Yorkshire Dales National Park Authority

Committee: Planning

Date: 10 September 2024

Applicant: Cornerstone

Parish: Horton in Ribblesdale

Officer: Andrew Tait

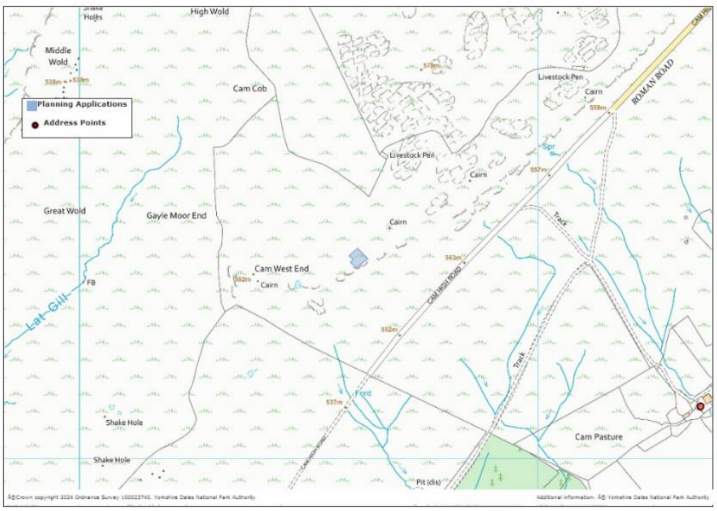
Application No: C/44/304

Site Address: Cam Houses (Grid Ref) 381601 482414), Oughtershaw, Hawes, North Yorkshire, BD23 5JS

Proposal: Full planning permission for the installation of a 20m lightweight lattice mast with 3 no. radio antennas, 3 no. 600mm dishes, radio equipment housing and ancillary development within a new compound area of previously undeveloped land (Site Ref: 23184)

Purpose of Report

1. That Members REFUSE planning permission for the above development in accordance with the recommendations below.



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: the neighbouring Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

Application Site

3. The site is located approximately 200 metres to the northeast of the Pennine Way above Cam Pasture and approximately 1 kilometre north of its junction with the Dales Way. The site is upland pasture and is designated under a Limestone Pavement Order (LPO). Mains power would be provided from the supply that delivers electricity to Cam Houses. This would be undergrounded. The site location is in a very shallow depression in the moorland pasture.

4. The access to the site would be from the Pennine Way track via a new track or existing grass track or a new track that could be constructed to the site, although as with other sites there is the potential for a 'helicopter' build as an alternative option.

5. The wider context of the immediate site is rolling upland. There is a wall to the north that encloses the upper reaches of Grove Head

Proposal

6. The proposed development consists of one 20m high transmission tower which will be a steel lattice tower in galvanised grey colour. Three telecommunications dishes and three antennas are to be fixed to the tower. A 1.2 m high timber stockproof fence, accessed by 1.2 m wide single leaf gate and a 3.0 m wide double leaf gate is proposed around the tower, also accommodating two telecom cabinets. The proposal requires land cut and fill around the equipment fencing to form a level compound. A crushed stone hard standing surround is provided within the compound, and in front of the compound entrance for set down purposes and an unmetalled grass track provides access (250m long) from the existing (Pennine Way) trackway, with an alternative option suggested by the submitted ecology report. The proposal does not include lighting or highway improvement work.

7. Four other sites in the vicinity were considered but were discounted as either having greater landscape impact than the current site or not providing the connections required.

Background

8. This mast is regarded as critical by the applicant as a line of sight is needed between masts to transfer information, creating an effective, resilient network. This mast would enable connection between Cotterdale and Buckden and down through Wharfedale. The Buckden mast C/13/204 at Rakes Wood was approve. Applications at Gilbert Lane, Bishopdale (R/53/36), Kettlewell (C/46/290) and Barden C/06/3A are still under consideration with objections to Kettlewell from Natural England, and Barden being objected to by Historic England at this time. The applicant is carrying out further work in relation to these applications. An application at Cotterdale was recently withdrawn (R/48/169). Approval has also been given for an increase in the height of an existing mast at Grange Farm, Hubberholme. (C/13/188A) so that it can accommodate additional Shared Rural Network equipment and Emergency Services equipment.

