

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00422/FUL

OFFICER: Stuart Small
WARD: Hawick and Hermitage
PROPOSAL: Erection of 25 high telecommunications Lattice Tower and associated ancillary works.
SITE: Land North Of Flatt Farm, Newcastleton
APPLICANT: Hutchison 3G UK Ltd
AGENT: WHP Telecoms Limited

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 5 June 2023.

SITE DESCRIPTION:

The application site is located around three miles south of Newcastleton close to the border of England. The site is currently unallocated greenfield land outside of any development boundary. Access to the site is taken from a private track leading to the property known as Abbotshaws Cottage. The site is surrounded by other greenfield and agriculture land, individual farms and isolated houses. The site is of no historic or natural significance.

PROPOSED DEVELOPMENT:

This application is a proposed telecommunications installation comprising a 25 metre high lattice tower fitted on a concrete base and associated ancillary works including the extension of an existing track for access. The Lattice Tower will feature nine antennas and six transmission dishes with anti-climb gates installed. The base of the structure will be bounded by a 1.2 metre high post and rail fence with two access gates. The extended access track will be 350 metres long and 3 metres wide. Existing vegetation on site will be carefully removed from any land that will be disturbed by the construction of the tower and stored local to the works. This vegetation will then be re-laid once works are completed, the land graded and reinstated with topsoil.

The development is part of the Shared Rural Network and is a collaboration between Mobile Network Operators and the Government to improve 4G coverage for people living, working and travelling in poorly served rural areas. The network will ensure coverage from at least one operator to 95% of the UK by the end of 2025. The proposed equipment considered under this application will be hosted by H3G (Three) and will be shared with Vodafone and Virgin Media O2

PLANNING HISTORY:

22/00411/FUL: Erection of 25m lattice tower supporting 9 no. antennas, 6 no. transmission dishes, 5 no. equipment cabinets, 1 no. meter cabinet and ancillary development with fenced compound and formation of access track and hard standing. Withdrawn 9th December 2022.

The current application follows pre-application discussions with the Council.

REPRESENTATION SUMMARY:

21 representations have been received, one general comment, two support comments and 18 objection comments. These can be viewed in full on Public Access.

The general comment and objection comments raised the following planning issues:

- Contrary to Local Plan.
- Health issues.
- Existing telecommunication masts nearby.
- Other appropriate sites located elsewhere.
- Disruption to wildlife / impact on bats.
- Visual impact on landscape / loss of view.
- Height of the tower / inadequate screening.
- Inadequate access.
- Increased traffic / impact on road safety.
- Loss of privacy / impact on neighbouring amenity.
- Impact on trees / lack of screening.
- Inadequate drainage.
- Impact on water supply.

The two comments of support emphasised the importance of improved mobile coverage in rural areas and the benefits of masts which allow for multiple operators to share infrastructure.

APPLICANTS' SUPPORTING INFORMATION:

- Covering letter
- SSSI
- ICNIRP
- Photomontage report
- Protected species survey

DEVELOPMENT PLAN POLICIES:

The development plan currently comprises National Planning Framework 4 and the Local Development Plan 2016. Certain policies of the Council's Proposed Plan 2020 which are not at Examination are also a material consideration but do not form part of the development plan. None are considered to be relevant in this instance.

National Planning Framework 4

Policy 1: Tackling the climate and nature crises

Policy 3: Biodiversity

Policy 6: Forestry, woodland and trees

Policy 24: Digital infrastructure

Local Development Plan 2016:

PMD2: Quality Standards

HD3: Protection of Residential Amenity

ED6: Digital connectivity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP13: Trees, woodlands and hedgerows

IS15: Radio telecommunications

OTHER PLANNING CONSIDERATIONS:

Trees and Development 2020

PAN62 Radio Telecommunications

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Ecology Officer: No objection, subject to conditions

Designated or protected sites

There are no protected sites of an international, national or local designation in or in the vicinity of the proposed site.

Protected species

The submitted protected Species Survey report by Highland Ecology is acceptable.

No signs of otters or pine martens were found.

The habitat within the surveyed area is suitable for water voles and badgers but no field signs of either were found. Anecdotal evidence was included that suggested badgers were previously found outside the survey area, more than 100m from the site.

Anecdotal evidence suggest the shelterbelt/felled plantation used to be used by red squirrel but no field evidence was found during the survey.

The small number of trees which are suitable for bats are approximately 30m away from the proposed works and are not proposed for felling.

A breeding bird survey was not carried out. However, the remaining shelterbelt and rough grassland is likely to be used by some birds for nesting and a Species Protection Plan for breeding birds would be required for any works carried out during the breeding season.

