

Our ref: 230278 - Aislaby

Date: 03/11/2022

The Chief Planning Officer
North York Moors National Park
The Old Vicarage
Helmsley
YO62 5BP

NYMNPA

08/11/2022

Via e-mail: planning@northyorkmoors.org.uk

Dear Sir

EE Ltd and Hutchison 3G UK Ltd

Permitted Development - Prior Approval Application

The installation of 2 no antennas on new antenna support poles, the installation of 1 no cabinet, an internal cabin refresh, with ancillary antenna support apparatus

Site Address

On behalf of EE Ltd and Hutchison 3G UK Ltd, in conjunction with Mobile Broadband Network Limited (MBNL) we submit herewith an application for a prior approval determination for the installation of a 5G mobile base station at the above site. This application follows the completion of our pre-application engagement exercise, reflecting so far as is practicable the guidance and comments offered.

The application is submitted in accordance with the requirements of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and seeks a determination as to whether the Authority's approval will be required for the siting and appearance of the development.

The application comprises:

- i. The written description of the development: ***The installation of 2 no antennas on new antenna support poles, the installation of 1 no cabinet, an internal cabin refresh with ancillary development thereto.***
- ii. An O.S. site plan scale 1: 2500 ML004 showing the location where the apparatus will be installed
- iii. Payment of £494.20 in respect of the application fee

- iv. The Developer's Notice served on the landowner
- v. The Developer's contact details

The following information is also provided to assist with your determination of the application:

- vi. The Authority's 1APP form for telecommunications development prior approval applications
- vii. Drawing reference numbers – **MD027** providing further details of the siting, layout and design of the development
- viii. A supporting Planning Statement that includes a summary of the siting, layout and design of the development
- ix. An ICNIRP Certificate
- x. 5G Health and Safety document

Developer's Contact Details

All correspondence and queries relating the determination of this application should be submitted to the undersigned.

However, in accordance with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, any correspondence to the developers should be sent to:

For Cellnex UK:

For EE and Hutchison 3G UK Ltd:

MBNL, Sixth Floor, Thames Tower, Station Road, Reading, RG1 1LX

This letter and the enclosures also provide due notification, as may be required, under the relevant conditions of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as amended. In particular, you are given notice of the intention to install the electronic communications apparatus described in more detail in the application documentation (including the scale drawings) and to be located as shown on the application plans.

We indicated in our prior engagement letter that the Traffic Light Rating was green. The prior engagement carried out suggests this rating to be correct and we have not altered it.

The Scope of the Prior Approval Determination

The permitted development rights granted by Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), exist to facilitate the establishment of modern communications apparatus and infrastructure such as for 5G, judged by successive governments to be important to a modern economy and in attaining sustainability objectives.

The permitted development granted subject to the prior approval procedure is similar to the grant of outline planning permission, with details of precise siting and appearance being reserved. This is explained at Annex A Glossary of Code of Practice for Wireless Network Development in England, March 2022. The National Planning Policy Framework is also accordingly clear that permitted development rights should not generally be withdrawn.

As a consequence, the scope of determination does not extend to whether the site selected is needed, as the development is acceptable in principle due to the rights conveyed by the GPDO. Likewise, whilst information on alternative sites may be supplied by way of background and context, the extent of control on siting is limited to the precise siting on a site and not the general location.

As the principle of development at the application site is permitted by the GPDO, the submitted Planning Statement focuses on the statutory criteria of detailed siting and appearance. In so doing, this is considered against current town and country planning guidance, including the development plan which are material considerations, and with reference to the operational requirements of the operator and the attempts to accommodate the particular requirement.

Paragraph 100 of the Code of Practice indicates that where appropriate supplementary information will be submitted with the application and we trust all the supporting material submitted in fulfilment of this is of assistance. However, if you do require any clarification or further information, please let us know immediately.

Whilst as a matter of best practice extensive supporting material is submitted, the lawful scope of determination remains confined to the detailed siting and appearance of the apparatus proposed.

The permitted development rights exist to facilitate the establishment of modern communications, judged by successive governments to be important to a modern economy and in attaining sustainability objectives.

We would be willing to meet with you or assist with any visits to the site and the surrounding area, if this is beneficial to the determination of the application.

