

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

29 APRIL 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 19/00213/FUL
OFFICER:	Barry Fotheringham
WARD:	Selkirkshire
PROPOSAL:	Erection of Telecommunications Lattice Mast 30m High with Associated Equipment within Fenced Compound
SITE:	Land East of Deephope Farmhouse, Selkirk
APPLICANT:	WHP Telecoms
AGENT:	WHP Telecoms

SITE DESCRIPTION

The application site is located on the north-west facing slopes of Deephope Hill to the south east of the dispersed village of Ettrick, some 25km south west of Selkirk in the Ettrick Valley. It is located adjacent to an existing forestry track accessed from the minor public road approximately 500m south of Angecroft Caravan Park. The site is located within an area of commercial forestry on the Gamescleuch Estate. The forestry is partly undergoing planned felling.

The application site is located in predominantly rural landscape characterised by large scale rolling landform dominated by forest cover.

PROPOSED DEVELOPMENT

This is a detailed planning application for the erection of a 30m high telecommunications mast and associated infrastructure. The application has been submitted on behalf of the Scottish Government and the Scottish Futures Trust (SFT) Digital Strategy for Scotland which aims to provide a new mast network to bring coverage to 'Not Spot' areas throughout Scotland. The programme is focused on providing access to 4G services across rural communities in otherwise hard-to-reach areas. The proposed development would be future proofed under the Scottish 4G Infill Programme to ensure the mast can support 5G in the future.

The proposals include the erection of a 30m high lattice tower, 3 telecommunications antenna and transmission dishes. Associated infrastructure would include 2 No. equipment cabinets, security fencing (2.1m high) and groundworks to create a level compound.

PLANNING HISTORY

There is no planning history associated with this site.

18/00379/PN – Construction of Forestry Road – Land South East of Gamescleuch Cottage, Selkirk. Prior notification was given by the Forestry Commission of their intentions to construct/upgrade forestry tracks on the Gamescleuch Estate. The track runs immediately to the north west of the current application site. Approved, subject to condition on 30 April 2018.

REPRESENTATION SUMMARY

At the time of writing, 9 letters of objection had been submitted in connection with this application. Of the 9 representations received, 6 letters (from 5 separate households) were received before the expiry of the statutory period. This has triggered referral to the Planning and Building Standards Committee under the Council's Scheme of Delegation.

25 letters of support have been received.

Copies of all letters of objection are available for Members to view in full on Public Access. The principal grounds of objection can be summarised as follows:

- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Health Issues
- Height of Mast
- Inadequate screening
- Increased traffic
- Land affected
- Loss of view
- Adverse impact on the landscape
- Noise nuisance
- Privacy of neighbouring properties affected
- Trees/landscape affected
- Value of property
- Lack of communication
- Bad neighbour development
- Decommissioning
- Detrimental impact of emissions from the mast on humans and indeed all living creatures.
- Environmental and aesthetic grounds
- It is a beautifully unspoilt area with abundant wildlife and flora, and unique as a floodplain.
- The mast will emit electromagnetic radiation which can affect bird populations.
- Existing valley is beautiful, peaceful and unpolluted. It should remain this way.

Copies of all letters of support are available for Members to view in full on Public Access. They can be summarised as follows:

- Currently no phone signal in valley
- 4G signal will make valley a safer place to live
- Access to phone signal and internet
- Support local businesses
- Superfast broadband will become available and this is also welcomed.
- Weather conditions currently affect existing landlines
- Health and safety grounds – vulnerable residents, loan workers, tourists, hill walkers
- Help sustain and build the local community which relies on tourism and local businesses
- No access to emergency calls

- Ettrick is getting left behind in the race for improved rural communication
- Road safety
- Encourage visitors and help retain young people in valley.

APPLICANTS' SUPPORTING INFORMATION

- Supporting Statement
- International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Declaration
- Photomontage
- Coverage Plans

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

Policy PMD2 – Quality Standards

Policy HD3 – Protection of Residential Amenity

Policy ED6 – Digital Connectivity

Policy ED7 – Business, Tourism and Leisure Development in the Countryside

Policy EP1 – International Nature Conservation Sites and Protected Species

Policy EP2 – National Nature Conservation Sites and Protected Species

Policy EP13 – Trees, Woodlands and Hedgerows

Policy IS5 – Protection of Access Routes

Policy IS15 – Radio Telecommunications

OTHER PLANNING CONSIDERATIONS:

Planning Advice Note 62 - Radio telecommunications

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Ettrick and Yarrow Community Council: No response

Statutory Consultees

None

Other Consultees

None

KEY PLANNING ISSUES:

The key planning issues with this application are:

- Whether the proposed development complies with LDP policies, in particular Policy IS15 – Radio Communications and whether there are material considerations that would justify a departure from these provisions.

