

**North Yorkshire Council**

**Community Development Services**

**CONSTITUENCY COMMITTEE PLANNING COMMITTEE**

**23/00486/FUL - THE INSTALLATION OF A 35 METRE HIGH LATTICE TOWER SUPPORTING 6 NO. ANTENNAS, 4 NO. TRANSMISSION DISHES, 2 NO. EQUIPMENT CABINETS, 1 NO. METER CABINET AND ANCILLARY DEVELOPMENT THERETO INCLUDING A GENERATOR AND ASSOCIATED FUEL TANK, A COMPOUND WITH DRYSTONE WALL BOUNDARY, AND HARD STANDING AREA, FOR THE SHARED RURAL NETWORK PROJECT ON BEHALF OF CORNERSTONE. AT OX CLOSE PLANTATION HEALEY NORTH YORKSHIRE ON BEHALF OF CORNERSTONE**

**Report of the Assistant Director – Planning**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the installation of a 35 metre high lattice tower supporting 6 no. antennas and 4 no. transmission dishes, 2 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including a generator and associated fuel tank, a compound with drystone wall boundary, and hard standing area, for the Shared Rural Network project on behalf of Cornerstone on land at Ox Close Plantation Healey on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as being a development in a sensitive location.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be REFUSED**

- 2.1 It is accepted that there is need for 4G mobile communication in the locality and the Shared Rural Network Project bringing four operators together on a single installation is positive. The key issue is that of the form of the proposal and the landscape impact it has on the Nidderdale Area of Outstanding Natural Beauty (AONB) to which great weight must be given to conserving and enhancing landscape and scenic beauty of the AONB.
- 2.2 The height of the tower above the plantation in which it is to be situated is excessive and does cause undue harm to the AONB and the amenity of visitors. The proposed development would introduce an incongruous feature into an unspoilt landscape creating an unacceptable level of harm to the landscape character of the Nidderdale AONB, which would be contrary to Local Plan Policies GS6, HP3, HP5, NE4 NE5 and TI5 and paragraph 176 of the NPPF.



# Location Plan

Scale 1:2,500



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27/10/2023

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here – [link](#).
- 3.2. Pre-application advice in respect of this proposal was provided under 22/03787/PREAS. That advised that in principal, support would be given due to the rural community/business benefits, but that the issue would turn on its visibility and a detailed landscape survey of its impacts would be needed. It was queried that if it were to be judged acceptable, how could any screening afforded by the trees of what is a commercial plantation be ensured.

### **4.0 Site and Surroundings**

- 4.1. Ox Close Plantation lies within the Nidderdale Area of Outstanding Natural Beauty (AONB) on the north-west side of the Upper Pott Beck valley, where it is occupied by Leighton Reservoir.
- 4.2. The mixed, principally coniferous, woodland of the plantation is primarily between the 230m and 270m contours. To the south and west land extends to far higher contours, primarily used for sheep grazing.
- 4.3. Surrounding higher moorland is typically sparse in trees; which are more common at lower levels, along water courses and in valley bottoms.
- 4.4. There is a scattering of dwellings in the wider landscape, many related to farms.
- 4.5. Travellers through the area experience expansive views; the through route from Masham to Lofthouse descends to pass around Leighton reservoir before climbing south-west to 429m elevation. At the top of the immediate climb from the reservoir, at around 310m elevation, the Six Dales Trail Public Right of Way heads north-east with Ox Close plantation to its west and then south.
- 4.6. To the east of the plantation, on the opposite site of the valley, the Ripon Rowel Walk Public Right of Way descends the hillside with a footpath link across the valley bottom to the hamlet of Leighton.
- 4.7. Three protected biodiversity areas share a common boundary 800m distant from the site:
  - East Nidderdale Moors Site of Special Scientific Interest
  - North Pennine Moors Special Area of Conservation
  - North Pennine Moors Special Protection Area
- 4.8. North of the plantation is the Grade II listed memorial to the 15th Battalion West Yorkshire Regiment (The Leeds Pals) at Breary Banks.