Finally, your attention is drawn to the statutory 56 days period for the determination of this application of this nature upon which detailed advice is given at paragraph 101 onwards of the Code of Practice for Wireless Network Development in England..

We trust everything is in order, but if you do require any further information or clarification, please do not hesitate to contact our myself.

Yours faithfully

Jay Davies
Graduate Planner
Teligent

Town Planning Statement

Electronic Communications Base Station

At the Existing Cellnex UK Site

**Aislaby, Near Toft House Farm, Aislaby, North Yorkshire, YO21 1SF
(NGR: E 486310 N 508790).**

Site Reference – 230278 Aislaby

CELLNEX UK AND MBNL

November/2022

NYMNPA

08/11/2022

1. INTRODUCTION

- 1.1 This statement is submitted in support of an application for prior approval for an upgraded mobile base station for the mobile network operator(s) (MNOs) EE Ltd and Hutchison 3G UK Ltd, in conjunction with Mobile Broadband Network Limited (MBNL). The application site is owned / operated by Cellnex UK, a radio site infrastructure provider.
- 1.2 The application includes:
- A description of the site and surrounding area
 - A description of the proposal
 - A statement of community engagement
 - A review of planning policy considerations
 - A review of design and access considerations
- 1.3 A number of other accompanying documents have been submitted in support of the application and these are referred to and should be read in conjunction with this statement.

2. THE SITE AND SURROUNDING AREA

- 2.1 The site is located eastbound down Aislaby Lane to the east of Aislaby village, hidden and set away just off of Toft House Farm. Roughly 800m away from Briggswath the proposed site sits well away from any major developments in the area.
- 2.2 The site sits just outside of the designated Aislaby conservation area on the border of the designated zone but not within. The further landscape designation of this particular area is its position within North Yorkshire Moors National Park with it being right on the boundary of the national park and within article 2(3) land.
- 2.3 The nearest main road to the site is Aislaby Lane which acts as the main route in and out of the immediate surrounding areas. Notably Guisborough Road is the main trunk road towards the site which links Aislaby to Whitby, although the proposal is set well away.
- 2.4 The site is surrounded by several tall mature trees which encompass the site, hiding the current development well with the site being hidden from Aislaby lane. The proposal here adds no additional height to the current site with the tree line helping to masquerade the development and hide its impact on the conservation area.
- 2.5 The impact of the development on the conservation area has been considered in recognition of paragraph A.2 Part 16 General Permitted Development Orders. In addition to this, with the site being located within the National Park the impact on this has been considered.
- 2.6 The application site is located off to the East of Toft Farm, well hidden from impacting on the immediate built environment with the size of the mature trees protecting the visual amenity of the area.
- 2.7 The site in question has been in situ since 2000 with subsequent upgrades including additional antennas and dishes being installed in the subsequent years of development. The principle of development has been established in this regard but due to this application being to seek prior approval the main concerns for the proposal being the siting and appearance of the development.

3. THE PROPOSAL

- 3.1 The development proposed is shown in detail in the drawings submitted and is for an upgraded electronic communications base station. The deployment will utilise the MNOs existing 3G and 4G networks such as the base station already existing at the application site.
- 3.2 The principal elements of the proposed development at the application site reflect these various siting and design factors:
- ***The installation of 2 no antennas on new antenna support poles***
 - ***The installation of 1 no cabinet***
 - ***An internal cabin refresh***
 - ***The installation of sector and dish antennas on the mast with ancillary antenna support apparatus***
- 3.3 The radio equipment housing will need to be mechanically ventilated to avoid overheating of equipment. The ventilation equipment is only likely to operate during the day during hot weather. If it is considered specific noise attenuation measures to be necessary, we would be pleased to discuss practicable solutions.
- 3.4 Paragraphs 16 & 17 of the Code of Practice for Wireless Network Development in England, published in March 2022 , explains how mobile networks operate. In the annual network rollout information supplied, the operators will have explained their network requirements and the anticipated use of existing sites, including those owned by site infrastructure providers like Cellnex UK.
- 3.7 The application site has been selected by the operator as this will provide the required level of network coverage while properly meeting national town planning policy objectives for the shared use of existing electronic communications masts and sites, in this case owned / operated by Cellnex UK.

