

5. FULL APPLICATION: REMOVAL OF EXISTING 24M AIRWAVE TOWER AND REPLACEMENT WITH A 35M TOWER WITH ATTACHED ANTENNAE AND DISHES FOR AIRWAVE, THE ESN (EAS) AND SRN NETWORKS. AT GROUND LEVEL, ADDITIONAL CABINS/CABINETS WILL BE POSITIONED ON THE OLD AND NEW TOWER BASES, ALONG WITH A STANDBY GENERATOR. A SEPARATE VSAT DISH ENCLOSURE WILL BE ESTABLISHED 100M TO THE SOUTH WEST OF THE MAIN COMPOUND AT AIRWAVE TELECOMMUNICATIONS TOWER AT SNAKE PASS CLEARING SNAKE ROAD BAMFORD NP/HPK/1020/0947, JK

APPLICANT: AIRWAVE SOLUTIONS LTD

1. Summary

2. This application was first presented to the December 2020 meeting where the Committee resolved to grant permission subject to the prior receipt of a Planning Obligation to secure long term control over the surrounding trees. The surrounding forestry woodland currently provides essential screening of the mast site and would mitigate what would otherwise be an unacceptable landscape impact.
3. No obligation has been able to be concluded between the applicant and the landowner and hence the application is referred back to the Committee to re-determine in view of the changed circumstances.
4. The application site is an existing telecommunications mast site off the A57 Snake Pass road and within a coniferous plantation with maturing trees averaging 24m high.
5. The proposal is to replace the existing 24m high telecoms mast with larger 35m one to enable mast sharing with additional antenna and transmission dishes installed above the tops of the trees.
6. The upgrade will provide essential coverage for the new blue light Emergency Service Network and will also bring mobile coverage to the local community and other users of the area where there is currently no service.
7. Long term control over the surrounding trees which provide essential screening is necessary. A Planning Obligation in the form of a Unilateral Undertaking was suggested to achieve this but the landowner, Forestry England, is unable to agree to any restriction. They will instead allow some limited planting around the compound's fenced perimeter however this would not be under any planning control being both outside the applicants control and the application red line site area.
8. We consider the increased scale of mast and the associated equipment can be accommodated satisfactorily within the coniferous plantation as it stands now without causing harm to landscape, however, the whole plantation is likely to be clear felled in the near future which would leave the mast isolated as a highly intrusive and harmful feature upon the open landscape.
9. Whilst our policies provide support in principle for telecoms infrastructure to deliver this service, this is provided the valued characteristics of the National Park Landscape are not harmed. This proposal will not secure any control over the screening which is essential to make the development acceptable, nor will it make adequate provision now for controlled replacement planting to mitigate the likely harm and therefore we now recommend that permission is refused.

10. Site and Surroundings

11. The application site is an existing Airwave telecommunications base station with a 24m high lattice mast and stone equipment building located at the northern end of the Snake Valley, approximately 400m north-west of the Snake Pass Inn.
12. It lies to the east of the A.57 and is set back 50m from the road within coniferous woodland managed by Forestry England and is accessed off an existing forestry clearing which has a recessed double gated entrance off the A57. A public footpath heads south-east from these gates. Trees surrounding the mast have grown in the last 20 years since the mast was first erected from some 15m to 20m tall.

13. Background

14. Airwave Solutions Ltd currently operate the UK wide emergency services network until the expiry of their operating licence. The existing tower at Snake Pass Clearing is integral to their network and will remain so for several years to come.
15. The Emergency Services Mobile Communications Programme (ESMCP) is the Home Office led programme responsible for the new Emergency Services Network (ESN). It aims to provide a 4G integrated voice and broadband data communications service for the blue light emergency services. ESN has initially been deployed by enhancing an existing commercial network configured to give the three emergency services priority over other users. This proposal, like the mast approved last December above High Bradfield (with S106 securing a surrounding woodland management plan), and the other mast proposal on this agenda for a site further up the A57 is for the Extended Area Services (EAS). This is to provide additional infrastructure to extend the ESN into primarily remote and commercially unviable areas where little or no mobile network coverage exists. The Home Office EAS team have identified this existing Airwave tower as a site share opportunity.

