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ITEM 7

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee: **PLANNING**
Date: **30th NOVEMBER 2021**

Report: **UNAUTHORISED TELECOMMUNICATION MAST AND ASSOCIATED WORKS AT LAND NEAR DIBBLES BRIDGE, HARTINGTON.**

Purpose of the report

1. To advise Members of the current situation and to seek authorisation for formal enforcement action to secure the removal of a telecommunication mast and associated works at land near Dibbles Bridge, Hartington.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the National Planning Policy Framework, the Authority's statutory purposes and its approved strategic planning framework:
   Yorkshire Dales National Park Local Plan 2015 - 2030
   - Policy SP1 – Sustainable Development
   - Policy SP4 – Development Quality
   - Policy L1 – Heritage Assets

3. At paragraph 207 the NPPF also states that: "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control".

Relevant Planning History

4. C/02/158/GDO – permission refused on 22/12/17 for 10m high telecommunication mast on a 2 x 2 x 0.8m concrete base and associated works. Appeal dismissed on 20/06/18.

5. C/02/51E/GDO –permission granted on 08/08/18 for 15m high telecommunication mast on a 2.25 x 2.25 x 10m concrete base and associated works at Stump Cross Caverns.

Background

6. The Authority refused permission to grant prior approval (C/02/158/GDO) for a 10m high telecommunication mast on a 2 x 2 x 0.8m concrete base and associated works on 22nd December 2017 at Dibbles Bridge. It was considered that the proposed highly prominent location of the mast would have a harmful impact on the landscape of the National Park and the setting of a Scheduled Ancient Monument (the iron age Fancarl

stone circle). Subsequently, an Appeal was lodged against the Authority's decision in April 2018 by ESN (Emergency Services Network) and EE Ltd.

7. In May 2018, the Authority received a complaint that a telecommunication mast had been installed at land subject of the Appeal. An Officer visited the site and confirmed that a telecommunication mast, metal container, generator and hard standing had been installed without prior approval of the Authority. The mast and associated equipment were different to that previously refused prior approval which was subject to the current appeal. Following further investigation, it was found that ESN and EE Ltd had installed temporary telecommunication equipment whilst awaiting the outcome of the Appeal.

8. Following discussions between the appellants and Officers an application for prior approval (C/02/51E/GDO) was submitted by ESN and EE Ltd on 18th June 2018 for an alternative 15m high telecommunication mast at Stump Cross Caverns. This site is approximately 1km from the site of the unauthorised mast.

9. On 20th June 2018, the Secretary of State dismissed the Appeal, concluding that "*the proposal would fail to preserve the setting and thus the significance of the monument and that it would also fail to conserve and enhance the natural beauty of the National Park*". The Inspector also acknowledged that an application had been submitted by the Appellant for an alternative mast at Stump Cross Caverns and the Inspector stressed that the site offered a "*less prominent location nearer to the artificial features associated with Stump Cross Caverns*".

10. The Authority approved the prior approval application (C/02/51E/GDO) for the alternative mast at Stump Cross Caverns on 8th August. Permitted development rights enabled the temporary mast to remain in situ and it was agreed that the mast would be removed by December 2019 to enable the approved Stump Cross Cavern mast to be constructed.

11. Construction of the mast at Stump Cross Caverns commenced in early 2020. Unfortunately, the Covid-19 pandemic delayed the scheme and the Authority received confirmation that works had been completed in July 2021. As such, the Operator has been advised to remove the unauthorised mast at Dibbles Bridge.

12. Unfortunately, the Authority has not received formal confirmation that the mast will be removed and; therefore, it is recommended that an enforcement notice is issued seeking its removal to remedy the harmful impact on the landscape and natural beauty of the National Park and the setting and significance of the Scheduled Ancient Monument. Furthermore, as the mast will have been in situ for 4 years by early 2022, it is also considered prudent to issue the enforcement notice to prevent the mast becoming immune from enforcement action.

Summary

13. The unauthorised mast and associated works are located in a prominent and highly visible location. They are considered to harm the setting and significance of the Fancarl stone circle, a Scheduled Ancient Monument, and the natural beauty of the Upland landscape of the National Park. As such, development conflicts with National and Local Policy; in particular Policy SP1, SP4 and L1 of the Yorkshire Dales Local Plan (2015).

14. For the reasons detailed above it is considered necessary to take enforcement action against the unauthorised development.

RECOMMENDATION

15. That the Authority's Solicitor be authorised to serve an Enforcement Notice to secure:

    a) The removal of the telecommunication mast and all associated equipment from the land.
    b) Restore the land to its original condition.
    c) A compliance period of 1 month

16. That in the event of non-compliance with the requirements of the enforcement notice, the Authority's solicitor be authorised to commence prosecution.

Martyn Coy
Principal Planning Officer
17th November 2021