4. PRIOR ENGAGEMENT

- 4.1 The recently revised National Planning Policy Framework (NPPF) and the Code of Practice for Wireless Network Development in England require a consultative approach to network development with the planning authority and local community, reflecting the particular sensitivities of any given site. The proposal received green when assessed against the traffic light rating model as referenced in the Code of Practice. .
- 4.2 In our engagement letter we sought to agree with you the appropriate traffic light rating and associated engagement requirements with the local community and obtain your comments on the siting and design of the development.
- 4.3 Regrettably we have not received any response from your authority and accordingly we would be pleased to address any necessary matters within the determination period of the application.
- 4.4 Our best practice engagement with the local community entailed consultation with both Ward and Parish councillors of which 1 response was received from the Parish council stating that there are no objections to the proposal.

5. PLANNING POLICY

5.1 The relevant planning policy and best practice framework is found principally within:

- National Policy, especially the National Planning Policy Framework (NPPF)
- The local policy framework set out in the adopted Development Plan;
- The Code of Practice for Wireless Network Development in England.

5.2 From these documents can be discerned the general policy background that exists for electronic communications development, site specific policies and the key considerations relevant to the siting and design of appropriate electronic communications development. As planning authority, you will be familiar with this framework and so in the interests of brevity, we do not rehearse it back to you in detail, but address instead the principal themes to demonstrate that the application accords with them.

National Support for Modern Communications

5.3 There is significant UK Government support for the delivery of improved mobile connectivity, particularly as this improved connectivity will be a step change from earlier generations of mobile connectivity and will be critical to economic growth and sustainable communities. To deliver improvements to existing services and supporting mobile technologies, it is essential that the planning system looks to support and facilitate upgraded base station installations such as that proposed to meet the Government's Digital Strategy.

The Need to Protect the Special Qualities of Designated Areas

5.4 The special operational and technical factors that require specific siting of base stations should be balanced by the need to minimise environmental and visual impact, and the special qualities of nationally important landscapes such as National Parks and Areas of Outstanding Natural Beauty.

5.5 However, there is now far greater emphasis that visual impact should not override significant radio planning requirements to achieve mobile coverage to a particular area, particularly with the need to support the massively growing and intensifying demand for mobile communications across the UK. Indeed, in terms of looking to meet

operational needs, the NPPF now applies a reduced policy test compared to previous guidance. This helps clarify that an operator is only required to satisfy the normal test of acceptability having regard to all material planning circumstances, rather than looking for the 'optimum' solution as required under the former PPG8.

- 5.6 In balancing these requirements, the starting point for planning new networks or the expansion of existing networks is to use existing electronic communications sites owned by other operators or radio site management companies, such as Cellnex UK. This policy objective is backed with the statutory obligation placed upon operators to share apparatus, where practicable out under General Condition 3(4) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as amended.
- 5.7 An altered mast is required in this instance, as the existing mast is already developed to full capacity due to the amount of existing equipment already installed. The development entails the use of an existing site owned or managed by Cellnex UK which is in operational use and where a mast is already an established feature of the site and wider landscape.
- 5.8 Although the altered mast proposed is not major development, it is relevant that it nonetheless satisfies the criteria that apply to such greater development under paragraph 177 of the NPPF. This advises that planning permission for major developments in a National Park should be refused except in exceptional circumstances where it can be demonstrated that they are in the wider public interest. Having regard to the three criteria listed:
- The base station upgrade is required as part of a national mobile communications network, necessary to extend and improve mobile connectivity to the local area;
 - As explained, the target coverage area falls within the designated area and the special operational and technical requirements necessitate siting a mast within it;
 - All reasonable steps have been taken, through careful siting at an existing Cellnex UK communications site, to moderate the visual impact of the development, having regard to technical and operational factors. In this case, the alteration of an existing mast now an established and accepted feature within the landscape;

- The proposal to share this existing communication site, through the installation of a new antenna system, looks to present an acceptable solution, particularly when compared with the alternative of erecting a new 5G base station elsewhere and the development of an associated compound on a site nearby and with it the associated additional resources in developing a new site within the designated area.