Relevant Planning History

9. There is no relevant planning history for this site.

Consultations

10. The comments of statutory and non-statutory consultees are summarised below:

Horton-in-Ribblesdale PC - No comments received.

Buckden Parish Council - believes that we should have been designated as a consultee for this application and notified accordingly, as the site is close to the Buckden parish boundary, and the application has significant implications for mobile network provision in Buckden Parish. We are responding as a consultee.Buckden Parish Council is supportive of improved 4G mobile coverage in remote rural areas and recognises the importance of the Shared Rural Network programme in providing this. In summary, the council believes that:
• the ever-increasing reliance on mobile services in a whole variety of ways means that
communities without mobile coverage will be increasingly disadvantaged over the coming years.
• the provision of 4G coverage is a pre-requisite of the YDNPA vision of “strong self-reliant communities”.
• the funding available under the government’s Shared Rural Network is a once-in-a-generation opportunity to provide remote communities with a service that has been available to much of the country for more than a decade.

These reasons are documented in some detail in our supplementary response to planning application
“C/13/204 4G Mobile Mast above Rakes Wood, Buckden”.
In terms of this application specifically, there is a clear benefit in providing mobile network coverage in the Oughtershaw area which is beyond the effective coverage of the mast to be constructed on Buckden Rakes. It will clearly benefit residents, but also will make an important contribution to the safety of the many walkers on both

the Dalesway and the Pennine Way, as well as motorists travelling on the road over Fleet Moss. This application has a greater significance however than the immediate area of coverage provided directly from the mast. The mast approved for Buckden Rakes (C/13/204) and the one proposed for Gilbert Lane, Bishopdale (R/53/36) are both dependent on the Cam Houses mast to connect back to the core mobile networks. The impact of this application not being approved therefore would not be limited to the immediate area served by the mast itself but would extend to the top of Wharfedale
(Buckden), Langstrothdale and Bishopdale. We understand that if the Cam Houses application is not approved, the likely alternative to address this wider issue would be for the applicants to develop a new application for a taller (35m) mast at Buckden Rakes. The Parish Council would strongly object to such an approach as the visual detriment of a taller and more substantial mast at Buckden Rakes is in our view far greater than that resulting from a smaller and more remote mast at Cam Houses. While the Cam Houses mast will be visible to walkers from the long-distance paths where they pass close to the mast site, the visual impact, both from Oughtershaw village and from the road over Fleet Moss will be very limited due to the distance to the mast site. It is the view of the parish council that the importance of the mast, both to local coverage and as part of the SRN network, more than justifies the limited visual impact of the application. This is a decision which has real consequences for the community which Buckden Parish Council represents and will have a very material, 15 to 20-year (at least) impact on the quality of life and the social and economic sustainability of the community in the parish. Accordingly, Buckden Parish Council
strongly support this application.

Chief Environmental Health Officer - No comments received.

Wildlife Conservation Officer - The proposed development is within a Limestone Pavement Order but it is not within our remit to be able to determine if the development will impact on the “character and appearance of the land” as per the designation. Whilst there may well be valid reasons for the specific location, the need for the mast to be located within the LPO area is questioned.

The consultant’s report highlights that the “area is likely to be used by important ground-nesting birds species” but no survey was undertaken. If the application does proceed then given the relatively small area of the development the mitigation should include the following:

- All impacts on ground-nesting bird species can be avoided by carrying out works outside the breeding bird season.
- If the works are to take place in the breeding season a pre-construction check for ground-nesting species will be required to be carried out by a suitably qualified surveyor immediately prior to works commencing.