Peat

The Carbon and Peat map for Scotland (2016) identifies the application site, including the entire length of the proposed and existing access track, as mineral soils (no peat) with no peat vegetation.

Trees

The proposal would require the removal of 2 trees and 7 tree root balls. The trees proposed for felling will need to be compensated at a ratio of 2:1.

A detailed method statement for works around trees should be submitted.

To meet the requirements of NPF4 policy 3, appropriate biodiversity enhancements will need to be provided (appropriate to the scale of the development). Although, this does not necessarily have to be through tree planting. This can be covered by condition.

Watercourses

The ditch closest to the existing access track is at least 15m from the track. The land between the ditch and the track is rough grassland with some rushes and sedges. This should help reduce any impacts the widening works to the track could have on the water quality of the ditch or the watercourse downstream.

Additionally, two new culverts are proposed to be created to facilitate the development.

To ensure good practice is followed in relation to water quality/the protection of the water environment, a Construction Method Statement for the construction of the track and the equipment compound should be submitted.

Community Council: Community Council raised concerns with the proposed application, particularly the lack of engagement with the community prior to submission. Other concerns raised were as follows:

- No detail on power connection, further details requested.
- Lack of certainty over network connection
- Photomontage does not reflect an accurate image of the proposed structure as it would appear in the landscape. A new one was requested.

The community council also noted that residents and businesses need access to 4G/5G technology to ensure the community can continue to attract residents. They also noted that the tower would be hosting multi-suppliers providing more choice to users lowering mobile subscription costs. The CC recognises this as hugely beneficial to residents as well as providing wider access to networks for visitors, who are significant users, and are an important element to consider economically.

Other Consultees

Ministry of Defence: No objection, subject to conditions

The application site occupies the statutory safeguarding zones surrounding RAF Spadeadam and the Tactical Training Area Southern Scotland (TTA 20T). In particular, the range and bird strike statutory safeguarding zones surrounding RAF Spadeadam with the operational centre lying 19.2km away, and the remote mobile threat radars technical safeguarding zone surrounding the assets associated with RAF Spadeadam.

The application site occupies the statutory safeguarding zone surrounding the Southern Scotland Tactical Training Area (TTA 20T). In particular, the UK Military Low flying System designated TTA, an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above ground level to conduct low level flight training. The development proposed will cause a potential obstruction hazard to these military low flying training activities. To address this impact, and given the location and scale of the development, the MOD require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting, and that sufficient data is submitted to ensure that structures can be accurately charted to allow the coordination of flights and manoeuvres.

KEY PLANNING ISSUES:

The main determining issue with this application is whether the proposed tower and ancillary works would adversely affect the visual landscape of the area to an unacceptable extent that would justify the refusal of planning permission. Impacts on neighbouring amenity, ecology, access and safeguarding are also key considerations.

ASSESSMENT OF APPLICATION:

Planning Policy

The principle of development is agreeable when applying Policy IS15 and ED6 of the LDP, and Policy 24 of NPF4 as the development will improve 4G coverage in this rural location. Policy PMD2 (b) also supports digital connectivity and associated infrastructure. The Council will support proposals that lead to the expansion and improvement of the electronic communications network provided it can be achieved without unacceptable detrimental impacts on the natural and built environment. There continues to be a presumption in favour of developments that extend electronic telecommunications.

Under Part a) of Policy IS15 of the LDP telecoms equipment 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.

In addition, under Part b) developers must demonstrate that they have considered options for minimising impacts, including the scale and type of equipment, the potential for mast sharing, measures for concealment, the timing and method of construction, arrangements for access during construction and operation, and the potential for siting on existing buildings or structures. Where mast sharing is shown to be impractical, under Part c), the developer must demonstrate that there is no alternative location, which will satisfy their operational requirement.

Furthermore, paragraph Policy 24 of NPF4 states that "Development proposals that deliver new digital services or provide technological improvements, particularly in areas with no or low connectivity capacity, will be supported". It is well known that Newcastleton and the surrounding area suffer for poor digital and telecommunications network coverage. This proposal will go some way to improving existing levels and providing more comprehensive coverage.

A total of 7 other sites have been considered in the surrounding area as part of the site selection process, but have been discounted for various reasons including the lack of reasonable screening, visual impact and conflict with landowners. As a result, the key

considerations for this application will be whether the additional impacts (discussed later in this report) are acceptable.

Landscape and visual impacts

Policy PMD2 requires all new development to be of high quality in accordance with sustainability principles, designed to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy IS15 (para a) is also relevant to this application, requiring telecoms equipment to 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.