16. Proposal

17. The removal of the existing 24m Airwave tower and replacement with a 35m lattice tower upon which will be attached antennae and dishes for Airwave, the ESN (EAS) and the Shared Rural Networks (SRN). 3 No. Existing Airwave antenna would be installed at 26m above ground level (AGL) 2 No. ESN (EAS) panel antenna and 2 No. 600mm diameter dishes at 35m AGL and 3 No. antenna at 31m AGL for the shared rural network (to provide the public and local community with access to 4G coverage).
18. At ground level, the existing fenced compound would be extended and additional cabins/cabinets be positioned on the old and new tower bases, along with a standby generator. A separate fenced enclosure housing a 1.2m diameter satellite dish is proposed 100m to the south-west of the main compound to obtain the required clear line of site through the tree cover to function.
19. The tower is proposed to have a plain galvanised steel finish with the ability to be painted subject to planning condition requests. The steel cabins and cabinets would be coloured dark green (RAL6009).

20. RECOMMENDATION:

That the application be REFUSED for the following reason;

The ability of this site to successfully accommodate the proposed mast without harming the valued characteristics of the National Park landscape relies totally

upon the continued screening effect provided by the surrounding trees which are outside of the applicant's ownership and control. These trees are likely to be clear felled in the near future as a result of being both a forestry crop and also because the majority are larch and vulnerable to a known disease already affecting trees elsewhere within the National Park. In the absence of suitable mechanism to secure control over the long term retention and with suitable management/planned replacement of the immediate surrounding tree cover, to mitigate the potential loss of larch to disease, the proposal is contrary to policies GSP1, GSP3, L1, DMU4C, DMC3, and the NPPF.

21. Key Issues

22. Whether the principle of the proposed development is acceptable.
23. The impact of the development upon the scenic beauty and other valued characteristics of the National Park.
24. Whether the need for the development, notably emergency services cover, outweighs any harm identified and taking into account the economic and social benefits of the development.

25. Relevant Planning History

26. 2001 – Approval for telecommunications base station for Airwave. Conditions required the equipment to be all dark green and be made available for use by all emergency services and for no other purpose. Conditions also required the installation be removed if trees within a 30m radius of the site are substantially removed and that it be removed when no longer required for telecoms purposes.

27. Consultations

28. Highway Authority: No objections on the basis that the proposals will not result in an intensification in use of the existing access to the public highway.

29. Representations

30. One letter has been received from the National Trust which makes the following summarised comments;
31. Recognises need to provide improved network coverage and therefore do not object to the principle of the development.
32. Request that the Authority ensures that the height is the minimum necessary to achieve the required coverage, particularly if the adjacent trees are likely to be felled in future.
33. Screening is entirely dependent on the felling regime employed within the forestry plantation. Clear felling could result in a very stark view of the lattice tower and therefore request that a planning condition or agreement is used, if possible, to secure the future management of this woodland and prevent clear felling.
34. Also request that the colour of all equipment is secured by planning condition and suggest a dark green colour and if upper sections will significantly exceed the height of adjacent trees and will skyline in views then another colour may be preferable.

35. National Planning Policy Framework (NPPF)

36. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
37. The National Planning Policy Framework (NPPF) has been revised (2019). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
38. In relation to telecommunications development, Paragraph 112 of the framework document sets out the objectives of the Communications Infrastructure. It states that '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.
39. Paragraph 113 of NPPF 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".
40. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

41. Main Development Plan Policies

42. Core Strategy

43. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
44. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

45. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements.
46. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
47. L3 - Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
48. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
49. Development Management Policies
50. The supporting text in the Development Management DPD includes a section on telecommunications development. This states:
 51. *10.18 The nature of the landscapes of the National Park makes the assimilation of telecommunications infrastructure and associated equipment very difficult without visual harm.*
 52. *10.19 Modern telecommunications networks are useful in reducing the need to travel, by allowing for home working. They can be a vital aid to business and to emergency services and the management of traffic. However, as with other utility company development, the National Park Authority must carefully avoid harmful impacts arising from this type of development, including that needed to improve services within the National Park itself. Telecommunications development proposed within the National Park to meet an external national need, rather than to improve services within it, may well be of a scale which would cause significant and damaging visual harm and in such circumstances alternative less damaging locations should be sought.*
 53. *10.20 In exceptional circumstances where it can be demonstrated that telecommunications infrastructure is essential, rather than desirable to the industry, the National Park Authority will seek to achieve the least environmentally damaging but operationally acceptable location. It will request that the full range of technical information is supplied by the company regarding the siting, size and design of the equipment proposed to facilitate evaluation of the least obtrusive but technically feasible development in line with guidance in the NPPF.*
 54. *10.21 New equipment should always be mounted on an existing structure if technically possible and development should be located at the least obtrusive site. Particular care is needed to avoid damaging the sense of remoteness of the higher hills, moorlands, edges or other prominent and skyline sites. Upland or elevated agricultural buildings, which are not uncommon in the National Park, may provide a suitable alternative to new structures in the landscape. If necessary, the National Park Authority will seek expert advice to help assess and minimise the impact of the design and siting of telecommunications infrastructure. Evidence will be required to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest. Fixed line Code Operators should refer to the Code of Practice for Cabinet siting and Pole siting, June 2013.*

Policy DMU4 Telecommunications infrastructure

- a. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the landscape or other valued characteristics of the National Park.
- b. Development proposals for radio and telecommunications must be supported by evidence to justify the proposed development.
- c. Telecommunications infrastructure will be permitted provided that:
 - i. the landscape, built heritage or other valued characteristics of the National Park are not harmed;
 - ii. it is not feasible to locate the development outside the National Park where it would have less impact; and
 - iii. the least obtrusive or damaging, technically practicable location, size, design and colouring of the structure and any ancillary equipment, together with appropriate landscaping, can be secured.
- d. Wherever possible, and where a reduction in the overall impact on the National Park can be achieved, telecommunications equipment should be mounted on existing masts, buildings and structures. Telecommunications equipment that extends above the roofline of a building on which it is mounted will only be allowed where it is the least damaging alternative.
- e. Substantial new development such as a mast or building for the remote operation and monitoring of equipment or plant not part of the code-system operators' network will not be permitted.

55. The Code of Best Practice on Mobile Network Development in England (2016)

56. The Code of Best Practice provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England.

57. Assessment

58. Principle of Development

59. Proposed is the upgrading of an existing telecommunications site with a taller mast to carry additional antenna for the new emergency services network but which would also now provide mobile coverage for the local community, visitors and travellers along this stretch of the A57 'Snake Road'. A mast share, although requiring a raised mast height, avoids the need for further masts in the vicinity which would otherwise be required.

60. Relevant policies in the Development Plan offer support in principle for the erection of new or improved telecommunications infrastructure provided that the development does not harm the valued characteristics of the National Park and where it is not feasible to site the development outside the National Park. The Authority's policies are consistent with the National Planning Policy Framework which is supportive of the development of communication networks where justified but also states that great weight should be given to conserving the Peak District National Park.

61. The essential need for coverage of the immediate local area proves the need for a mast in this location and that in this case a mast share is the most appropriate solution to provide the necessary service and meet policy. There are therefore no objections in principle to the development and it is considered that the main issue is the impact of the proposed development upon the valued characteristics and landscape of the

National Park and whether the visual impact of the mast would be outweighed by the public benefits.