In addition, the report details that “an alternative route could be adopted for access along an old existing hill track which has been well used”. This route should be used as there is likely to be an existing level of disturbance that will again reduce the impact on any breeding birds present and reduce the impact within the LPO.

The proposal should include the mitigation as detailed in section 5.

There is some suggestion for biodiversity net gain but the details are not specific. No detail of the area of habitat restoration is included and so it is not possible to determine if this will have any negative impact on the site or LPO features.

YDNPA Archaeology - The proposed mast location is in an archaeologically sensitive area being close to lead mining remains, an extensive area of prehistoric settlement evidence and a large cairn which is a Scheduled Monument. This cairn is likely to be a burial mound associated with the prehistoric settlement to the north-west.

There are no recorded archaeological features that correspond with the site of the proposed telecommunications mast, but the known features in the vicinity of it would suggest that there is a high potential for the survival of below ground archaeological remains here. In addition to the excavations for the footprint of the tower and its compound, of particular concern is the proposed route, length and construction method for the access track.

Friends of the Dales - This mast will be sited in a highly visible location in open moorland. The plethora of documentation provided by the applicant, on behalf of Shared Rural Network, fails to properly assess the very high visual impact this mast will have on the landscape and scenic beauty of this remote and tranquil part of the national park landscape. Given the applicant states the mast has a lifespan of only twenty years, it seems extraordinary that such a short-term solution is being proposed to the questionable need to provide 4G coverage in this incredibly remote area. In their Landscape & Visual Impact Assessment (LVIA) the applicant notes that the Pennine Way is “located close to/directly adjacent to” the site. Despite this proximity, and given the open nature of the landscape, the applicants claim that there will be a negligible visual change to people using this Public Right of Way.

We also urge members to disregard the irrelevant argument from the applicant that this mast must be approved in order for the sequence of masts (C/35/45, C/46/290A, R/48/169, R/53/36) linked by line of sight to work. The potential impacts of each application must be assessed separately, and a decision reached on a case-by-case basis.

Public Responses

Public responses received at the time of writing: 13

11. The application was advertised by site notice dated 9 October 2023. Thirteen representations have been received.

Support has been received from the Digital Mobile Spectrum and Digital UK setting out that the proposal as part of the Shared Rural Network will result in significant improvements in rural areas that will result in significant economic and social benefits. The mast will provide essential coverage for residents, businesses, and visitors. The proposal will make a significant difference for rural communities involving joint funding from the government and mobile operators as part of an opportunity that would be unlikely to be repeated for many years.

Objectors raise the following concerns:

- Proposal would introduce an obvious, sharp industrial feature visible on the skyline form Whernside, Penyghent and Ingleborough as well as Dodd Fell.

- Concerns about effect upon local limestone pavement from rock removal and resulting concerns about plants and wildlife.

- Impact upon tourism because the Dales can be an attractive destination because of the lack of digital connectivity in places providing a sanctuary from digital connectivity.

- This proposal affects wild, remote country that would result in a detrimental impact upon the special qualities of the area.

- Concerns about clutter and questioning whether there is any escape from another bauble in the landscape just so that people can download more information.

- The Levelling up and Regeneration Act 2023 sets out that the relevant authority must seek to further the purpose of conserving and enhancing areas of beauty.

- Concerns about health matters in terms of both humans and plants and animals. Reference is made to the British Ecological Society considering that such radiation to be one of the key issues to affect biodiversity going forward. Several links have been provided to the studies setting out the potential impacts upon people. The validity and assessment of the self-declaration of ICNIRP (International Commission on Non-ionising Radiation Protection) Certificate is also questioned.

