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North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
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YO62 5BP

Mr. Peter Hayne MRTPI  
Town Planning Manager

Electronic submission by Planning Portal

15 October 2012  
Our Reference 107882/Aislaby/DSO/PH  
Your Ref: PP-01710831

Dear Sir / Madam



**ARQIVA LTD**

**TELEVISION RELAY TRANSMITTING STATION AT LAND ADJACENT TO TOFT HOUSE FARM, MAIN ROAD, AISLABY, NORTH YORKSHIRE, YO21 1SF**

**EXTENSION OF TIME PERIOD FOR COMPLIANCE WITH PLANNING CONDITION 1 OF PLANNING PERMISSION NYM4/036/0032H/PA - TO ALLOW FOR CONTINUED SITING OF COMMUNICATIONS MAST AND ASSOCIATED APPARATUS FOR FURTHER TEN YEARS**

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED**

**PLANNING PORTAL REFERENCE: PP- 01710831**

We submit herewith a planning application under Section 73 of the Town and Country Planning Act 1990, as amended. The application has been submitted via the Planning Portal, together with a Location Plan (ref: 140032\_00\_004\_ML001) sufficient to identify the site. A fee of £170.00 has been paid electronically as part of the on line submission process.

The television relay site at Aislaby was originally developed in the 1980's by the BBC, but it is now operated by Arqiva who owns and operates the UK's terrestrial television network. The site also provides communication services for other electronic communications operators.

On the 23 November 1998 planning permission (NYM4/036/0032A/PA) was granted to replace the original 17m high timber broadcast relay pole with a 20m high lattice mast to support other electronic communications use. The permission was granted on a temporary basis for 4 years. On the 18 February 2003, temporary planning permission was granted (NYM4/036/0032H/PA) to retain the existing mast and associated equipment for a further 10 years and is subject to Condition 1 below:

*"The permission hereby granted is valid only for 10 years from the date of this permission and the development shall be removed from the site before this consent expires and the site restored to its former condition before that date, unless the prior written consent of the local planning authority has been obtained to an extension of the period of validity".*



Condition 1 was imposed to allow the local planning authority to reassess the need for the development in the light of technological improvements and state of tree screening at the site.

The permission for the mast ends on the 18 February 2013, together with existing apparatus installed. We seek to vary the condition to extend the time period for retaining the mast and all existing apparatus for a further 10 years to reflect ongoing operational needs.

The section 73 application we have made is confined to considering the planning issues and reasons for Condition 1 and not to revisit the principle of the whole development, but like any other application, due regard should be paid to the Development Plan and other material considerations

We examine the two main reasons for Condition 1:

(i) Technological improvement

There have been changes in communications technology as might be expected through time and innovation. General improvements have seen communications apparatus become more efficient with better data handling and in some cases a reduction in the size of apparatus. More recently mobile phone operators have been consolidating their network infrastructure which has resulted in the decommissioning of some sites across the UK, although this has not currently applied to the installation at Aislaby.

However, notwithstanding any such improvements in technology, one aspect that has not changed is the fundamental requirement for such apparatus to be supported by a tall structure (mast or rooftop as examples) to allow for proper signal propagation.

The existing installation at Aislaby is a low power television relay station which now provides digital television coverage as part of the Government digital switchover (DSO) programme. The mast which supports television apparatus has a very important local function within the broadcast network, providing infill television coverage to a relatively small area of population that cannot receive full coverage from the main broadcast site at Bilsdale. The existing mast is also used to provide other important electronic communication services to the immediate area such as those for the mobile phone operators and 'blue light' emergency services. Such apparatus is now fully integrated into those operators' networks.

The Government's plan to recently convert the site from analogue to digital as part of DSO clearly demonstrates the importance of the site and an ongoing operational need for the mast. The retention of the mast is therefore in the wider public interest of delivering and maintaining local television services and also other communication services such as coverage provision for the emergency services.

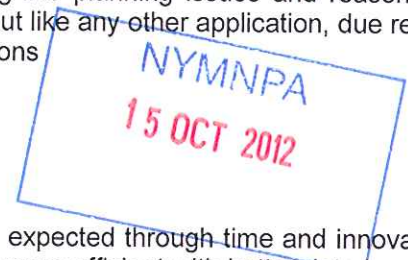
In considering our Section 73 application it is very important that the National Planning Policy Framework supports the need for advanced and high quality communications infrastructure such as that provided at Aislaby to support sustainable economic growth. This is further reflected at local level within Development Policy 25 - Telecommunications of the North York Moors National Park Authority Local Development Framework (Core Strategy and Development Policies November 2008).

From the above it is clear that Arqiva has an ongoing and future operational requirement for the site and mast at Aislaby, especially as a terrestrial television relay station which cannot be accommodated elsewhere.

The supporting text to Policy DP25 of the Local Development Framework (LDF) advises at 10.23 that:

*'Because of the rapid pace of change in technology, permissions will normally be temporary so that masts can be removed when they are no longer necessary to meet the requirements of the operator'*

To align with this guidance within the LDF, we seek to vary Condition 1 to allow the existing mast and all associated apparatus and equipment to be retained for a further temporary period of 10 years to reflect ongoing operational needs throughout that period. This will include public broadcasting and other existing communications services (and the site would also be available for any other future requirements which would likely be subject of future planning applications).



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(ii) Tree Screening

The surrounding trees and previously implemented landscaping help to screen the existing facility and reduce landscape impact. This circumstance has not particularly changed except for some routine works required as part of proper woodland management. Accordingly the trees will continue to help mitigate any landscape impact.

We trust we have provided sufficient reasoning to justify this variation, but if you require any further information, please do not hesitate to contact us.

Yours faithfully

Peter Hayne MRTPI  
Town Planning Manager  
Arqiva Ltd

NYMNPA  
15 OCT 2012