ASSESSMENT OF APPLICATION:

Planning Policy

The principal policy against which this application should be assessed is Policy IS15 of the Local Development Plan 2016 (LDP). This is supported by Policy ED6 – Digital Connectivity which aims to encourage digital connectivity across the Scottish Borders. This includes the delivery of telecommunications, broadband and other future digital infrastructure.

The aim of Policy IS15 is to support the expansion and diversification of the telecommunications industry but in ways which minimise its visual and environmental impact. The policy recognises the social and economic benefits of improved telecommunications infrastructure but ensures that developers have to consider alternative options for siting and design to justify their preferred solution.

Proposals for telecommunications masts including associated infrastructure and access will be required to be assessed against three key criteria within Policy IS15:

1. The proposals should be positioned and designed sensitively to avoid unacceptable effects on the natural and built environments including areas of landscape importance and areas of ecological interest.
2. Developers must demonstrate that they have considered options for minimising the impact of the development, and
3. Where mast or site sharing is shown to be impractical the developer must demonstrate that there is no alternative location that will satisfy the operational requirements.

The application site is located in a rural location characterised by large rolling hills and coniferous commercial woodland but it is not located within a designated landscape, nor is it located within an area of ecological interest. The River Tweed SAC and SSSI are located to the north and west of the application site but are sufficiently divorced from the site that they will not be adversely affected by the proposed development. Criterion 1 of Policy IS15 can be met.

It is accepted that there will be an impact on the natural and built environment. The introduction of a mast of this size into an otherwise rural landscape will undoubtedly have an effect, but what is critical in the assessment of this application is whether the impacts are such that they result in an unacceptable adverse impact on the landscape. In this case, it is considered that the impacts are negligible and will not have an unacceptable adverse impact. It is noted that the mast, as shown on the photomontage and wireline diagrams will extend above the skyline, particularly when the remaining trees are felled and will be visible in the wider landscape. However, while it will be viewed in isolation it will have less impact on the wider landscape than the removal of existing woodland.

Ideally, the mast should be as small as practicable and should be sited so that it has minimal impact on the landscape. The third party representations in this regard are acknowledged and the applicant has been asked to provide additional supporting information confirming that the proposed mast is the smallest mast suitable to accommodate the proposed development. The applicant was also asked to consider moving the mast further down the hill so that it does not overtop the skyline. At the time of writing the report this information was not available but a verbal update can be given to Members at the Committee.

However, and notwithstanding the fact that the top of the proposed mast will extend above the skyline when the remaining trees are felled, the chosen mast is a lattice tower typology which will help to reduce the impact on the development on the wider landscape. This is 'lighter' structure which allows views and light through allowing the tower to recede into the background. A solid mono-pole would not be appropriate in this rural location and would not be appropriate for mast sharing in the future.

The proposed compound would be located at the foot of the mast and would be screened by wire mesh security fencing. The compound will be visible at distances from public roads and residential receptors but will be viewed in combination with the mast over long distances. As the compound will be located at the foot of the mast it will benefit from containment by the surrounding landform and will not be visible above the skyline. The landscape and visual impacts of the compound will not be significant.

The applicant has offered to paint the mast green or brown so that it would recede against the backdrop of the hillside. However, as the top of the mast is likely to extend above the ridgeline it is suggested that the mast is retained as galvanised steel. Should members wish to see the mast painted, this can be covered by condition.

In terms of Criterion 3, the applicant has provided additional supporting information in the form of revised photomontages and coverage plans in order to address concerns raised by third parties. Members will note from the supporting papers the location of an existing mast on land to the south of Tushielaw Inn approved under application 17/01238/FUL. This is a 20m high lattice tower with associated infrastructure required as part of the Emergency Services Mobile Communications Programme replacing existing Airwave blue-light communications systems with a 4G platform.

The coverage plans for the existing mast (it is not clear if this mast is operational) and the proposed mast shows significant areas of overlap but crucially, in the case of the current application, the mast at Tushielaw, does not provide the desired level of coverage further down the Ettrick Valley. The intervening topography and river valleys means that there are limited siting opportunities for the Ettrick area. In order to achieve appropriate levels of coverage along the valleys, the applicant has identified this site as their preferred option. The coverage plans clearly show that the mast at Tushielaw will not provide potential for mast sharing.

Landscape and visual impacts

As set out above, it is clear that there are technical difficulties with this proposal in terms of providing the required level of coverage to 'Not Spot' properties in the area due to the complex topography of the Ettrick Valley. There are no opportunities to mast share locally and no buildings tall enough on which to locate the required equipment. The proposed mast and site location have been chosen as they provide the best solution in terms of delivering the level of service required in the area.

It is acknowledged that there will be landscape and visual impacts and the mast will extend above the skyline when the remaining woodland is removed. However it is considered that the landscape and visual impacts will not be unacceptable and the benefits of having improved mobile phone connectivity across the area to support residents, local businesses, tourism and the emergency services would clearly outweigh the perceived landscape impacts. It is also sufficiently distant from the public road to the extent that, although visible, its impacts visually will not be significant in the wider landscape when viewed from the road, which is the primary public receptor locally. Overall, any landscape and visual impacts are localised.