Assessment

Key Issues:

- Planning Policy
- Landscape and Visual Impact
- Ecology
- Nature Recovery
- Sustainability
- Health Related Issues
- Parish Council comments
- Equality Act

Planning Policy

12. Paragraph 182 of the National Planning Policy Framework (NPPF) requires the Authority to afford great weight to conserving and enhancing landscape and

scenic beauty in National Parks. The NPPF guidance also acknowledges the importance of communications infrastructure for economic growth and social well-being and advises that decisions should support the expansion of communications networks.

13. Policy C11 of the Yorkshire Dales Local Plan (2015-2030) is directly relevant as it concerns proposals for new or improved infrastructure providing essential services and facilities. Such development will be permitted where their siting and appearance minimises the impact on visual amenity and landscape character and will not result in unacceptable impacts on ecology, archaeology, architectural or historic interest. Proposals should demonstrate that they are the least environmentally harmful deployment option available.

14. Improving broadband and mobile services is an important objective of the National Park Management Plan with such services being an integral part of modern lifestyle and business. The background to C11 also cross references policy SP4- Development quality which is intended to provide safeguards against unacceptable impacts. SP4 requires that all developments respond positively to the site, surrounding context and landscape setting and that they conserve the historical setting of a site. Under environmental safeguarding SP4 also references the importance of protecting important public views from adverse impacts.

15. The site is located within an area designated in the Local Plan as Open Upland. This means that policy L10 applies. This policy sets out that development will only be permitted where it can be demonstrated it will not conflict with Policy W1 Wildlife sites unless it is otherwise essential for the management of those qualities and there is no alternative solution that would lessen the impact.

16. Policy SP2- National Park purposes set out that development will be permitted that furthers the purposes of conserving and enhancing natural beauty and promoting opportunities for understanding the enjoyment of the special qualities of the Park. Development that prejudices these purposes will not be permitted, although an exception can be made where development demonstrates an overriding need and the harm can be mitigated, or as a last resort compensated for.

17. The case for the proposal as much as any coverage that it would provide is based on its connectivity and the need for a ‘line of sight’ to other masts to make the network effectively transfer data. In essence, this mast is critical to the operation of the mast at Buckden above Rakes Wood that would serve the community and visitors around Buckden. However, as set out below, the development would also have some significant landscape and visual impacts and impacts upon the character of a relatively remote area. Paragraph 4.79 of the Local Plan notes that development proposals considered under policy C11 should be cross-referenced against policy SP4 ‘Development Quality’ to safeguard against unacceptable impacts on, amongst other things, visual amenity. In this instance, the erection of a 20m lattice mast would have an impact on the visual quality and character of the locality and the wider landscape. The

key question is the degree and extent of this impact and whether that is acceptable when weighed against the critical aspects of the proposal.

Landscape and Visual Impact

18. The mast is located on a blunt ridgeline above Cam Houses and above a track that hosts the Pennine Way. The site itself is located on a plateau of underlying limestone pavement where it is not necessarily obvious because it is in places covered by mosses and upland grasses.

19. The Landscape and Visual Impact Assessment (LVIA) submitted with the application summarises that none of the landscape effects of the scheme identified within the landscape assessment are considered significantly adverse. Moderate adverse effects are found in relation to the impacts on the character of the site and immediate context. However, effects are reversible with no change in Year 20 following the decommissioning of the transmission tower. Wider effects are very limited with minor adverse effects found in relation to the Yoredale Uplands LCA. Any landscape effects are predicted to be extremely localised. Regarding this the assessment leans significantly upon the 20- year lifespan of the development- in that it is in effect temporary. However, as far as officers are aware there is no clear planned replacement for the mast now and the consent being sought is not for a temporary period, consequently the weight given to this should be limited. The assessment points out that the mast would be visible from the B6255. Regarding the wider area and in particular Ribblesdale a Zone of Theoretical Visibility Map (ZTV) was requested. This shows that outside of the 4-kilometre study area from where viewpoints have been selected the mast would be visible from the B6479 and much of the area around Ribblehead and the viaduct. None of the viewpoints selected were more than 2.5 km from the site. The term “Theoretical Visibility”, is used because there are often screening effects from walls, buildings, and woodlands. However, the landscape around Ribblehead is very open with few landscape features that would screen the mast from a wide area including the slopes of Ingleborough and Whernside.

