

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0336

**Development description:** erection of 30m lattice tower supporting 9 no. antennas, 6 no. transmission dishes, 6 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including a generator, associated fuel tank, 2m fenced compound, hardstanding and associated access track (revised scheme to NYM/2022/0096)

**Site address:** land located west of Wrench Green, Wykeham Forest, off Long Gate, Hackness

**Parish:** Hutton Buscel

**Case officer:** Mr Mark Hill

**Applicant:** Three UK Ltd (Hutchison 3G UK Limited)  
450 Longwater Avenue, Reading, RG30 3UR

**Agent:** Clarke Telecom Ltd  
fao Ms Marta Zieminska, Unit E, Madison Place, Northampton Road, Manchester, M40 5AG

## Director of Planning's Recommendation

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

Document title

Condition(s)

Condition number	Condition code	Condition text
1.	TIME01	Standard Three Year Commencement Date The development hereby permitted shall be commenced before the expiration of three years from the date of this permission
2.	PLAN02	Strict Accordance with the Plans/Specifications or Minor Variations .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.	MATS00	The mast and 2m perimeter fencing hereby permitted shall be coloured dark green ( RAL 6009 Fir Green or similar) and thereafter so maintained.
4.	RSU00	In the event that the mast is no longer required for telecommunications provision, within 18 months of the cessation, the mast and all ancillary equipment shall be removed from the site and the site restored to its former condition before the development was carried out.
5.	MISC00	No work to remove woody vegetation to be undertaken within the bird breeding season (March to August inclusive) unless the site and the sphere of influence of any felling (if beyond the site boundary) is first checked for nesting birds by a suitably qualified ecologist immediately prior (within 48 hours) of works. Any nests found must be left undisturbed until chicks fledge and the nest is abandoned.
6.	HWAY00	<p>MHC-15B Construction Phase Management Plan- Small sites            No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:</p> <ul style="list-style-type: none"> <li>• details of any construction access to the site including measures for future maintenance;</li> </ul>

		<ul style="list-style-type: none"> <li>• restriction on the use of Lang Gate from Wrench Green to Great Moor Road access for construction purposes;</li> <li>• not applicable;</li> <li>• the parking of contractors' site operatives and visitor's vehicles;</li> <li>• areas for storage of plant and materials used in constructing the development clear of the highway;</li> <li>• details of site working hours;</li> <li>• not applicable;</li> <li>• contact details for the responsible person (site manager/office) who can be contacted in the event of any issue</li> </ul>
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**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 enhance the special qualities of the NYM National Park.
3	MATS01	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
4	RSN MISC07	that the special qualities of the National Park are safeguarded. In order to return the land to its former condition and comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the landscape of the National Park.
5	RSN MISC04	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity

6	RSN HWAY03	of the natural environment.  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
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**Informative(s)**

Informative number	Informative code	Informative text
1	MISC INF01 Bats.	Bats All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
2	MISC INF012 Birds	Birds Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England <a href="http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</a> . Further information on wildlife legislation relating to birds can be found at <a href="http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf">www.rspb.org.uk/images/WBATL_tcm9-132998.pdf</a> . If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a>

## Consultation responses

### Parish

None

### Highways

Recommend conditions be imposed on any permission.

### Third party responses

none

### Publicity expiry

Site notice expiry date: 31<sup>st</sup> May 2022

Mast site lies approx. 70m back from track edge within woodland just off the track.



## Background

Wykeham Forest comprises approximately 15 square kilometres of commercial conifer forestry located some 10km west of Scarborough. There are various forestry tracks and a few public roads and PROW through the forest, including the Tabular Hills Walk and Moors to Sea cycle route.

The application site lies approx. one kilometre west of the raptors viewing point deep within the forestry woodland, some 70m back from the Tabular Hills walk and Sustrans Moors to Sea cycle route. Access is via an existing firebreak in the woodland cover. The tree canopy height in the vicinity is approx. 20-22 m high.

Earlier this year permission was granted for a 25m mast of an almost identical nature.

Permission is now sought for a 30m high lattice mast to support: 9 antennae, 6 transmission dishes and 6 equipment cabinets. The equipment is greater than normal as this is a 'shared rural network' collaboration between: Three, Telefonica & Vodafone to provide rural 'notspot' mobile phone and mobile broadband coverage. It would be contained in a 2m high fenced compound.

Planning permission is required as the Permitted Development height for mast at the time of submission was 25m, and this exceeds the PD height limit.

The application is supported by a supporting statement contains: an ICNIRP certificate in respect of compliance with health protection, a summary of alternative site considered, pre-application consultation with local communities, and an offer that the mast could be coloured if required by the LPA. The Authority's ecologists have recommended that bird and bat informatives be added to any approval and a bird nest condition for non-disturbance be imposed.

## Main issues

### Local Plan

Local Plan policy BL10 supports provision of telecommunications infrastructure that meets the needs of local communities where it meets various criteria including: no alternative, no adverse landscape impact, least environmentally intrusive option, part of a wider communications strategy and provision is made for removal if no longer required. Both this and earlier 25m applications were the subject of positive pre-application advice.

Even with the extra 5m height above the recently approved mast at the site, the site is considered to be well chosen and would not even be intrusive in close views from the adjacent PROW's and accords with Local Plan policy BL10 and as such approval is recommended.

### Pre-commencement conditions

There are no pre-commencement conditions.

### Contribution to Management Plan objectives

Approval is considered likely to help support meeting outcome 6 local communities, objective 24 to facilitate broadband and mobile phone coverage to 100% by 2030.

### 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