5.9 As a matter of principle, the development proposed is in accordance with the relevant policy framework and should be therefore be acceptable. In the next section, the Design Considerations are reviewed to demonstrate that the detail of the development is also acceptable and that in accordance with the presumption in favour, planning permission should be granted.

Local Policy Considerations

5.10 At local level, the proposal has been considered against the North Yorkshire Moors Local Plan 2020.

5.11 Strategic policy A notes the importance of conserving and enhancing the natural beauty of the national park with development of high quality design being supported by the LPA. The proposal in this case makes use of an existing base radio station, of which is well secluded and an accepted piece of the existing built environment with the site being in situ since 2000. The proposal in this development will not see any material increase in the height of the existing apparatus, with the additional antennas being the main visual additions. This has been mitigated in this sense due to the strong mature trees surrounding the site and will limit any visual intrusion, therefore we consider this policy to be satisfied.

5.12 Strategic policy C notes the need or design to contribute positively to the local environment. It should be noted that the development of telecommunications equipment cannot be hidden in order to ensure the operational capacity of the base station is not hindered. The siting of required equipment on an existing base radio station means that the development has been concealed as far as is practicable and ensures that Strategic policy C has been adhered to as much as possible.

- 5.13 Policy ENV9 refers to conserving historic and designated assets within North Yorkshire National Park. Whilst the site itself is not designated, the site is located on the border of Aislaby conservation area. Paragraph A.2 part 16 General Permitted Development Order 2022 impact on development within view of article 2(3) land must be minimised as far as is practicable. As such we believe that the proposal put forward adheres to this, with the proposed antennas being no more prominent than the existing base station in situ. It is also noted that the Aislaby conservation area does not have any article 4 directives for the removal of telecommunications permitted development rights.
- 5.14 Strategic Policy K outlines the need for rural economies within the Yorkshire Moors National Park to be diversified with support for small businesses being vital. The development of improved mobile connectivity will allow for rural businesses to be more competitive with larger competition through the utilisation of online shopping. The economic and social benefits of mobile telephony aforementioned would be present within the area of Aislaby.
- 5.15 Policy BL10 outlines the requirements for appropriate telecommunications development. The utilisation of an existing site which is well secluded by extensive trees are compliant with the policy and adhere to the policy. It is therefore concluded that the policy has been satisfied.
- 5.16 The proposed development is therefore considered to strike the best balance between meeting the specific network requirements for the operator and minimising environmental impact.

6. DESIGN CONSIDERATIONS

6.1 The development proposed is exempt from the requirement to provide a design and access statement under Article 9 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. However, to assist your consideration of the detail, this section provides a description of the process adopted in the design of the proposals and explains the access considerations. Due regard has been given to the factors addressed from Paragraph 20 of the Code of Practice.

Physical Context

6.2 The site has been in situ since 2000 with it being a prime candidate for alteration in order to accommodate new equipment due to the current site being an accepted piece of the built environment.

6.3 The proposal is minor in nature and will not adversely impact on the height of the of the current installation making it no more prominent in appearance due to the location of the mature trees in the vicinity of the area, this in addition to the site being set well away from any development conceals the proposal.

Amount, Design, Layout and Scale of the Development

6.4 The scale, layout and design of the development has been guided by the special technical and operational factors affecting the need to provide coverage to the local area, having regard to the need to minimise visual impact. With regard to the main component elements of the development proposed:

Design

- The design of the proposed mast is led by operational and technical factors, although the choice of mast design does reflect insofar as practicable observations made during the pre-engagement process. The local topography will limit such views from public vantage points and any sensitive visual receptors.
- The antennas required cannot be hidden, but any impacts on the landscape and visual amenity will be limited and moderated by confining height to what is

required for operational reasons. Compared to other forms of vertical infrastructure also found in the landscape, the mast proposed is a benign structure: it is much lower than the television broadcast masts owned and operated by Cellnex.

- Alternative designs like shareable tree masts have been considered, but they cannot accommodate the amount of apparatus necessary to support the network. Even if a tree mast could be designed to support such apparatus, it would still amount to an engineering solution unlikely to replicate the natural features and character of a tree and would appear as a prominent and incongruous feature in the wider landscape.

