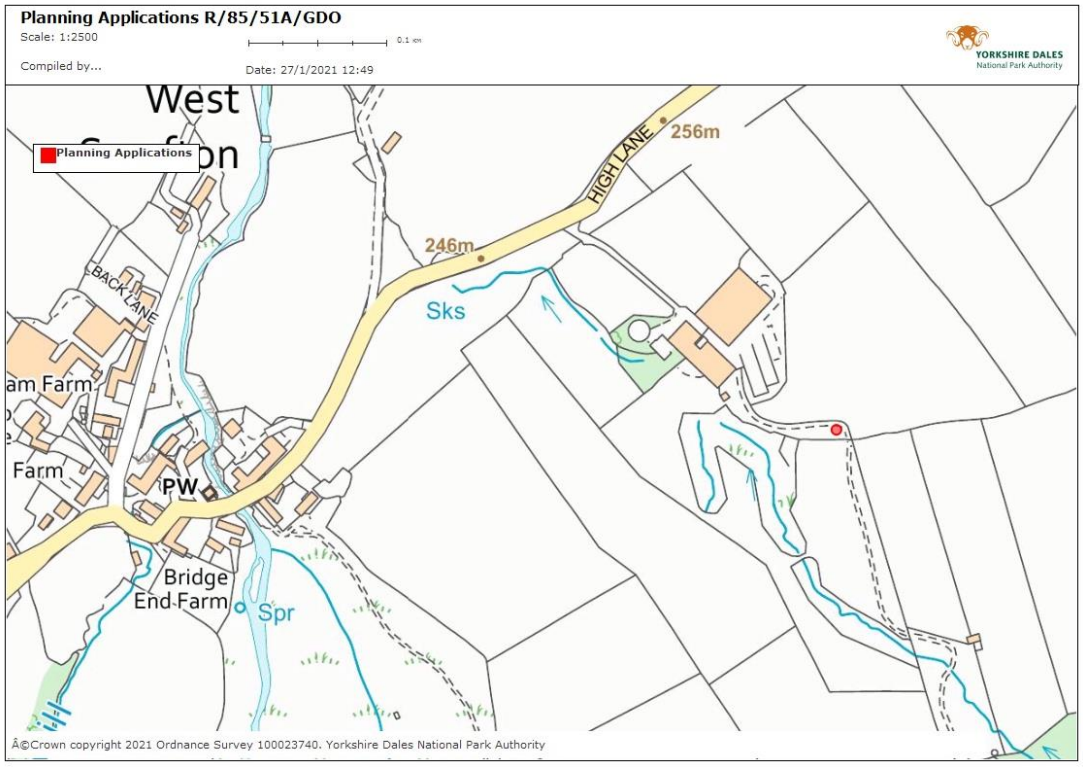
ITEM 4

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	West Scrafton
Date:	9th February 2021	**Officer:**	Andrew Bishop
Applicant:	Quickline Communications	**Application No:**	R/85/51A/GDO
Site Address:	Land to the south east of existing agricultural buildings off High Lane, West Scrafton, Leyburn		
Proposal:	Application for prior approval under Part 16 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended by the Town & Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016 and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003 for the installation of a 17m wooden utility Pole (15m above ground level) with mobile communications antenna and equipment cabinet.		



REASON FOR COMMITTEE CONSIDERATION

1. This application is reported to the Planning Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the Authority that the application is considered by the Planning Committee.

APPLICATION SITE

2. The application site is to the east of the village of West Scrafton beside an existing track approximately 83m to the south of the agricultural buildings at Bridge End Farm and approximately 243m from the nearest main road, High Lane to the north. The nearest Public Right of Way (PROW) is located approximately 340m to the north east (ref 20.99/4).

PROPOSAL

3. This is an application for prior approval under Part 16 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 17m wooden utility Pole (15m above ground level) with mobile communications antenna and equipment cabinet.

4. Applications of this type have to be determined within a 56 day period otherwise they are deemed to be approved, without conditions or limitations. For this reason, authority to determine prior approval applications is delegated to officers and formal consultation is limited to the statutory site notice procedure. However, for this case, the applicant has agreed to extend the time period for determining this application in order for it to be considered by the Planning Committee.

RELEVANT PLANNING HISTORY

5. The application is a resubmission following the withdrawal of a previous notification reference R/85/51/GDO due to that submission having an inaccurate site location description.

CONSULTATIONS

6. The comments of statutory and non-statutory consultees are summarized below:

Wildlife Conservation Officer - There are no wildlife conservation constraints to this application based on the data we hold.