## 5.0 **Description of Proposal**

- 5.1. The proposal is described as a 35m tall lattice tower, coloured drab olive, and supporting telecommunication apparatus, which extend beyond 35m in height to 36.11.m. The height is stated as being necessary to overcome restriction imposed otherwise by trees on land to the north.
- 5.2. The tower would be located on concrete foundations within a compound formed by a 1.1m drystone wall with a timber gated access. All would be in an existing clearing around the 265m contour. Surrounding trees are indicated as being approximately 15m in height.
- 5.3. The supported apparatus is certified as complying with the guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP), and are:
- pairs of 600mm diameter microwave dishes at 29.3m and 35.18m height to link this installation with other installations.
  - nine remote radio units, stated to be approximately the size of a shoe box, at both 30.5m and 31.5m height
  - six antennae between 32.3m and 35m.
- 5.4. A generator, fuel tank, three cabinets and associated structures would be located within the compound. The generator is to be used as needed as back-up supply and a permanent electric connection is to be made from a nearby supply line.
- 5.5. The fuel tank of 1800 litre capacity would be triple banded, permanently remotely monitored for leaks, and the fuel used would be Hydrotreated Vegetable Oil, a second-generation biofuel.
- 5.6. The 24kW generator would be a container type of 20.16 cubic metres which at 300m distance would have a noise level of 33dBA.
- 5.7. With associated hardstanding an area of 187 sq.m. would be occupied, and use will be made of an existing access track.
- 5.8. The proposal would form part of the Shared Rural Network, an agreement between the Central Government and mobile industry announced in March 2020 to improve rural mobile coverage by 2025; a £500 million funding by each party to respectively cover areas with no coverage or all, known as 'not-spots', and those with coverage but not by all operators, known as 'partial not-spots'. The aim being to bring 4G coverage to 95% of the UK landmass by 2025.

- 5.9. Existing 4G coverage is shown to be spasmodic, serving Fearby, the hamlet of Leighton and part, but not all of Healey and Ilton villages. Elsewhere, only areas of higher ground may receive a signal. The proposal is indicated as resulting in a 4G signal from Vodafone, Virgin Media-O2 and '3' to most of the surroundings, although there would still be few locations, and dwellings within those, unserved.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan as far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The relevant Adopted Development Plan for this proposal is the Harrogate District Local Plan 2014-2035, adopted 4<sup>th</sup> March 2020.

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation

### Guidance – Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance
  - Landscape Character Assessment
  - Nidderdale AONB Management Plan

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Supports the application
- 7.3. **Landscape (NYC):** Object.
- 7.4. **Natural England:** Have no objection subject to appropriate mitigation being secured.

- 7.5. **Nidderdale AONB Joint Advisory Committee:** Do not object provided agreement can be secured to protection of plantation woodland.

### Local Representations

- 7.6. Letters received from two authors in full support;
- Have no mobile coverage
  - Cannot have landline broadband
  - Mast will be visible but height necessary in the terrain
  - Will allow access to a mobile signal for business, education, pleasure and health and safety
  - Would make living in a rural area more equitable

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. Located a 'sensitive area' the development has to be screened, with regard specifically to Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended), to establish whether an Environmental Statement is necessary.
- 8.2. The application has been screening as not requiring an Environmental Statement.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
  - Need
  - Landscape Impact

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. Further to the development plan the National Planning Policy Framework (NPPF) is also a material consideration in planning decisions, promoting sustainable development.
- 10.2. With regard to telecommunications development the NPPF advises at paragraph 114:

"Planning policies and decisions should support the expansion of electronic communications networks"

- 10.3. Paragraph 115 states: “The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”
- 10.4. Paragraph 117 of the NPPF sets out matters that should be submitted with the application. Reasoning for the form of the development, as well as compliance with the appropriate guidelines on radiation protection and the outcome of consultations with interested organisations.
- 10.5. Harrogate District Local Plan Policy TI5 is supportive of telecommunication development provided three criteria to be satisfied, and as such, is a policy permissive of such a development outside of the limitation imposed by Policy GS3 concerning development limits. In assessing the merits of this application, only the first two need to be considered in any detail; that of the form of the development and that of the impacts of the development. The third concerns removal when redundant, which is a matter that would be addressed by a condition of any approval.
- 10.6. Concerning the AONB, the NPPF advises, at paragraph 176:
- “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
- 10.7. Relevant also to the AONB, Local Plan Policy GS6 states that:
- “The natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced.
- Proposals will only be supported where they:
- A. Do not detract from the natural beauty and special qualities of the AONB and its setting;