The applicant has provided a helpful photomontage and zone of theoretical visualisation report in support of the application. This demonstrates there will be limited visibility of the proposed mast from Newcastleton village although it is anticipated there will be theoretical visibility along a 2km stretch of the B6357 south of Newcastleton. The surrounding landscape is relatively low lying and represents a suitable unobtrusive location for a telecommunications tower. The tower would be set against a backdrop of rolling countryside, which will help the mast recede into the wider landscape. From the key viewpoints identified in the supporting photomontages and ZTV report, for the most part, the mast will not extend above the skyline in the surrounding landscape. Where the mast may extend above the skyline, this will be in longer views where intervening landscaping will help screen the proposed development.

The site is predominantly surrounded by other vacant greenfield and agricultural land and a small wooded area which will provide some degree of screening. The nearby wooded area demonstrates that the tower will be partially screened from views from the north, including on the B6357, west and east. The upper part of the mast may be visible in longer views but provided it is finished in matt dark green colour it is considered that it will not harm the landscape or visual character of the surrounding area. The ground based equipment should not be exposed to public view. Again, a dark green matt finish of this equipment would best suit and this can be covered by condition.

An existing private track will be extended a short distance to provide access to the site and will not have visual consequences of significant note. It is considered that the development would not have an unacceptable adverse impact on the surrounding landscape that would be of sufficient concern to override the benefits that this mast will provide in terms of digital connectivity and coverage. Subject to appropriately worded conditions, the proposals are considered acceptable and in compliance with Development Plan policies.

Neighbouring Amenity

LDP policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. It details considerations for assessment including overlooking, sunlight provisions and the generation of traffic. NPF4 policy 23 (Health and Safety) criterion a) states that development proposals which are likely to have a significant adverse effect on health will not be supported.

The proposed development is located nearby to Abbotshaws Cottage but the distance is sufficient enough for it not to pose any significant adverse visual impact on any nearby dwellings. The application is also accompanied by a standard ICNIRP

declaration which confirms that the mast (and associated equipment) is design in full compliance with the requirements of the radio frequency exposure guidelines and will not have any health implications for those living nearby.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns ensuring compliance with Policy ED3 and Policy 23.

Vehicular Access, Road Safety and Parking

Policy PMD2 requires developments to have no adverse impact on road safety and ensures that adequate vehicular access is provided.

The development is partially served by existing vehicular access infrastructure from a minor public road to the east of the site. The existing track (550m long) will be upgraded to 3m wide to allow plant and machinery to access the site. This track would be extended from a point north of Abbotshaws Cottage by a further 350m. This would also be 3m wide and would follow existing field fence lines, before cutting through the former tree belt.

The upgrading works to the existing track and the proposed extension are not considered to give rise to any road safety impacts. The proposal would have limited impact on the local road network through the generation of additional traffic to and from the site during construction and future maintenance. It is considered that the development satisfies relevant planning policies in relation to road/pedestrian safety and vehicular access.

Ecology

Policy EP1-3 protects against development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern. NPF4 policy 3 (Biodiversity) is also relevant to this proposal.

There are no ecological designations on or nearby the site and the application is supported by a protected species survey that identifies no issues that cannot reasonably be mitigated by appropriately worded conditions. The Ecology Officer has no objections in principle to the proposed development provided suitably worded conditions are added to any granted of consent that may be issued. This will ensure that any potential impacts on the ecological resource will be suitably mitigated.

A Construction Method Statement and details of a Biodiversity Enhancement Scheme are required to be submitted prior to the commencement of development. This can also be covered by condition.

It is considered, subject to compliance with conditions, that the proposed development is acceptable and will comply with the provisions of Policy EP1 and Policy 3 (Biodiversity).

Trees

Policy EP13 of the Local Plan and Policy 6 of NPF4 prevent development that would result in the loss of or serious damage to woodland resources including trees. The proposed mast and compound will not directly affect the woodland resource but the proposed track extension will break through an existing, partially felled tree belt. The proposal includes the removal of 2 trees and 7 tree root balls. The trees for felling will need to be compensated at a ratio of 2:1. As per the Ecology Officers response, a

detailed method statement will be required to be submitted prior to the commencement of development.

Subject to compliance with the terms of a condition, the proposed development will not have a significant adverse impact on the woodland resource and will ensure compliance with Policies EP13 and 6.

Safeguarding

As noted by the Ministry of Defence, the application site occupies the statutory safeguarding zone surrounding the Southern Scotland Tactical Training Area (TTA 20T). In particular, the UK Military Low flying System designated TTA, an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above ground level to conduct low level flight training. The development proposed will cause a potential obstruction hazard to these military low flying training activities. As a result conditions have been included.

