

Emma Heron [via email]

Planning Team

Yorkshire Dales National Park Authority

10 January 2024

Additional Comment on Planning Application: R/48/169 Mobile Mast on Land at Black Hill Moss, Cotterdale

Full planning permission for the installation of a new telecommunications base station comprising; a 20m lightweight lattice mast with 3no. radio antennas, 3no. 600mm dishes, radio equipment housing, a solar array and ancillary development within a new compound area (SRN32)

LURA (Levelling Up and Regeneration Act) 2023

Dear Ms Heron

Friends of the Dales recently **objected** to this application. We now wish to draw the authority's attention to the "Statement of Support" for this application, published on the Citizen Portal, from Building Digital UK (BDUK).

BDUK describes itself as an Executive Agency of the Department of Science, Innovation and Technology (DSIT). As such we believe it is subject to the changes regarding the duties on relevant authorities as a result of the LURA (Levelling Up and Regeneration Act) 26 October 2023. **We do not believe their response adequately meets that duty.**

Rationale

The statutory purposes of National Parks (under the National Parks and Access to the Countryside Act 1949 as amended by the Environment Act 1995, Section 62) are:

- i to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
- ii to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public.

The LURA, Part 12, 245 (3) (b) (1A) 245 came into force on 26 December 2023 amends the duty on relevant authorities under S62 of the Environment Act 1995 to:

*'In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority **must seek to further the purposes** specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park'.*

Continued./...



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Although the Secretary of State has not yet made regulations about how to comply with this new duty, it still applies in the absence of those regulations. All the bodies to which this duty applies, including Government Departments, statutory bodies (Forestry England, Natural England, Environment Agency, National Highways), local authorities, utility providers (water companies, electricity companies), the regulators (Ofgem, Ofwat) **should now be doing more to demonstrate how they are meeting this new duty.**

Any response from one of these bodies to a planning application, for example, should clearly demonstrate how national park purposes are being furthered – **i.e. how in their view the application helps these purposes progress, be successful or be achieved.**

Application R/48/169

With reference to this specific application, it is unclear to us on what basis BDUK has responded. They are not listed as a Statutory Consultee. As they have chosen to respond, and in our view can be regarded as a relevant authority in this case, we believe that their response should demonstrate how national park purposes are being furthered.

The “Statement of Support” appears to be generic. No mention is made of this application being in a national park and no reference is made either to the previous duty upon BKUK to have regard to, or this new duty to further national park purposes. There is no detail on how the application for this specific mobile phone mast in this location helps those national park purposes progress, be successful or be achieved.

We believe this makes the response from BDUK inadequate and should not have an influence on any decision made by the national park authority. Given BDUK’s response is dated just before the new Act came into force, they now have an opportunity to improve their response in light of the new legislation. We urge the authority to seek an improved response which clearly demonstrates how BDUK is meeting its duty to further national park purposes.

Note: We are grateful to colleagues in Campaign for National Parks who campaigned for this amendment to LURA and are supporting us, and others, in understanding the implications of this new duty.

Chair, Policy and Planning Committee
On behalf of Friends of the Dales

Friends of the Dales is a working name of the Yorkshire Dales Society which was founded in 1981 and is a registered charity and company limited by guarantee. Friends of the Dales is free of political and financial affiliations. We work to ensure that the Government, the Yorkshire Dales National Park Authority, and other relevant agencies deliver their obligations to care for the special qualities of the Yorkshire Dales, an internationally important area. We do this by considering major planning applications and policy development affecting the Yorkshire Dales and adjacent areas. We offer a year round programme of walks and talks so that everyone can enjoy and learn more about this beautiful area and why it needs protection. We have a membership of around 1,300 individuals, families, businesses and organisations.