B. Contribute to the delivery of the Nidderdale AONB Management Plan objectives;

C. Support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area.”

Need

- 10.8. There is no doubt the extent of coverage by mobile technology is highly limited in the wider surroundings of the application site.
- 10.9. That proposal consequently would provide 4G mobile coverage to many residents and businesses who do benefit from such currently.
- 10.10. Harrogate District Local Plan Policy GS5 relates to Supporting the District’s Economy, stating that sustainable economic growth will be encouraged by supporting development proposals that contribute towards the achievement of a number of criteria, including supporting the growth of key sectors including creative and digital, and scientific research and development. The supports development contributing towards the achievement of maintaining and enhancing the district’s visitor economy, and supporting the rural and agricultural economy and its diversification. The proposal would assist in these objectives, and hence be complaint with that part of section C of Policy GS6 concerning supporting the economic social and environmental well-being of the AONB.
- 10.11. The proposal would also contribute to the long term vision set out in the AONB Management Plan, referenced by Section B of Policy GS6, of a “vibrant working landscape where rural communities, land managers and other rural businesses are working collaboratively together to protect natural beauty”. Aim LW2 of the Management Plan is to “facilitate development that meets the economic and social needs of the AONB’s rural communities...”
- 10.12. The expansion of 4G coverage is a key aim of the Shared Rural Network developed by the mobile phone operators and Central Government ; to deliver 4G coverage to 95% of the UK, enabling rural businesses and communities to thrive. Sharing infrastructure through the Shared Rural Network project will minimise the number of masts in the area, as advocated by NPPF paragraph.
- 10.13. The specific objective is stated that “this area of Healey has access to good, reliable advanced telecommunications.”
- 10.14. It is stated in the application submission, the proposal is the most suitable site option and design that balances operational need with local planning policies and national planning policy guidance. It will deliver public benefit in terms of



the mobile services it will provide. The reason for the height is stated to overcome signal degradation due to trees at another location to the north.

- 10.15. Alternative sites considered would have required a far taller mast or have access issues or adversely affect heritage structures or be unduly affected by tree cover. No existing structures were identified as possible sites.
- 10.16. It is accepted that in this wider locality with the absence of appropriate structures, or buildings, at least one new mast would be required. As such, the first criteria of Policy T15, and the associated terms of paragraph 117 of the NPPF, that existing structures be used, unless it can be demonstrated such is not feasible, is satisfied.

#### Landscape Impact

- 10.17. The second criteria of Local Plan Policy T15 includes that the that location and design of proposals avoid harm to sensitive areas and as such accord with Policy NE4 on Landscape Character.
- 10.18. Policy NE4 states “Proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported”.

In summary, that is stated as being achieved by requiring development to:

- maintain aesthetic and biodiversity qualities of the natural and man-made heritage within the landscape;
- be informed by and be sympathetic to the distinctive landscape character areas; and
- protect and/or enhance the character, appearance and local distinctiveness of the landscape and consider the ambiance of the area.

Further that visually sensitive skylines, hills and valley sides and visual amenity are protected and/or enhanced, and development be resisted which would harm or be detrimental to the character of the local and wider landscape.

- 10.19. The 2004 Landscape Character Assessment of the Harrogate District subdivides the former district into a number of character areas. The proposal lies within the Upper Pott Beck Valley Reservoirs character area. That is noted as having a narrow V shaped valley, with woodland cover greater around Leighton reservoir, and is an interesting area within the AONB. For sensitivities and pressures the area is stated as being sensitive to further change without detriment to visual quality. Under the guidelines, an aim to

maintain the distinctive character of the upland valley has the note that “development in this area may significantly impact upon character and views.”