Antenna Array

- The numbers of antennas have been kept to the minimum necessary to provide coverage and to link this site back into the operator's network. The design of these features is very much driven by operational and technical factors.

Equipment Cabinets

- The number of radio equipment cabinets and their size has been limited to what is required to meet the operator's current and foreseeable network requirements. The location and design of the equipment cabinets, and the electronic communications equipment housed within them, reflects their functionality and the technical and operational requirement to be in reasonable proximity to the antenna systems and dishes that they support. This avoids exceptionally large runs of feeder cables and associated supporting trays, and the subsequent loss of signals.

Access Considerations

- 6.4 Access to the site will be provided from – Aislaby Lane
- 6.5 Once constructed, the development will be unmanned requiring only periodic visits, typically once every two to three months for routine maintenance and servicing.
- 6.6 In accordance with all relevant health and safety legislation and guidelines, access to the site will be restricted to authorised personnel and the routine maintenance and

servicing of the apparatus will only be carried out by properly trained and qualified staff. Electronic communications base stations are specifically designed to prevent unauthorised access by members of the public and, therefore, there is no requirement to incorporate inclusive access arrangements into the proposed layout and design of the development.

Landscaping

- 6.7 The proposed siting of the development has been very carefully chosen to minimise environmental impact. Any potential impact of the development is principally associated with radio mast, which is the most visible component of the base station, and which cannot be fully screened for operational reasons. The height of the mast means that any attempt to screen it in its entirety would be unrealistic in any event.
- 6.8 The existing mast is set against the backdrop of trees, which will mitigate the proposed antennas impact in views from public vantage points nearby.

At ground level, the compound will be set amongst existing natural screening that will minimise its visual impact. For this reason, additional landscaping is not considered appropriate and has not been included within the scheme.

Appearance

- 6.9 The sensitive approach to siting and design should minimise the appearance of the development proposed. In addition, as indicated above the local topography and natural features should help minimise views. Insofar as the mast and compound may be visible they should look straight forward in appearance and reflect their function. To that extent they should in time become accepted features of the local environment as with other forms of communications networks and essentially public utility infrastructure, such as roads and railways.

7. HEALTH AND SAFETY

- 7.1 Every installation on a site owned or managed by Cellnex UK will be compliant with international standards adopted by the UK Government. A certificate confirming compliance with the relevant ICNIRP guidelines on public exposure has been supplied with this application.

- 7.2 The ICNIRP guidelines seek to protect against the well-known thermal effects of radio emissions and include a significant precautionary factor. These guidelines apply to all forms of electronic communications and mobile technology is one of the lowest powered of these.

- 7.3 National planning policy remains clear, provided an application is certified as ICNIRP compliant, local planning authorities should not seek to effectively set different guidelines through the refusal of planning permission.

8. SUMMARY AND CONCLUSIONS

- 8.1. In summary, the application is in respect of electronic communications base station necessary to improve a vital network that provides public services.
- 8.2. The service provided by the operator is in the public interest and is in very high demand with mobile connectivity being the next and highly significant advancement in mobile connectivity. In the UK there are now more than 92.5 million subscriptions to mobile networks and mobile services now exceed fixed landlines in terms of customer numbers and usage.
- 8.3. The public interest of the system is clear from the considerable benefits that will flow and it makes a significant and major contribution towards sustainable objectives.
- 8.4. The operator's requirement is in the context of network needs associated with a cellular system. These impose particular locational and siting requirements. The technical justification clearly demonstrates the need for this apparatus proposed within the context of the operator's surrounding network.
- 8.5. The operator has followed national and local planning policy and best practice guidance in the siting and design of its apparatus in recognition of the need to minimise visual impact. This has included:
- Network planning based upon existing sites, including those controlled by Radio Site Management companies like Cellnex UK.
 - Siting at an existing electronic communications site to minimise new sites and help avoid the unnecessary proliferation of new radio masts and sites for them.
 - Engagement in accordance with the Code of Practice procedures.
 - An examination of design options to try and minimise potential visual impact.
- 8.6. The proposed antennas will comply with all relevant health and safety requirements and will be compliant with the ICNIRP guidelines. There are no exceptional circumstances in this case and therefore no need to consider health effects and related concerns such as the perception of risk further.
- 8.7. This statement and the other accompanying material has demonstrated that the proposal is in accordance with local Development Plan policy and national policy set

out in particular within the NPPF. In particular, it is a form of development that is specifically encouraged as a matter of principle and in its detail complies with the policy objective of minimising potential environmental impact.