62. Design and Appearance

63. The proposed mast is a lightweight tapered lattice style, typical for these installations and entirely appropriate in this context. Given the site is located within mature coniferous woodland a dark green colour with a matt finish would minimise the visual impact such that from any public views through the trees from the road or footpath it would not be noticeable.
64. The existing Airwave antenna are slim and would be located below the tree height, only the EAS and SRN antenna with the associated dishes would have to be located above the treeline in order to function. The ground level equipment cabinets would all be contained within a modest extension of the existing compound surrounded by a matching 1.8m high chain link fence. We suggest that in any approval these, along with the mast itself and all associated antenna, dishes and support structures are all conditioned to be coloured dark green with a matt finish to minimise their visual impact. On this basis there are no objections to the design or appearance of the mast and its extended compound.
65. A satellite dish is also needed to link the site to the wider network and due to the thickness and height of surrounding trees at the mast site itself this needs to be sited some distance away from the mast to achieve a suitable line of sight skywards through the trees to the satellite. Hence a separate small fenced compound to house this 1.2m diameter dish is also proposed. Subject to this installation also all being coloured dark matt green we have no objections to the design and siting of this dish.

66. Landscape Impacts

67. Whilst the top of the new mast would protrude above the current tree height, it would have a proportionally similar impact to that the current mast had when first approved back in 2001 now that the trees have grown. It would not skyline from any public vantage points and would be seen against the backdrop of the dark green tree-covered hillside. Whilst sometimes a second mast can be an alternative and less intrusive option, within this forestry plantation landscape a mast share can be easily accommodated and hidden amongst the current trees. We therefore consider that on this site a single higher mast remains the least intrusive option for covering this upper section of the A.57 in the Snake Valley.
68. However, the mast is only acceptable in this location because of the screening provided by the dense coniferous tree cover which being part of a managed plantation is therefore subject to clear felling and replanting on a cyclical basis.
69. 20 years ago when the first mast was approved the Authority imposed a planning condition requiring removal of the mast should the adjacent screening trees be felled. In this case a 30m diameter buffer was conditioned and in order to protect the future of the existing mast. Given the substantial investment we initially assumed the applicants would have negotiated some form of agreement with Forest England to retain the tree-cover through long-term management. However, given the unenforceability of the condition (discussed below) there was no need for Airwave to conclude any agreement, which appears to be the case.
70. The 2001 condition is not enforceable because it relates to land both outside the application site area and which was outside the ownership and control of the applicants at that time. For these reasons it would not therefore meet the legal test for conditions

and as a result the current 24m mast would be able to remain in-situ should the area around the site be clear felled.

71. Consequently for the Authority to properly secure the retention of the screening, without which we could not support the proposal for the replacement higher mast, a Planning Obligation is essential. It would need to identify an appropriate block of trees to be retained and managed with replanting of appropriate disease resistant fast growing species and be in place throughout the lifetime of the development to maintain and indeed enhance the effectiveness of the screening tree cover.
72. We therefore recommended approval to the December 2020 Planning Committee subject to a suitably worded obligation under S106 of the Planning Act to secure such a woodland management plan and subject to the above mentioned conditions. On this basis we considered the current minimal landscape impact of the mast would be acceptable and in any case any slight adverse visual impact would be more than outweighed by the public benefits of the service.
73. Unfortunately, the applicants have been unable to secure any formal agreement whatsoever with Forestry England as landowner to secure the future of any trees around the site. Forestry England (FE) explain in correspondence copied to us that although they have the area listed for LISS – Low Impact Silvicultural Systems (a type of woodland management to create more species and structural diversity in a woodland which would bring landscape, ecological and climate change benefits) they are having significant issues with a plant disease in the Peak District affecting which amongst forestry trees the larch in and around this site are particularly susceptible.
74. They are currently having to clear fell large areas of affected trees in the Goyt Valley and state that it is likely that the Larch trees here will become infected in the next few years and need felling. FE comment further that the remaining spruce trees would not remain windfirm due to the high percentage of larch taken out and therefore the whole are would need to be clear felled. Consequently they are unable to give any assurances that there would be continuous cover or enter into any formal agreements to retain trees or allow planting/management.
75. Clearly this is a significant material change in circumstances since the December Committee resolution and without any control over the surrounding trees there is a clear and significant risk that the replacement mast would be left isolated, resulting in substantial landscape harm. It must however be borne in mind that harm would also occur in such a scenario from the current mast which would lawfully remain in place after any felling, however there is significant difference in landscape impact between a 24m mast and one 35m high which would also carry more antennae. There would also be a significantly longer period of intrusion as even with replanting fast growing conifers it may take 35-40years for them to reach 20m and have a meaningful screening effect. We therefore consider it more important than ever that any existing understory self-set growth now is retained as part of any management/replanting plan, provided of course they disease susceptible species.
76. Unfortunately the applicants have only managed to secure agreement with FE to carry out some very limited additional planting which would still be on FE land and therefore entirely at risk being outside any planning control. Amended plans show this would only comprise a single line of trees (unspecified species) planted at 2m high around and hard up against the perimeter fence to the proposed equipment compound. Furthermore it is stated that should these be removed by Forestry England during a clear fell exercise they commit to replanting with similar species again at a minimum 2m height.