PUBLIC RESPONSES

7. At the time of writing the report 13 representations in support of the application had been received and 22 from those objecting on the following grounds:

-lack of consultation and engagement with the Coverdale Community
-insufficient and misleading information given
-inappropriate and unnecessary development
-proliferation of masts in Coverdale
-visual intrusion
-proximity to a dwelling
-adverse impact on health of environment and public

-detrimental impact on SSSI and ecology, flora, fauna, insects and particularly pollinators
-unsustainable on health grounds
-should be applying precautionary principle
-issue with landowner obtaining insurance against future public health claims
-5G conflicts with statutory purpose of the National Park
-technical detail should be assessed independently by suitably qualified persons
-scientific studies are critical of ICNIRP safe exposure guidelines.
-wireless effluvia a statutory nuisance under the Pollution Prevention and Control Act 1999
-non-ionising radiation is harmful to human health

ASSESSMENT

Key Issues:

- Need for the development
- Impact on landscape
- Health

Planning law and policy

- C11(15) New and improved infrastructure
- SP2(15) National Park Purposes
- SP4(15) Design Quality

Need for development

8. Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016 gives deemed planning permission, subject to exclusions and conditions, for certain development to be carried out by, or on behalf of, an electronic communications code operator. The Order allows the installation of masts, antenna and apparatus within National Parks subject to a height limit of 20m above ground level. The Order also applies a condition that the applicant must first obtain a determination from the Local Planning Authority as to whether the prior approval is required for the details of its siting and design (and not other matters). In this case the applicant has been notified in writing that prior approval is required in order to enable a full assessment of the landscape impacts of the proposal. To enable that assessment further information regarding other locations that were considered and discounted was requested.

9. The proposal is part of the Mobile Access North Yorkshire (MANY) initiative which will provide 4G and 5G mobile phone and broadband coverage to remote rural areas within the County. The project is also part of the wider Government (DCMS) funded Rural Connected Communities programme. This project is looking at how 4G/5G technology will benefit rural communities and is specifically targeting areas with limited or no current coverage, 'not spots', which include the Coverdale area. The proposed installation will form an important link in the chain and needs to have line of sight with other local sites.

10. North Yorkshire County Council (NYCC) are part of the consortium delivering the MANY initiative alongside Quickline Communications who are the applicants for this proposal. Quickline Communications is an independent Internet Service Provider that specialises in

providing ultrafast Fixed Wireless Access (FWA) broadband to rural areas (30-100Gbs). Their business model is to provide broadband coverage to the locations that the Main Network Operators (MNO's) do not. These would otherwise remain as 'not spots' within the National Park.

11. The DCMS grant provides financial support towards the costs of the infrastructure as without this there is no commercial case for mobile phone operators to deliver the necessary infrastructure to the area. The grant funding is time limited and the project has already incurred delays and so the site is considered to be a critical component and necessary to enable the project to proceed.

12. The proposal is one of three masts designed to provide coverage to the wider Coverdale area. A related Prior Approval notification application for a 15m monopole mast to be located on the roadside near to Penhill Farm, West Witton (reference R/91/173/GDO) was approved conditionally on 5th November 2020 under powers delegated to the Head of Development Management.

13. Local Plan Policy C11 – 'Infrastructure needed to support development' supports the provision of improved infrastructure providing essential services where the siting and appearance minimises the impact on visual amenity and landscape character. The policy also requires evidence that proposals represent the least environmentally harmful option having regard to applicable operational requirements and technical limitations. In addition, objective F4 of the YDNP Management Plan seeks to improve mobile coverage and remove 'not spots' across the National Park.

14. The National Planning Policy Framework 2019 (NPPF) supports development that leads to the provision of high quality communications. At paragraph 112 it says:

"112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."

15. A number of objectors claim that there has been a lack of consultation and engagement with the Coverdale Community and no need for the mast. The applicant and the NYCC project programme manager have commented on public engagement. Prior to the submission of the application the applicant engaged with the wider Coverdale community during August 2020. Consultation meetings took place with Leyburn Town Council; Middleham Town Council; Carlton Town Parish Council; Melmerby Parish; West Scrafton Parish and West Witton Parish Council. Telephone and email contact took place with Caldbergh with East Scrafton Parish. Support for the project was given by all the parish councils at that time except Coverham with Agglethorpe. The applicant says that a number of parishioners and businesses within that parish did express support. Melmerby Parish Meeting has written to confirm its support for the current application.

16. In addition the project members have carried out a number of interviews with residents. They were seen to be struggling with the lack of digital connectivity, both mobile and broadband.

This is affecting their daily lives with the potential for it to only get worse over time as greater reliance is being placed on having a good digital connection. The correspondents supporting the application have expressed these same problems. The COVID 19 restrictions have prevented more door to door contact being made. But it has been noted that anti 5G campaigners have leafleted the properties in the whole area. The MANY team intend to carry out further engagement events to further inform the local communities throughout the duration of the project.