Access and parking

The proposed mast and associated infrastructure will be accessed via the existing forestry tracks serving the Gamescleuch Estate. The various components will be delivered by road and it is considered that the existing infrastructure is suitable to serve the proposed development with occasional access required for maintenance purposes only (no more than 2 or 3 visits per year). There will be no unacceptable adverse impacts on the existing road network.

There is a right of way which utilises an existing forestry track to the north of the application site however this would not conflict with the route used for access and maintenance.

Residential Amenity

Policy HD3 – Protection of Residential Amenity aims to protect the residential amenity of existing established residential areas and proposed new housing developments. Whilst this policy is more applicable to residential developments, the basic principles are relevant in this case. The third party objections are noted. However, given the distances between the proposed mast and existing residential properties, there will be no unacceptable adverse impacts on residential amenity as a result of loss of daylight, overshadowing or loss of privacy. Loss of a view is not a material planning consideration.

Natural heritage

As stated earlier in the report, the application site is not located within a designated area. It is located within 800m of the River Tweed SAC and SSSI but will not have a direct impact on the qualifying interests of these areas. Policies EP1 and EP2 can be met.

Archaeology

There are no archaeological implications associated with this application.

Pre-Application Consultation

The comments from objectors regarding the lack of communication are noted however there is no legal requirement for the developers to liaise with the community prior to submitting the application. The applicant has confirmed that prior to submitting the application, the ward Councillor and Community Council were informed of the proposed development.

As the mast exceeds 20m in height, it is considered 'Bad Neighbour' Development under Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The planning authority is required to advertise the development in a newspaper circulating in the locality. The application was advertised in the Southern Reporter on 7 March 2019. No neighbours were required to be notified.

Health

The application was submitted with an International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Declaration. This confirms that the proposed development would be in full compliance with the requirements of the radio

frequency (RF) public exposure guidelines on the limitation of exposure to the general public to electromagnetic fields. The objections from third parties are again noted, but in this case the proposed development would not pose a threat to public health. Members should be aware that perceived impacts on health are not material planning considerations in the determination of this application.

Noise

Representations refer to concerns regarding noise nuisance from the mast infrastructures. There are notes on the application drawings indicating possible installation of a generator however the applicant has confirmed that the mast and associated equipment will be powered from the public mains supply. The mast will also have battery backup where there are any short temporary power outages. A generator would only be deployed temporarily if there was a prolonged power outage and would be switched off once the mains supply was reinstated. It is contended that there will be no unacceptable adverse impacts on residential properties as a result of noise nuisance.

Decommissioning

It would be normal practice for decommissioned masts to be removed in their entirety from the site within an agreed period. The developer has not provided details of decommissioning in their supporting information but should Members be minded to support this application, it would be appropriate to condition decommissioning and removal of the mast when it is not being used for the purposes of providing telecommunications network coverage. Decommissioning is raised as a concern by objectors and this is acknowledged. A suitably worded planning condition will ensure that a programme for decommissioning is submitted and timeframes for the removal of the mast and associated equipment agreed.

CONCLUSION

The proposed mast and associated equipment form part of a national programme to deliver a new mast network and telecommunications coverage in hard to reach areas in Scotland that do not benefit from mobile telephone connectivity. The proposed mast will be visible in the landscape but it is considered that the benefits of having a strong telecommunications signal in the Ettrick Valley outweigh the limited and localised landscape and visual impacts. The proposed mast will be future-proofed so that it can accommodate other users and 5G networks. This will avoid the need for a proliferation of other masts locally. The proposed development complies with the principal policy requirements of the LDP and is consistent with the advice contained within PAN 62 ensuring that an improved digital infrastructure is available to ensure people and communities are better connected.

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

2. Within no more than 6 months of the date at which the development hereby consented ceases to be required for the purpose of telecommunications infrastructure provision:

(a) the telecommunications mast hereby consented, and all ancillary equipment and installations (including fencing, the cabinets, platform and hard standing) shall all be removed from the site; and

(b) the land at the site shall be restored to its former condition, unless, an application is first made and consent granted for the development's retention on-site to serve an alternative purpose.

Reason: Retention of the mast, and all ancillary installations on site, beyond the point in time at which it has become redundant, would not be sympathetic to the character of the site or the visual amenities of the surrounding area.

DRAWING NUMBERS

- 002 Site Location Plan
- 003 Site Location Plan
- 004 Site Plan
- 005 Site Elevation
- 006 Lease Demise
- Predicted Coverage Study
- Photomontage (Various)

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Barry Fotheringham	Lead Planning Officer



19/00213/FUL

Land East Of
Deephope Farmhouse
Selkirk

