

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0754/FL

Development description: 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 (part retrospective) .

Site address: Bilsdale Transmitting Station, Bilsdale Moor

Parish: Bilsdale Midcable

Case officer: Mr Mark Hill

Applicant: Arqiva Limited
Crawley Court , Winchester , S021 2QA

Agent: Pegasus Group Ltd
fao: Mr Richard Morison, First Floor, South Wing, Equinox North, Great Park Road,
Almondsbury, Bristol, BS32 4QL

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1.	TIME00	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN00	The development hereby approved shall be only carried out in strict accordance with both : the mitigation measures contained in the associated Habitats Regulation Assessment provided 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.	RSU000	The development shall only be carried out in full accordance with the submitted Construction Method Statement.
4.	RSU000	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.	MATS00	The staging area associated with the development hereby permitted shall be surfaced in alkaline neutral granite or whinstone.
6.	MATS00	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.	GACS07	<p>External lighting</p> <p>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.</p>
8.	GACS00	<p>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.</p>

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 PLAN01	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

3	RSN HWAY3	enhance the special qualities of the NYM National Park. 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	RSN MISC00	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.
5.	RSNMISC00	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.	RSN MATS02	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	RSN GACS01	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.

Informative(s)

Informative number	Informative code	Informative text
1	MISCINF9	PROW to be Kept Free From Obstruction at all Times 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.	MISCINF2	Coal Referral Area 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

Consultation responses

Parish

v/a

Highways

Consider the submitted Construction method statement is acceptable.

Natural England.

Concur with your ecologist on the HRA, given 170 movements for construction alone would like to see regular survey and maintenance of the access road to avoid large scale failure and large scale rebuild.

Third party responses

C Devlin, Chop Gate – Please ensure the equipment is suitably sound insulated as the current temporary equipment can be heard in certain weather conditions.

K Parcel, Chop Gate – No objections, we live on the access road and expect some disruption and recognise it is important for people to get their TV back especially after suffering so much from Covid. Ask the NYM to expedite the return of TV services.

Ramblers

Please ensure PROW are maintained free of obstruction.

Publicity expiry

Advertisement expiry date – 22 October 2021

Bilsdale transmitter site, application site is right hand side.



Background

On the 21st August 2021 there was a well-publicised fire at the prominent Bilsdale transmitter mast. Following subsequent investigations it transpired that the 300m tall guyed mast which provided TV, radio and mobile phone facilities was beyond repair and was recently demolished under Permitted Development provisions. The Authority has been in procedural discussions with the owners and operators with a view to replacing the facilities. In brief, a 45m movable temporary mast has been installed at the site under Permitted development provisions to provide TV & radio facilities for Autumn 2021. However that movable solution is not designed to take the wind and ice loading that might reasonably be expected at the top of Bilsdale moor in winter and this application seeks permission to erect an 80m lattice tower mast and associated equipment cabinets and minor access track improvements for 3 years to provide TV and radio facilities until a potential new 300m permanent solution can be provided which it is understood could take up to 3 years to resolve.

The site location is the eastern edge of the existing TV transmitter base station but does extend onto the adjacent moorland. An associated habitats assessment (HRA) has concluded no significant effects based on the temporal nature and moorland mitigation works.

In brief the development proposed comprises: a fenced compound (2.4m high fence) , concrete base and 80m lattice mast connected to an array of 10 white steel containers housing all the necessary equipment for transmission of TV & radio signals.

The construction access would be the existing site access road with a localised widening (upto 2m wide at one point and approx. 40m long with matching bitmac) of the single hair pin bend on the access . A separate application has been submitted to the Authority for more extensive access road improvements and a new bridge for heavier vehicles needed to complete the tower construction (NYM 2021/0802/FL).

The applicants have advised that their timelines to get this development in place before winter are such that they felt compelled to start construction in advance of gaining planning approval however have engaged with the Authority to ensure any likely requirements could be accommodated with the premature start.

The Ramblers and Area Ranger have asked that the PROW at the site be kept clear of obstruction.

Main issues

Local Plan

Policy BL10 is supportive of communications infrastructure subject to criteria, these include; no suitable alternatives, no unacceptable adverse landscape impact, least

environmental intrusive option, part of a long term strategy and provision for removal when no longer required.

Policy ENV3 relates to identified “Remote Areas” in the National Park which are particularly important to conserve in their “remote state” and the policy only allows for development that is essential for environmental conservation, agricultural or forestry management purposes or where there are no alternative locations suitable outside remote areas. Clearly this proposal is in conflict with this policy and therefore weight is given to the fact that this is a temporary development, it is essential to provide a public interest service and that full mitigation measures for the temporary harm to the moorland have been agreed.

This temporary development on an existing site is needed as part of a strategy to provide medium term (3 years) solution to delivering TV & radio facilities to local and wider regional communities until a permanent solution can be resolved. Given the radio shadow, no other site is available at this time. However as the final mast would be a major development, alternatives outside the designated National Park will need to be investigated at that time of considering that proposal.

Whilst the site is remote, it is a site that has hosted a TV transmitter for in excess of 50 years and the relative modest scale compared to the previous mast and temporary nature and wider public interest benefits are considered to comply with policy BL10 albeit in conflict with Policy ENV3 and approval is recommended.

Pre-commencement conditions

There are no pre-commencement conditions.

Contribution to Management Plan objectives

Approval is considered likely to help meet Policy C16 which seeks to minimise the impacts of replacement infrastructure.

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.