

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(North)  
Parish: Fylingdales

Application No. NYM/2018/0565/TN

**Proposal: erection of 11.15 metre mast with antennas, associated metering equipment and fencing**

**Location: Bay Ness Farm  
Smay Lane  
Robin Hoods Bay**

**Decision Date: 19 October 2018  
Extended to:**

## Consultations

### **Borough/District -**

**Parish** – We don't know the outcome or effects of such masts and may not know for some years to come. Concerns were raised with regards to radiation and health issues. The question was raised about whether the mast will benefit people in Robin Hood's Bay. Concern was also expressed about the proximity of the mast to houses.

**Highways** - The Highway Authority is concerned that the current access from the B1447 is sufficiently wide enough for the large vehicle that would be required for the delivery of this mast. The Highway Authority is not requesting any works to widen the access before the works start but would require any damage to the highway verge is repaired should it occur. Consequently the Local Highway Authority recommends that the following Conditions.

**Site Notice Expiry Date** – 25 September 2018

## Director of Planning's Recommendation

**No objections but subject to the following conditions:-**

1. The external surface of the mast has a non-reflective finish and coloured mid/dark grey.  
**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.

### **2. HWAY21 Highway Condition Survey (RSN HWAY21)**

Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

RSN HWAY 21 In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.

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**Background**

This application is a Prior Notification for the siting of an 11.15 m high slim pole and associated equipment, adjacent the southwestern side of a modern agricultural building located at the entrance to Bay Ness Farm, on the norther peninsula or Robin Hoods Bay.

The barn is located approximately 35m to the north of the grade II listed farmhouse.

This proposal is not a full planning application, but a prior notification under Part 16 of the Town and Country (General Permitted Development) (England) Order 2016 (the GPDO). This establishes that the installation of a electronic communications mast to be acceptable in principle within a National Park. The only factors that can be considered under such a notification are those concerning the final 'siting' and 'appearance' of the proposed development.

A determination as to whether the Local Planning Authority approves or refuses the prior approval must be given in writing to the applicant within 56 days of the Prior Notification being received. If the applicant does not receive a written decision from the LPA within that time period, they can proceed with the development.

Issues relating to concerns about impacts on health are not to be considered as part of a prior notification process and are not a material planning consideration.

The mast would have a small headframe with the pole having a diameter of 10cm diameter at the top and 20cm at the base.

The mast is required in connection with the Government's project to develop new Smart Metering Network (SMN). The smart meter initiative is a key part of the Government's programme to cut greenhouse gas emissions, decarbonise the economy and support the creation of new green jobs and technologies. A key feature of Smart Metres is that they are continuously connected to data centres and must therefore be linked to an electronic communications network.

The SMN has similarities with cellular networks with the Smart Metres being the device that connects and communicates with the network antennas rather than mobile devices. The SMN sites must therefore be located in proximity to the premises that will be served. Consistent with planning policy, the main SMN sites have been largely planned around sharing or using existing communication sites, buildings and structures. However, there are smaller settlements, peripheral areas and remote locations which cannot be covered for a number of reasons and consequently, a secondary layer of smaller sites are required. This notification relates to this 'micro site' layer.

The applicant's supporting statement explains that a sequential approach to site selection has been adopted and site sharing, utilisation of existing buildings and structures have been explored to minimise environmental impact. In this case, the results yielded that no other options were achievable.

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**Main Issues**

Development Policy 25 (Telecommunications) of the North York Moors Local Development Framework relates to telecommunication provision within the Park and states that the erection of radio and telecommunication masts will be permitted where the proposal does not have an unacceptable impact on the character of the locality and wider landscape.

Furthermore Government Guidance states that National Parks should respond positively to telecommunications development proposals whilst taking into account the need to protect the best and most sensitive environments.

The NPPF seeks to support high quality communications infrastructure, as it recognises that it is essential for sustainable economic growth. The NPPF also states that the development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services and that when preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

The NPPF also requires that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The English National Parks and The Broads Circular 2010 is a UK Vision and Circular is explicit in its positive approach to encouraging communications infrastructure in National Parks; paragraph 80 specifically stating that "For the Parks to be viable places for businesses and for communities to thrive, the communications infrastructure needs to be fit for purpose". In the context of the additional constraints presented by protected landscapes, the Government nevertheless "is committed to working with operators to ensure the best possible outcome."

In terms of Planning Legislation and Prior Notification procedures, telecommunications operators benefit from certain permitted development rights with regard to the installation, alteration or replacement of telecommunications apparatus. This means that development is either 'permitted development' **under** Part 16 of the Town and Country (General Permitted Development) (England) Order 2016 (the GPDO), or it requires 'planning permission' for which an application must be made to the Local Planning Authority.

Permitted development rights are restricted in certain designated areas, such as National Parks.

The only factors that can be considered under an application for prior approval are those concerning the 'siting' and 'appearance' of the proposed development. Factors concerning siting may involve, height of the site in relation to surrounding land, topography of the site and vegetation, openness and visibility of the site, designated areas, the site in relation to existing masts, structures or buildings or proximity to residential property. With regard to appearance this can include details such as; materials, colour, design, dimensions, overall shape, solid or open framework. No other factors can be considered by the Local Planning Authority for this type of application.

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The important considerations in terms of the proposed siting of the mast include whether or not the proposed mobile phone mast would have a detrimental impact on the character of the locality, the adjacent listed building, or on the wider landscape.

The proposed mast would be sited on a site immediately adjacent an existing modern agricultural. The proposed mast is of slim single pole design (as opposed to lattice or replica tree) and would therefore not be visually intrusive..

It is acknowledged that the proposed mast will be higher than the adjacent building, but this would be the thinner part of the pole which at the top is only 10cm. Furthermore, due to landforms, when approaching the site from Robin Hoods Bay, it would not be visually intrusive.

The Building Conservation Officer has been consulted and has no objections to the scheme, in relation to the setting of the nearby listed building.

Concerns have also been received from the Parish Council with regards to the health implications of the mast, but as Government advice states the proposal has been submitted with an ICNIRP (International Commission on Non-Ionising Radiation Protection) Certificate. Beyond this, health effects should not be considered further by the LPA.

The Parish Council has also queried who the mast would serve. The mast is required to link the smart metre network which in the locality.

**Conclusion**

It is not considered that the proposed siting or design of the proposed mast would result in an unacceptable detrimental impact on the character of the area. Furthermore, given that the Government has a strong commitment to deliver communications benefits and reducing carbon emissions, to the extent of taking the principle of such development out of the planning system in National Parks reinforces the strong material considerations weighing in favour of this proposal.