20. While it is important to appreciate that just because a structure such as a mast is visible this does not make it necessarily unacceptable. However, the mast is in a location where it would breach the skyline of the hill, which is visible from a significant area of Ribblesdale, a key recreational area for both residents of, and visitors to the National Park. The Cam High Road is re feature clearly visible in this view, but the mast would breach the skyline of a hillside that exhibits a sense of remoteness as a backdrop to the Ribblesdale landscape. This a landscape that is important for access and enjoyment, leading to concerns about how the proposal would affect people’s enjoyment of the landscape; the second purpose of the National Park. There are some advantages in that better coverage and data transfer would aid those using modern navigation devices, but the Pennine way and dales way walks are reasonably obvious in this area being signed and on paths and tracks. The LVIA refers to the mast being sited in the context of a craggy outcrop. While this feature appears represented on the map, the outcrop is of limestone pavement so would offer little by way of setting, or screening for the mast.

21. In terms of access to the site this is proposed by an existing, though feint grassy track, although a helicopter build could also be considered. Any ATV route from the track would have minimal impact in terms of occasional use, but it would have an impact from the Cam High Road if repeatedly used during construction. The intention is that the electricity route would be undergrounded from the mains connection to Cam Houses.

22. Overall, there are serious concerns about the wider landscape and visual impacts of the mast, particularly when seen on the skyline from Ribblesdale. There is little by way of existing landscape features or infrastructure that the mast could tie into. An offer has been made to site the mast a little to the west on lower ground. However, this is closer to the site of an archaeological feature at Cam West End (see below) that could have some historic significance in terms of the view from the area towards the west. Because of this the site has been visited by other officers and the clear conclusion from those visits is that there would be an unacceptable level of landscape and visual impact. The proposal is therefore contrary to aspects of Policy SP4 that seek to protect the landscape.

Archaeology

23. The YDNPA Archaeologist is not aware of any features directly at the site, though has expressed concerns over the route of the track, (the application plan and ecology plan show different routes). There is significant archaeological interest in the wider area. While there may be no direct impact upon archaeology at the site itself, further information would be required to ensure this. Alternatively, a helicopter build would reduce such potential impacts significantly. The potential burial chamber feature, a Scheduled Ancient Monument to the west of the site may have been important in terms of its wider setting and views to the west. This chamber feature lends a historic element to the concerns about landscape impact.

Sustainability

24. In terms of sustainability the mast would enable the development of the approved mast at Buckden, meeting the needs of that community in economic and social terms. This is set out in Buckden Parish Council's response to this application.

Nature Recovery

25. The site is located within an area designated as open upland in the Local Plan. Such areas are shown in the plan due to their relatively wild, open and remote characteristics where human influence is still limited. Policy L10 supports this designation, setting out that development will only be permitted where it can be demonstrated that it will not conflict with policy W1, and that there is no alternative solution that would lessen the impact with appropriate mitigation measures undertaken to reduce harm.

26. The proposal includes an ecological survey and the Wildlife Officer's response is set out in the consultation section of the report. While there is no objection in principle the Wildlife Officer would prefer the mast to be in a different location. The site in an area designated under a Limestone Pavement Order and while from the ecological survey there appears to be no limestone pavement at the exact location of the mast a limestone boulder would need to be removed or the equipment micro sited to avoid it. An amended ecology report was submitted setting out that any works should be carried out outside of the breeding bird season. The ecologist suggests an alternative access route that would utilise an existing grassed track to the site. No specific biodiversity enhancement measures are proposed beyond references to mosses being able to colonise some exposed rocky areas. Further detail could be sought by planning condition. However, fundamentally policy L10 seeks to protect relatively wild, open country and a 20-metre-high mast would prejudice those qualities.

