

**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 Planning Group Ltd  
fao: Richard Morrison  
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 13 December 2021, in respect of proposed development for the purposes of **erection of 306m guyed lattice steel replacement mast, communications apparatus, anchor blocks, removal of redundant equipment cabinets, heat exchanger compound and ancillary development thereto, laying of temporary access tracks, removal of access tracks and temporary change of use of agricultural field to provide construction staging area during construction phase 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 permission hereby granted authorises the use of the site for the approved development only for 30 years from the date of this permission and the development shall be removed and the site restored (in accordance with the approved restoration scheme ) within a further two year period unless a further permission for retention of the development and its use has been granted, or approval for the restoration scheme is still awaited when such a period shall be extended by a one year period beyond such approval or the date any appeal against refusal of the restoration scheme is incapable of further appeal. At least one year before the expiry of a 30 year period from the date of this permission, a detailed restoration scheme for the site, to return the site back to moorland to match the moorland surrounding the site, shall be submitted for approval and restoration works shall thereafter take place in accordance with the approved restoration scheme. However, in the event that the site is no longer required for electronic communications before the expiry of the 30 year period, the plant, equipment mast and buildings shall be removed from the site and the site restored to moorland to match the surrounding moorland within a further two year period commencing from the date when it is confirmed that the site is no longer required, in accordance with a restoration plan to be submitted to and approved by the Local Planning Authority.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 18 February 2022

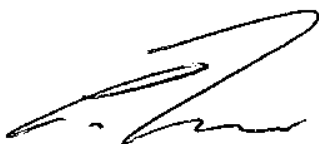
Please Note your Rights of Appeal are attached to this Decision Notice

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2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:
- | <b>Document Description</b>   | <b>Document No.</b> | <b>Date Received</b> |
|---|---------------------|----------------------|
| Environmental Statement and embedded mitigation and compensation; including NYM Habitats Regulation Assessment  | 25/1/2022           |                      |
| Written Scheme of Investigation - Archaeology, Construction Ecology Management Plan, Construction Traffic Management Plan, Construction Phase Plan, together with revised design plans omitting three new anchor pads | 21/1/2022           |                      |
| revised 19 month 'Hours Lit' construction lighting schedule   | 14/2/2022           |                      |
- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- For the avoidance of doubt; i) construction activity taking place indoors shall not be considered to be a breach of the hours of construction time restrictions set out in the Environmental Statement and Construction Phase Plan provided there is no external lighting of the site in breach of the 'Hours Lit' lighting schedule, and ii) construction phase works may on occasion take place beyond 6.30pm whilst natural lighting condition allow provided that no artificial lighting is used that is not specifically set down within the 'Hours Lit by month' schedule.
3. The southern access track is only to be used in an emergency for any construction or delivery route such as adverse weather conditions in accordance with the information provided in the agent's email dated 14 January 2021. In the event of the southern access being used for any construction activity, the applicants shall initiate a condition survey before and after use and keep a log of the usage in case of enquiry by the Local Planning Authority, and undertake restoration works to its former condition at least monthly.
4. Notwithstanding the submitted plans, in the event that the Civil Aviation Authority approve a five tier aviation lighting safety system rather than the submitted six tier aviation lighting safety system, this permission shall also authorise the installation of the reduced impact five tier system.
5. The 2.4m perimeter security fence and gates of the compound hereby approved shall be of a dark moss green (RAL 6005 or similar) and thereafter so maintained.
6. The external finish of the equipment buildings and external plant and machinery hereby permitted shall be of a 'stone effect finish' of a sandstone colour (RAL 7032 or similar) and, with the exception of the 'ice protection frame', the external finish of all the roofs, doors, windows, shutters, grilles of the buildings shall be coloured dark grey (7016 or similar) and thereafter so maintained, unless otherwise agreed in writing with the Local Planning Authority.
7. Except for aviation safety lighting on the mast, all previous mast demolition removal safety lighting, external construction, station tower lighting and operational lighting shall accord with the submitted Arqiva Bilsdale Lighting Plan Final received on the 16 February 2022. The lighting and lighting shut down system(s) for when the site is unmanned shall be installed in accordance with the above and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Continued/Informatives



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**Informative(s)**

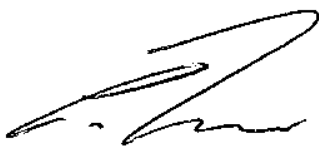
1. The Public Rights of Way in the vicinity of the site should be maintained open at all times wherever possible.
2. The applicants are advised to contact This Authority's Area Ranger to resolve the temporary closure of Open Access Land within the construction permitted.
3. Section 106 Agreement  
This consent is issued subject to the terms of the Agreement (under Section 106 of the 1990 Town and Country Planning Act) dated 17 February 2022 between Arqiva Limited and the North York Moors National Park Authority for compensation for Special Qualities impacts and ecological impacts.
4. With reference to condition no. 7 above, further advice and guidance in relation to suitable external lighting fixtures is available on the [Authority's website](#) or by contacting the Authority at [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)

**Reason(s) for Condition(s)**

1. In the event that there is not a continuing overriding need for the mast in 30 years' time, the Local Planning Authority consider the mast should be removed and the site restored to moorland to enhance the character and appearance of this part of the National Park landscape.
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 & 4. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
- 5 & 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 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.
7. In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the sense of remoteness and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

Over recent months, the Authority's Officers have appraised the draft and submitted scheme against the Development Plan and other material considerations and recommended changes to the proposal including design changes and mitigation and compensation to reflect the international designated status of the site, so as to deliver sustainable development.



Mr C M France  
Director of Planning

Date 18 February 2022

## Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
- refuse an application for planning permission or grant it subject to conditions;
  - 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
  - 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](http://www.planningportal.gov.uk/planning/appeals)**

### Notes

- Please note, only the applicant possesses the right of appeal.
- 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.
- 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.
- 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.
- 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.