Having assessed the proposal, including all matters raised in the objections against all other relevant provisions of the statutory development plan including all other environmental impacts, no areas of conflict have been found.

Representations

It is acknowledged that there are a number of third party representations objecting to the proposed development. The principal grounds of objections are summarised earlier in this report. It is also acknowledged that the Community Council raises concerns particularly with regards to lack of consultation with the local community in advance of the application being submitted

The third party objections are noted and have been considered as part of the assessment process, however, it is felt that the benefits of improved digital connectivity and the potential for the mast to be shared with other operators in the future, when considered against the wider planning balance, outweigh any potential impacts on the landscape, wildlife or woodland resource. There will no adverse impacts on residential amenity and adequate access can be provided. The proposed development, subject to compliance with conditions set out below, will comply with the relevant provisions of the development plan.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the National Planning Framework 4 and 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 and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. 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.
3. The mast and all antennae, dishes and other fixtures on the mast hereby approved, shall all be coloured dark green (RAL 6009 or equivalent) and all ground based equipment shall be coloured dark green (RAL 6009 or equivalent) and all finishes shall be non-reflective/matt, unless an alternative scheme of colours has been agreed in writing with the Planning Authority.
Reason: To integrate the development sympathetically with the setting and landscape
4. No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary surveys, that shall be submitted to and approved in writing by the Planning Authority.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3
5. Prior to the commencement of the development hereby approved, a detailed 'Method Statement' in relation to all works within the Root Protection Area (RPA) of retained trees shall be submitted to and approved in writing by the Planning Authority. Specific issues to be dealt with in the Method Statement:
 - a) A scaled plan and section (s), where relevant, showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees.
 - b) A written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant.
 - c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - d) A specification for ground protection within tree protection zones.
 - e) Arboricultural supervision and inspection by a suitably qualified tree specialist.The development thereafter shall be implemented in strict accordance with the approved details.
Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.
6. Prior to commencement of development a Construction Method Statement incorporating the latest good practice guidelines and statutory advice to protect the water environment, shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3
7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity Enhancement scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To enhance the ecological interest in accordance with Local Development Plan policy EP3 and NPF4 policy 3.

8. Prior to the commencement of development, the developer shall submit for approval in writing by the Ministry of Defence, details of the proposed aviation safety lighting scheme to be fitted to the Lattice Tower.

Reason: In the interests of air traffic safety

9. During construction of the mast hereby approved, no cranes exceeding a height of 15.2m above ground level to the tip of any jib or other point shall be used. Where the crane(s) is to be extended above 15.2m above ground level, precise details of the dates that the crane is to be present at site, its specific location within the site, and the specific timing of the height extension shall be provided via DIO-safeguarding-statutory@mod.gov.uk no less than 28 days before its arrival at site.

Reason: In the interests of air traffic safety

10. Prior to the commencement of development, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information:

- a) Precise location of development.
- b) Date of commencement of construction.
- c) Date of completion of construction.
- d) The height above ground level of the tallest structure.
- e) The maximum extension height of any construction equipment.

Reason: In the interests of air traffic safety and to ensure aeronautical charts and mapping records are amended accordingly.

Informatives

1. The applicant is reminded that it is an offence to disturb, kill, injure or otherwise harm species protected by national and international law. Planning consent for a development does not provide a defence against prosecution in accordance with protected species legislation.

In the event that bats are discovered following the commencement of works, works must stop immediately and the developer must contact NatureScot for further guidance. Works can only recommence by following any guidance given by NatureScot. The developer and all contractors are to be made aware of accepted standard procedures of working with bats at www.bats.org.uk.

2. The MOD advises that mobile threat transmitters systems operate in this location, and these could potentially interfere with mobile networks.
3. The MOD must emphasise that the advice provided within their letter is in response to the data and information detailed within the developer's document, submitted in support of application 23/00422/FUL, as referred to in the consultation letter dated 29th March 2023, received from Scottish Borders Council. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

DRAWING NUMBERS

Plan Ref

A Location Plan
SRN1089_M002 REV B

Plan Type

Location Plan
Proposed Drawings

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.