- 10.20. Harrogate District Local Plan Policy HP3, whilst focusing on design, which is of limited weight given the utilitarian nature of such a proposal, does nevertheless require protection, enhancement, or reinforcement of those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural and urban environments.
- 10.21. Policy NE5 expands this by stating development proposals should conserve and enhance the high quality and character of the district's towns, villages and rural environment, by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements.
- 10.22. The NPPF, at paragraph 115, does reference “equipment should be sympathetically designed and camouflaged where appropriate”, but attempts at disguising installations of the scale of this proposal are not generally successful.
- 10.23. The proposal is stated as being located around the 265m contour and would be located in a plantation which, in principle, is a potential appropriate location as the proposal to some extent would be screened.
- 10.24. Ordnance Survey mapping indicates the plantation extending to the 270m contour at its north-western corner. The northern edge of the plantation then falls turning to the north-east to around the 225m contour.
- 10.25. In the case of this proposal, the trees surrounding the site are stated to be circa 15m in height. The structure in the compound and the lower parts of the mast would be screened. As such the extent of harm afforded in landscape and visual terms is reduced to some degree, which would not be possible in a more open location.
- 10.26. The plantation in within which the mast is to be constructed is, however, relatively young. There would be around 13m of supporting mast above the trees that immediately surround before any of the supporting apparatus that extends above that height to the top of the mast around 20m above the trees.
- 10.27. Visually, the extent of the mast, is such that it would appear as a structure well above the plantation, rather than one which is primarily within a group of trees.
- 10.28. It is accepted that the surrounding trees of the plantation will mature and reduce over time the impact on visual receptors in the surrounding area, which include travellers on the sole through route in this part of the AONB and users of public rights of way in the surrounding area.

- 10.29. None of the trees are stated as having to be removed to facilitate the proposal, however it is not clear how, and from where, the separate electric supply that would normally power the development would be provided. That may require at least works to trees if not outright felling.
- 10.30. The AONB Joint Advisory Committee note that the acceptability of the mast is dependent in their view, on the trees remaining. It is stated that the plantation “as a whole will remain in place, but it will be managed in the time period including thinning and restocking, and there may be localised areas of felling. There is an in hand game shoot on the estate which the wood is part of, and the stalking rights are let. The woodland is critical for the ongoing stalking rights.”
- 10.31. The extent and uncertainty of what might be selective felling does lead to concern that the amelioration of effects is over-dependent on the plantation. The plantation is of a commercial nature. Stalking rights within may currently exist, but ultimately, a commercial woodland is there to be felled at some stage and replanted, which would make the mast far more prominent in the landscape as well as exposing the compound.
- 10.32. The submitted Landscape and Visual Impact Assessment provides an assessment of the impact of the proposal from a number of viewpoints, which are all described as being of high value and of high sensitivity.
- 10.33. The assessment in that Landscape and Visual Impact Assessment is however considered to underplay the most harmful visual effects from two viewpoints which are judged by officers to be moderate, rather than minor to moderate.
- 10.34. One of those viewpoints is the closest point on the Six Dales Trail and represents a view that recreational users of the AONB will encounter at close range for a kilometre. Stated as being of a small to medium magnitude of change the mast would be prominent in the view, although the compound and lower mast partially screened .
- 10.35. The statement that the “mast would form a new focal point in this view, similar in apparent scale to the poles supporting overhead lines in the view” is not agreed. The overhead line is a low two wire line located in close proximity to the recreational route, on which the mast will be of significant impact due to the users of the Six Dales Trail being focussed on the landscape of the AONB. The lattice form and matt finish would not be adequate mitigation.
- 10.36. Further, the “rather disjointed assemblage of forestry blocks detracts from scenic quality” is conversely not judged to be overly negative. In comparison, the prominence of the mast, which would be a new and discordant feature within the view, and which would not be insubstantial.