77. The proposed planting would make no difference whatsoever short term and if it escapes any clear fell exercise, would need many years (35-40) to grow to anything like an effective screen for the mast. Although it would likely help reduce the visual impact of the ground level compound in a relatively short time, being a single thin line it would have limited screening and also likely be vulnerable to wind damage depending upon its surroundings and of course Forestry England could remove it at any point.
78. We have considered alternatives such as granting a temporary permission linked to the presence of the trees but this would not be reasonable or appropriate given the essential need for the continued service and coupled with the high level of investment. A condition would also not be appropriate that required any reduction in height if the trees were removed given that is not the development being applied for as well the lack of evidence that such a scenario would still give the required coverage.
79. Officers have been strongly urged by the applicant and their agent to prioritise the service need and place more weight upon this in the planning balance over the landscape impact. Whilst we understand the importance of the service and note our policies support the principle, in applying both the NPPF and our own local planning policies, it is clear that great weight needs to be applied to protection of the special landscape quality of the National Park landscape in difficult cases like this where there is conflict between competing interests. In this case without secure control over landscaping there is clear likelihood for substantial landscape harm based on the evidence from Forestry England and consequently the officer recommendation is changed to a refusal on landscape grounds.
80. Whether there is an alternative solution(s) to meet the need with perhaps an alternative site(s) and with lower equipment closer to the road would need to be subject to further investigation and negotiation via the pre-application service given it would involve a fresh application.

81. Amenity Impact

82. The nearest properties are located at the Snake Inn complex 400m south and out of sight of the mast, so we consider are not affected by the development other than in a positive way from improved mobile communication.

83. Highway Impact

84. The access exists and is wide enough for use by large forestry vehicles. It has good visibility and is therefore acceptable for both any construction vehicles and thereafter once built the level of traffic associated with the site would be the occasional maintenance visit. There are therefore no highway concerns over the access and traffic implications of the proposal.

85. Conclusion

86. The site is an existing telecommunications site which is capable of accommodating the larger mast as a shared site. The upgrade will provide essential coverage for the new blue light Emergency Service Network and will also bring much needed mobile coverage to the local community and other users of the area where there is currently no service.
87. However due to circumstance beyond the applicants control the essential tree screening upon which the acceptability of the site rests, in terms of its landscape impact, cannot be secured. Whilst in the short terms the proposed mast and the associated equipment could be accommodated satisfactorily within this coniferous

plantation the evidence from the landowner, Forestry England, is clear that this cannot be guaranteed and moreover it is likely that the trees will need to be clear felling in the next few years. Without long term control over the surrounding trees which provide essential screening for the site, approval of the proposal would be contrary to our adopted policies and hence we now recommend refusal of the application.

88. Human Rights

89. Any human rights issues have been considered and addressed in the preparation of this report.

90. List of Background Papers (not previously published)

91. Nil

92. Report author: John Keeley – North Area Planning Team Manager.