Health Related Issues

27. Some concern has been raised by objectors regarding the ICNIRP Certificate and the potential for health-related issues for both human and animal and plant life. Policy SP4 seeks to protect heath and amenity aspects. An ICNIRP certificate has been provided and it must be recognised that this is a site remote from human habitation with the exception of Cam Houses which is in excess of 500 metres from the site. The National Planning Policy Framework 2023 at paragraph 122 states that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure.

Parish Council Comments

28. The neighbouring Parish Council (Buckden) have expressed strong support for the proposal as this mast would enable the approved mast at Buckden. However, that is also dependent upon the proposals further down Wharfedale being successful in gaining planning permission. A persuasive case is again made by Buckden Parish Council, but a key concern is how many masts, all with some level of landscape impact, can be viewed as being acceptable.

29. In this case the landscape and visual impacts are felt most keenly in Ribblesdale rather than Upper Wharfedale and this is inevitable given the position of the mast on a watershed. There is an alternative solution that would rely upon the approval of a mast above Kettlewell at Middlesmoor Pasture. This planning application is currently subject to an objection which the developer is considering. However, the Parish Council note that an alternative solution relying on a line of site up Wharfedale would require a new proposal for a 35-metre-high mast at Rakes Wood that the Community Council would object to, because of the harm over and above that resulting from the approved 25 metre mast. Approval has been given for an increase in height of a mast at Grange Farm, Hubberholme to accommodate Shared Network as well as Emergency Services equipment and it

is not entirely clear how that would connect to the wider network and whether in any way, together with the approved mast at Beckermonds a solution could be found using the fibre network to transfer data. The developer was understood to be considering this and any update received will be reported at the meeting.

Equality Act

30. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

31. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

32. The importance of this mast is not underestimated by YDNPA Officer's. While there are good justifications put forward in favour of the mast the recommendation comes down to whether a 20-metre-high mast can be acceptable in a such a sensitive location. Policy SP2 National Park purposes set out that development will be permitted that furthers the statutory National Park purposes of conserving and enhancing or promoting opportunities for the understanding and enjoyment of the special qualities of the National Park. It is considered that the development prejudices these purposes so should not be permitted. Exceptions can be made where a development demonstrates an overriding need and the harm can be mitigated or as a last resort compensatory measures put in place. However, it is considered that the need set out is not overriding and that to a large extent that need has been balanced against some accepted negative visual impacts that would occur because of the approved mast at Rakes Wood, Buckden. In addition, the Levelling-up and Regeneration act 2023 has placed a higher responsibility on public bodies and the National Park Authority to further National Park purposes when this language previously required any public authority simply to have regard to those purposes.

33. In conclusion the proposal is contrary to policies SP2, SP4, L10 and C11.

Recommendation

34. It is recommended that permission be REFUSED based on the following:

    1. In the opinion of the Local Planning Authority, given the lack of adequate alternative solutions the proposed development would result in significant harm to the scenic beauty of this highly sensitive, exposed and relatively wild National Park landscape by reason of the size, design and prominent siting of the lattice mast. For this reason, the proposed development is contrary to policies SP2, SP4, L10 and C11 of the adopted Yorkshire Dales Local Plan

(2015-2030), paragraph 182 of the National Planning Policy Framework (2021) and the first statutory purpose of the National Park (Environment Act 1995) and the requirement placed upon any relevant authority to further the purposes of the National Park.

2. In the opinion of the Local Planning Authority, the proposed development would prejudice the public's enjoyment of the special qualities of the National Park by introducing a prominent and incongruous structure that would result in significant harm within an iconic National Park landscape of outstanding natural beauty that is currently enjoyed by numerous visitors to the National Park. For this reason, the proposed development is contrary to policy SP2 of the adopted Yorkshire Dales Local Plan (2015-2030) and the second statutory purpose of the National Park (Environment Act 1995).