10.37. Also on the Six Dales Trail, a further viewpoint described having a small magnitude of change is around 1.5km from the mast. It is on a clear day a particularly fine view in which the mast will be a prominent and a discordant new feature against the skyline for 400m of the recreational route. Whilst the compound and lower mast are unlikely to be discernible the matt finish, which may help on cloudy days, is not full mitigation for the harm that will arise

10.38. The assessment in terms of a number of the viewpoints is not disputed:-

Viewpoint	Visibility of proposal	Magnitude of change	Adverse effect
Ripon Rowel Walk c.2km	To the E mast tip visible for c.1km./ Set against a moorland backdrop. Matt finished reduces prominence	Very small	Minor
High Road / Six Dales Trail' c1.7km	To the SW mast tip visible for c.800m of the public right of way. Set against a backdrop clothed by grassland. Matt finished reduces prominence	Very small	Minor
Bridleway c.2.75km to the north-west	Very top of the mast visible on the horizon.	Negligible to v.small	Minor
	Will be likely to be more prominent from ascending bridleways	Very small or small	Minor to moderate
Leighton / Colsterdale road junction c.2km NE	Distant small feature above the tree line in an expansive view. Foreground road signage and trees. More filtered distant views in winter.	Negligible to v.small	Minor
Leeds Pals War Memorial	Not visible due to intervening evergreen tree cover from this location c.1km to the north-east.	No change	No change

10.39. An additional viewpoint to those considered in the Landscape and Visual Impact Assessment has been identified as result of heritage assessment, below. There is a vista c.2km away through Druid's Plantation beyond the south-west side of the Pott Beck valley trees in which the mast would be a new utilitarian feature on the opposing valley side. This is a further particularly fine view, looking across the Pott Beck valley, towards the opposing hillside that includes the plantation and the application site, and in which the mast would be discordant feature.

10.40. It is recognised that there are some rural land uses, which have been introduced into this remote and tranquil upland landscape, which includes reservoirs and commercial plantations, which are well established in upland landscapes. The presence of such uses and minor detracting features does

not justify the introduction of a further detracting featuring where there are unacceptable landscape and visual effects on the AONB. This is identified in the sensitivities and pressures for the Landscape Character Area which is noted as being sensitive to further change without detriment to visual quality.

- 10.41. In detracting from the natural beauty and special qualities of the AONB and its setting section A of Policy GS6 is not accorded with and, by principal neither are Policies NE4, NE5 and HP3. Aim LW1 of the AONB Management noted above as looking to facilitate development that meets social and economic needs is on the basis of “where this does not cause harm to natural beauty”.
- 10.42. In terms of users of the public rights way, Local Plan Policy HP5 looks to protect the recreational and amenity value of rights of way which through the harmful visual effects on recreational users arising are not achieved. As such then objectives of section C of Policy GS6 requiring the social and environmental well-being of the area to be protected and support be given the understanding and enjoyment of the area are not achieved.
- 10.43. The proposal would conflict with the long-term vision of the AONB Management Plan, of the AONB being a welcoming destination for people seeking opportunities for recreation and a place where people can experience tranquillity. Aim L2 of that Plan is to maintain and enhance the AONB natural beauty and Aim L3 to oppose proposals for development that conflicts with the purpose of designation within the AONB.
- 10.44. As such it is judged that the second criteria of Policy T15, in so far as it relates to landscape impact, has not been satisfied.

#### Heritage Assets

- 10.45. The second criteria of Local Plan Policy T15 also includes that the location and design of proposals in avoiding harm to sensitive areas does so with accordance with Policy HP2 on Heritage Assets.
- 10.46. Policy HP2, in the context of the proposal and the surroundings, requires the application to be determined in accordance with the NPPF in heritage respects and the setting of heritage assets be protected.
- 10.47. The Planning (Listed Buildings and Conservation Areas ) Act sets out, at paragraph 66, a general duty in respect of listed buildings when considering a planning application in requiring special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.
- 10.48. The Grade II listed memorial to the 15th Battalion West Yorkshire Regiment (The Leeds Pals) would have a line of sight towards the mast passing into the

woodland around the 250m contour, and at a distance around 700m not the 1km quoted.