17. Prior to the submission of the current application the applicants notified West Scrafton Parish Meeting of their intention to apply for the development. It is understood that it was discussed at that Parish meeting on 9th September 2020.

18. It is considered that the application has been supported with sufficient evidence to justify the development. The outcome of consultations with organisations with an interest in the development has been provided. The site is not near to a statutory safeguarding zone such as a school. Alternative sites for the mast have been explored and discounted. Paragraph 116 of the NPPF says that the need for an electronic communications system should not be questioned. It is considered that there is a justifiable need for a telecommunication site to be provided at this location.

Impact on landscape

19. The application site is on the hillside to the east of the village of West Scrafton. It is located beside an existing track approximately 83m to the south of the agricultural buildings at Bridge End Farm. The land rises to the south of the proposed mast and there are small groups and clusters of mature trees to the north and west which offer some natural screening. The land further undulates to the west and is typified by agricultural fields bound with dry stone walling. The complex of farm buildings to the north of the mast would provide further screening from public views along parts of High Lane but would not completely hide the installation.

20. The applicant was asked to provide details of other sites that have been considered and discounted prior to selecting this location as that information had not been included with the original submission. The applicant has explained that the nature of the terrain in the area makes it difficult to find sites which would provide the necessary coverage. As part of a wider search for sites for the group of masts forming this local network three other locations in Caldbergh were identified in preference to the current proposal but were all rejected by the landowners.

21. The application site is the only one available which is capable of providing the necessary coverage and line of sight connection with other installations. The application site has the advantage of being located on higher ground, with an available power supply close by, and is considered to be secure with a land owner willing to accommodate the installation. It is therefore considered that a robust search for suitable sites which meet the operational coverage and line of sight requirements and simultaneously minimise the landscape impact has been undertaken and the application site finds the balance between technical requirements and landscape impact. The location for the site is considered to be the least harmful that meets the operational requirements.

22. A number of objectors are concerned at a proliferation of masts in Coverdale leading to visual intrusion. The proposed timber mast would partly replicate the form of a traditional telegraph pole which are not in themselves alien to the rural landscape of the National Park. The design and appearance of the mast would be very similar to that approved at West Witton.

23. The development would be a 15m high wooden mono pole with the associated antenna and dishes mounted directly onto it. The pole, antenna, two 60cm dishes and all other apparatus would be coloured Grey Brown RAL 8019. Instead of being installed on the pole itself the single equipment cabinet would be sited on the ground to further reduce visual impact. These measures would help the mast blend into the landscape. By opting for a smaller wooden monopole rather than a taller lattice frame mast the visual impacts of the proposed infrastructure are significantly reduced. Power to the mast would be provided underground from a barn on the farmstead.

24. As with the other proposal at West Witton the site is part of a terrestrial initiative for the new 5G technology and the antenna/dishes will need to be installed and adjusted in situ to obtain the optimum coverage and technical performance and this will only be possible once the installation is live.

Health

25. The applicants have provided a declaration confirming that the proposed installation complies with the International Commission for Non-Ionising Radiation Protection (ICNRP) guidelines for exposure of the public to radio frequency and electromagnetic fields. All hardware on site would carry certification that indicates conformity with health, safety, and environmental protection standards. The mast would be located a significant distance from any residential property. The siting does not give rise to any perceived health risks.

26. Nevertheless, objectors say that certain scientific studies are critical of ICNIRP safe exposure guidelines and consider that the development will have an adverse impact on the health of the public, wildlife and the environment and that a precautionary principle should be applied. The objectors refer to various scientific studies but none that can be applied directly to this site.

27. Paragrpah 116 of the NPPF states:*"116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."*

28. It is considered that the provision of 5G does not conflict with statutory purposes of the National Park and there are no planning reasons to refuse permission on health grounds.

Parish Council Comments

29. West Scrafton Parish Meeting has not submitted any representations in relation to this application.

CONCLUSION

30. It is considered that the proposed location for the developed follows a thorough search for a suitable site that both meets the operational coverage requirements, is achievable in terms of land ownership and at the same time provides the least visually harmful solution. The mast will be publicly visible including from High Lane to the north and so would present some harm to the character and appearance of the landscape. However, this impact would be reduced by the presence of existing nearby trees and agricultural buildings which would offer some screening from the north west. The topography to the south would act as a backdrop to the installation and the timber pole design and brown colouration would reduce its visual impact to such a degree that it would not be so harmful to the special qualities of the National Park as to warrant a refusal of permission. The equipment complies with international standards for radio frequency radiation and will not give rise to undue perceived health risks.

RECOMMENDATION

31. It is recommended that permission/consent is GRANTED subject to the appropriate conditions including those listed below:

    -time limit
    -approved plans
    -colouration of mast, antenna, dishes and equipment
    -removal when no longer operational