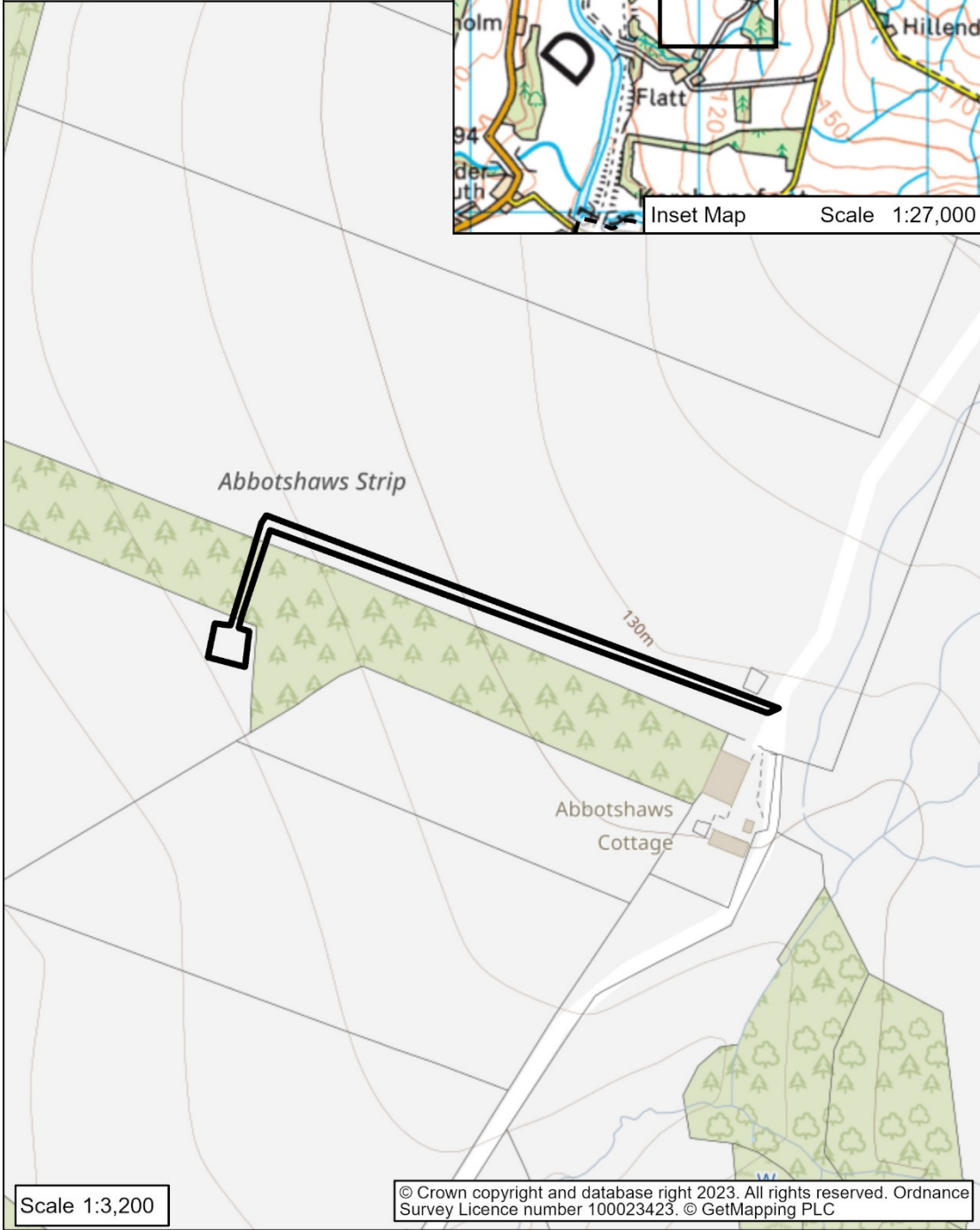
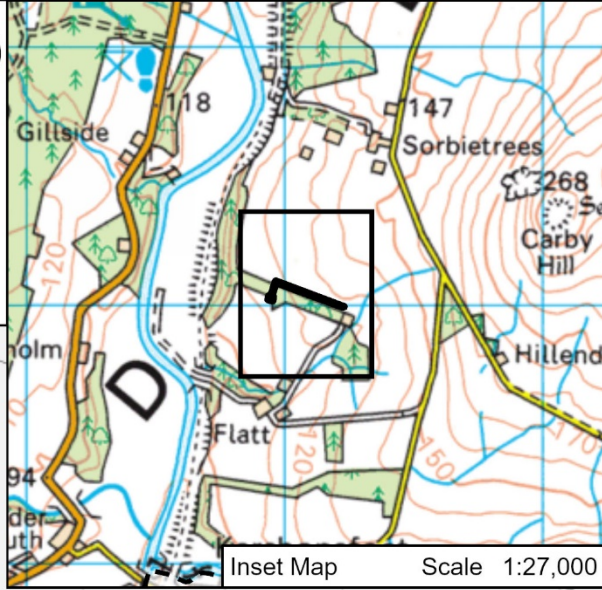
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23/00422/FUL

Flatt Farm Newcastleton



Scale 1:3,200