- 10.49. With the top of the mast being around 300m AOD then it would appear that the upper parts would be visible from the memorial, contrary to the assessment in the submitted Landscape and Visual Impact Assessment.
- 10.50. The NPPF advises on considering the potential impacts of a development on the setting of a heritage asset. The setting contributes to the significance of the heritage asset and a visible telecommunication mast would not have a positive impact upon that setting.
- 10.51. As, however, the significance of the monument would not be completely lost, then the proposal would create less than substantial harm. Paragraph 202 of the NPPF advise that in such a situation, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.52. In the wider surroundings there are a number of Grade II listed buildings;
- Leighton farmhouse and adjacent barn within the hamlet of Leighton c.1km distant. Little to no visibility of the mast would exist and therefore minimal impact upon significance.
  - Druid's Temple, a c.1800 folly, within Druid's Plantation beyond the south-west side of the Pott Beck is unlikely to have its heritage significance impacted on.
  - A 14m high Sighting Tower overlooking Roundhill reservoir 2.5km to the south where from the mast would be readily visible and hence the setting of the listed building would be altered, such as having the potential to result in less than substantial harm
- 10.53. The subsequent paragraph of the NPPF, 203, notes that the significance of a non-designated heritage asset should also be considered. Around 200m east of the memorial is a former Methodist Chapel located just above the 200m contour, which is undergoing conversion to a dwelling as a result of an October 2022 planning permission (22/00816/FUL) which was judged as retaining the character of the non-designated heritage asset.
- 10.54. The chapel is some 800m distant from the intended site of the mast which would be to the south-west. The development would indirectly affect the non-designated heritage assets and due to the intervisibility between the two sites, this would result in harm to its significance.

10.55. Other buildings in the wider locality may also be considered non-designated heritage assets but are further distant and the judgement of the impact of the proposal on those is no more harmful than that created on the Methodist Chapel.

### Ecology

10.56. The final matter raised in the second criteria of Local Plan Policy T15 is that of ecology and accordance with Policy NE3 concerning protecting the natural environment.

10.57. Policy NE3 supports proposals that protect and enhance features of ecological and geological interest and provide gains in biodiversity

10.58. Natural England consider that in order that the construction of the proposal does not have an adverse effect on the protected biodiversity areas, that no construction work must be undertaken during the related bird breeding seasons.

10.59. In terms of biodiversity gains the dry-stone wall that is to surround the compound will provide niche opportunities to various species (including invertebrates, reptiles, mammals and birds).

10.60. Further, the submitted ecological assessment recommends within the immediate vicinity two reptile hibernacula, a place to overwinter, and a refugia, to take shelter in, are provided along with three bird boxes and two bat boxes on nearby trees.

### Other matters

10.61. Harrogate District Local Plan Policy CC4 requires all developments to be designed to reduce the extent and impacts of climate change. The scope for such with this type of proposal is limited.

10.62. The AONB Management Plan, referenced by Section B of Policy GS6, has long term vision of a “place where environmental limits are widely respected and concerted effort is being made to reduce carbon emissions while seeking opportunities to increase carbon storage”.

10.63. Aim CC1 of the Management Plans is to reduce carbon emissions and seek opportunities for increased carbon storage. The use of a biofuel is a clear positive feature with up to a 90% reduction in greenhouse emissions and is 100% biodegradable.

10.64. Harrogate District Local Plan Policy HP4 notes development proposals should be designed to ensure that they will not result in significant adverse impacts on



the amenity of occupiers and neighbours. The generator is suitably attenuated such as not to detract from the amenities, including that of the nearest dwelling, which being formed in the Methodist Chapel.