- 8.8. In conclusion, the application is for sustainable development, acceptable as a matter of principle and appropriate in its detail and so one which the presumption in favour of granting approval applies.

NYMNPA

08/11/2022

Our ref: 230278 - Aislaby

Date: 27/10/2022

David Robin, Meyrick Daliglish, Evelyn Mary Dalglish
Park Hall
Aislaby
Nr Whitby
North Yorkshire
YO21 1SF

Dear Sir

PLANNING APPLICATION FOR EE AND H3G

SITE LOCATION: Aislaby, Near Toft House Farm, Aislaby, North Yorkshire, YO21 1SF (NGR: E 486310 N 508790).

LANDOWNER NOTICE

We refer to the above.

Please find attached the requisite Landowner Notice, with respect to EE and H3G application to North Yorkshire Moors for planning permission for the above development. The complete planning application package and documentation can be inspected at the Council's Planning Office as explained within the attached Notice.

We trust this is of assistance. Please do not hesitate to make contact should you require any further explanation.

Yours faithfully

Jay Davies
Graduate Planner
Teligent



Latest news on industrial action

The CWU has announced it is withdrawing planned strike action on the 12 and 14 November and advised they will be notifying us of further dates later in the month. [More information here.](#)

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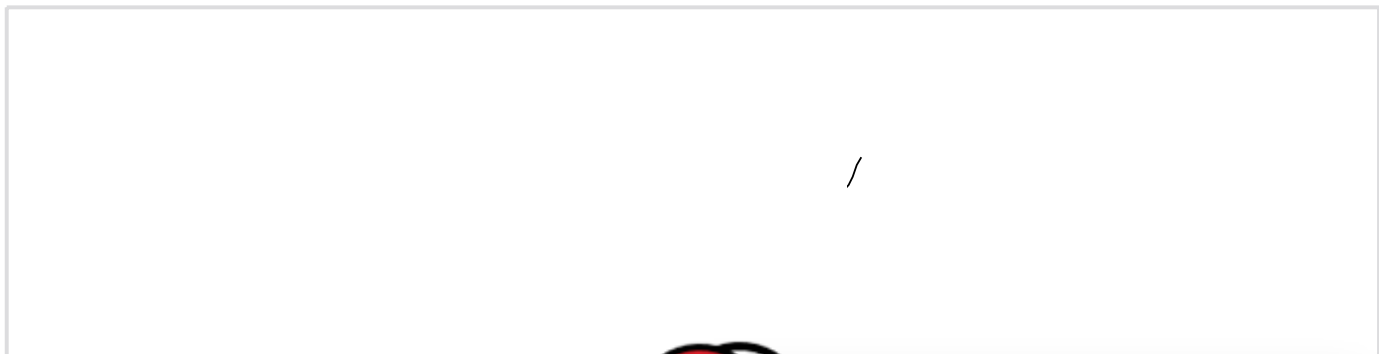
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NYMNPA

08/11/2022

**DECLARATION OF CONFORMITY
PUBLIC RF EXPOSURE GUIDELINES**

(FORMERLY KNOWN AS "ICNIRP DECLARATION")

Cellnex UK Ltd
4th Floor, R+
2 Blagrove Street
Reading
RG1 1AZ

Declares on behalf of EE that the proposed equipment and installation as detailed in the attached planning / GPDO application, and any existing equipment at:

AISLABY
NEAR TOFT HOUSE FARM
AISLABY
NORTH YORKSHIRE
YO21 2SW

Site ID: 140032

Plan View Drawing Reference: 140032-02-100-MD027

Elevation View Drawing Reference: 140032-02-150-MD027

is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and the EU Council recommendation of 12 July 1999* "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)" in all areas legitimately accessible to the public.

*Reference: 1999/519/EC

Date: 30 September 2022

Signed:

Name: Harvinder Singh Gill

Position: Design Engineer

Company: Teligent UK