natural England). The approved scheme shall be implemented in full before any vehicle over 15 tonnes accesses the site for construction of the tower mast hereby approved.
5. The staging area associated with the development hereby permitted shall be surfaced in alkaline neutral granite or whinstone.

Continued/Condition(s)



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6. The ten white coloured equipment containers hereby permitted shall be draped with camouflage netting and thereafter so maintained for the full 3 years of the permission, (in accordance with the associated email dated 21 October 2021) as visual impact mitigation. In the event that the netting is damaged it shall be replaced within one month of the damage. The 2.4m perimeter fence around the compound hereby approved shall be coloured dark green and thereafter so maintained.
7. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8. Appropriate sound attenuation measures shall be undertaken such that during the hours 20.00 hrs until 07.00 hrs on the following day, noise levels at the site (LAeq(1hour)), from any mechanical or electrical plant or other equipment, shall not exceed the background noise level (LA(90) (1 hour)) by more than 10 dB(a) at any time measured at any external elevations of any neighbouring residential property in the locality.


Informative(s)

1. Please note that the footpath/track situated to the east and leading to the site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. 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. In accordance with NYM Development Policy 23 and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.
4. To ensure that determination of the relatively light loading road from heavy construction vehicles and plant does not reach levels whereby wholesale rebuilding and repairing are required that would be likely to result in disturbance to protected species and to comply with Strategic Policy H which seeks to conserve the quality and diversity of the natural environment.

Continued/Reason(s) for Condition(s)



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5. In order to comply with Strategic policy H of the NYM Local Plan which seeks to protect habitats protected under national and national legislation.
6. 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.
- 7 & 8. 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.

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 recommended changes to the proposal including habitat mitigation, container camouflage, and dealing with highways matters pre-decision, so as to deliver sustainable development.



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Director of Planning

Date 25 October 2021

Please Note your Rights of Appeal are attached to this Decision Notice

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.