- 10.65. In addition, the installation is confirmed, as required by paragraph 117 of the NPPF, as compiling with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to mobile communication signals.
- 10.66. The fuel tank to be fully filled would require two tanker visits. Given the role of the generator as a backup facility in the event of a failure of the electric supply, the instance of this would not demonstrably negate from local highway safety.
- 10.67. To address the remaining matter under paragraph 117 of the NPPF, interested organisations consulted before the application were the then District Councillor, the clerk to Fearby, Healey and District Parish Council, the Member of Parliament and the Councils Programme Manager for Mobile Phone Coverage. Only the latter is stated as responding seeking coverage plots and asking that the antennae and dishes be painted the same colour as the mast.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposal would notably enhance mobile phone coverage in the locality by four operators through the use of a single installation so according with paragraphs 114 and 115 of the NPPF and being complaint with paragraph 117. In doing so the proposal is beneficial with regard to Local Plan Policy GS5 'Supporting the District's Economy' and part of section C of Policy GS6 'Nidderdale Area of Outstanding Natural Beauty'.
- 11.2. The site is located within the Nidderdale Area of Outstanding Natural Beauty where under NPPF paragraph 176 great weight should be given to conserving and enhancing landscape and scenic beauty. The proposal would be a detracting feature with unacceptable landscape and visual effects.
- 11.3. Existing enjoyment of the landscape of the AONB would be detracted from, particularly for uses of the Six Dales Trail.
- 11.4. Less than substantial harm would arise on two listed buildings and there would be harm to the significance of a non-designated heritage asset. In the overall balance if the proposal were to be acceptable on all other grounds those impacts would not be so adverse as to oppose the development.
- 11.5. The proposal is contrary to the remaining terms of Section C as well as Section A of Policy GS6 'Nidderdale Area of Outstanding Natural Beauty',



Policy NE4 'Landscape Character', HP5 'Public Rights Of Way, NE5 'Blue and Green Infrastructure' and HP3 'Local Distinctiveness'.

- 11.6. As such, the balance comes down to the form of the proposal versus the landscape impact it has.
- 11.7. The applicant has drawn attention to a recent allowed appeal decision in Northumberland National Park, for a 25m high lattice tower set adjacent a plantation with the lowest supported equipment on the tower just above the height of those trees.
- 11.8. In contrast, the application under consideration has the lowest supported equipment on the tower over 13m above the height of the surrounding trees. It is this visual prominence of the proposal above the trees, rather than being set primarily within the trees, that results in the identified landscape harm. Accepting that the plantation is young, and the trees will increase in height even if they were to extend so far, and remain, that would take at least two decades during which the harm would to a considerable extent remain paramount.
- 11.9. A key driving force for the chosen location is that the site is within a plantation but that has resulted in the mast having to be of the height shown, c.300m AOD order to provided clearance from trees on land to the north. There is no long-term guarantee that for the life of the proposal that the plantation would remain in existence.
- 11.10. Equidistant to the west of the Six Dale Trail, that the proposal is to the east, the rising land has exceeded the 300m contour. Although an exposed location, a mast thereabouts should be shorter in overall height, and less harm to the landscape of the AONB would arise. There would be a potential visual implication in terms of the equipment in the compound, although that submitted is stated as being visible from the closest point of the Six Dales Trail. That is where the advice in the NPPF, at paragraph 115 concerning sympathetic design would come into play in mitigating the impact.
- 11.11. Alternatively, a lower mast at the application site would equally have less harm on the AOB; that would not provide the full extent of coverage due to the impact on any signals caused by the trees to the north and would require a second installation. Such additional installation could however improve the extent of coverage to Colsterdale, which the proposal fails to achieve, and the provision of a number of lower masts is an approach taken elsewhere in the AONB as, whilst potentially in conflict with NPPF paragraph 115 and keeping the number of masts to a minimum, does allow for such to be provided without causing undue harm to the landscape character of the AONB.

11.12. Whilst the benefits of the Rural Network Scheme for mobile phone coverage are therefore agreed, the extent of landscape harm caused impacting on the amenities of visitors to the AONB is such that the proposed development would introduce an incongruous feature into an unspoilt landscape creating an unacceptable level of harm to the landscape character of the Nidderdale AONB which would be contrary to Local Plan Policies GS6, HP3, HP5, NE4 NE5 and TI5 and paragraph 176 of the NPPF.

## **12.0 RECOMMENDATION**

12.1 That planning permission be REFUSED for the following reason

1. The proposal by reason of its height would be an incongruous feature unduly intrusive in the local landscape of the Nidderdale Area of Outstanding Natural Beauty, causing an extent of harm that would not conserve and enhance the landscape, or its scenic beauty and detract from the amenity of visitors, including users of a named public right of way contrary to Local Plan Policies GS6, HP3, HP5, NE4 NE5 and TI5 and paragraph 176 of the National Planning Practice Framework.