

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 AUGUST 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00777/FUL

OFFICER: Ranald Dods
WARD: Tweeddale West
PROPOSAL: Installation of communication lattice tower 35m high c/w headframe on new 6.5m x 6.5m RC concrete base and associated ancillary works.

SITE: Land at Menzion Forest Block,
Quarter Hill,
Tweedsmuir

APPLICANT: Hutchison 3G UK Ltd
AGENT: WHP Telecoms Limited

PLANNING PROCESSING AGREEMENT:

A planning processing agreement is in place until 14 August 2023.

SITE DESCRIPTION:

The site is a short distance to the south of the summit of Quarter Hill, some 5km south of Tweedsmuir and is within the Tweedsmuir Uplands special landscape area. The hillside is planted with commercial forestry. The site would be accessed using an existing forestry track known as Silver Jubilee Road and located immediately to the west of that track.

PROPOSED DEVELOPMENT:

This application is a proposed telecommunications installation comprising a 35-metre-high lattice tower, coloured fir green (RAL 6009) and erected on a concrete base, together with associated ancillary equipment, all within a 13m by 10m compound, surrounded by a 1.8m high deer fence. The lattice tower would feature 15 antennae and six transmission dishes. No trees would be affected as a result of the construction of the development.

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:

There is no planning history associated with this site.

REPRESENTATION SUMMARY:

A total of 12 representations has been received, including multiple submissions from individuals at the same address. That number comprises: five objections and; three support comments. Those representations can be viewed in full on Public Access.

The material grounds contained in the objections can be summarised as follows: Impact on tourism; impact on amenity; landscape and visual impact; impact on trees; impact on designated site; impact on historic environment; impact on ecology.

The three letters 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
- Site selection supplementary information
- ICNIRP
- Photomontage report including zone of theoretical visibility (ZTV) and wireframes

DEVELOPMENT PLAN POLICIES:

The statutory development plan currently comprises the Scottish Borders Local Development Plan 2016 and National Planning Framework 4. The relevant policies are noted below.

Scottish Borders Local Development Plan 2016:

PMD2 – Quality standards
ED6 – Digital connectivity
HD3 – Protection of residential amenity
EP5 – Special landscape areas [Tweedsmuir Uplands]
EP7 – Listed buildings
EP13 – Trees, woodlands and hedgerows
IS15 – Radio telecommunications

National Planning Framework 4

Policy 4 – Natural places
Policy 6 – Forestry, woodland and trees
Policy 7 – Historic assets and places
Policy 23 – Health and safety
Policy 24 – Digital infrastructure
Policy 29 – Rural development

OTHER PLANNING CONSIDERATIONS:

SPG – Local Landscape Designations
SPG – Trees and Development

PAN62 – Radio Telecommunications

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Landscape Architect: The visualisation from view point 2 at the north end of Talla reservoir is unfortunate, showing the mast prominent on the skyline in a valued landscape setting (Tweedsmuir Uplands SLA). The zone of theoretical visibility shows that there will be potential visibility from much of the road along Talla reservoir, although increased distance and the angle of view will diminish the visual effects. The visualisation demonstrates the stark contrast between the vertical tower and its position on the saddle between two hills but this visualisation is the worst case scenario as the forestry (itself a modified landscape, albeit more 'natural' than a phone mast) has partially been felled – the part which will back drop the mast and the foreground trees are still relatively young and when fully grown both these blocks of forestry will help to mitigate the visual effects and screen the lower part of the mast.

Although there is a change to the landscape when seen from the northeastern side of the reservoir, given the open nature of the view, the limited amount of the view occupied by the mast and the focus of the view up and down the valley, does not consider the magnitude of change is so great as to be an unacceptable significant effect.

Other Consultees

Community council: Objection. The community council commented as follows:

Although it is quite difficult to identify the exact location of the proposed mast it appears it will be located on or near to the Silver Jubilee Road, overlooking Talla reservoir, potentially visible from Talla Dam.

The views of Talla Reservoir and the valley in which it sits are iconic and featured in materials promoting the area as a beautiful and unspoilt place to visit. It is enjoyed by locals and visitors as a place to walk, cycle, fish and watch birds.

A review and update of Tweedsmuir's Community Action Plan was completed in Autumn 2022. The updated plan highlighted that residents really value Tweedsmuir's beautiful landscape and stressed the importance of retaining the unique, unspoilt and special landscape of the area. The progressive 'industrialisation' of our community through siting of communication masts such as the one proposed, undermine the community's enjoyment of their locality.

The Community Action Plan also identified, as a strategy to support ongoing sustainability, the importance of developing Tweedsmuir as a place to visit to experience the unique natural environment and heritage. The siting of the proposed mast with associated potential negative impact upon the visual landscape will impact upon our ability to attract visitors to the area.

Concern has also been expressed about the possibility, under provisions for permitted development, that the height of the mast may in the future be increased, without the need for community consultation.

KEY PLANNING ISSUES:

The main determining issue with this application is whether the proposed tower and ancillary works would affect adversely the visual landscape of the area to an

unacceptable extent that would justify the refusal of planning permission. Impacts on neighbouring amenity and access are also key considerations.

ASSESSMENT OF APPLICATION:

Planning Policy

The principle of development is acceptable in terms of LDP policies IS15 and ED6 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 supports 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 criterion a) of LDP policy IS15, telecoms equipment should be positioned and designed sensitively to avoid unacceptable effects on the natural and built environments, including areas of landscape importance.

In addition, under criterion 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 criterion c), the developer must demonstrate that there is no alternative location, which will satisfy their operational requirement.

Furthermore, paragraph b) of NPF4 policy 24 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”. In addition, policy 29 supports proposals in remote rural areas such as Tweedsmuir, where amongst other things, they would support and sustain existing communities through provision of digital infrastructure. This proposal would improve existing levels of connectivity within the Tweedsmuir area and providing more comprehensive coverage.

A total of 8 other sites have been considered in the surrounding area as part of the site selection process but have been discounted for various reasons including access difficulties, signal coverage issues and the lack of reasonable screening on completion of felling operations. As a result, the other considerations relevant to this application will be considered below and will set out whether or not any additional impacts 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. Criterion a) of IS15 is also relevant as that requires telecoms equipment to be positioned and designed sensitively to avoid unacceptable effects including, amongst others, on areas of landscape importance.

The applicant has provided wireframes, photomontages and a zone of theoretical visibility report in support of the application. Those demonstrate that the proposed mast would be theoretically visible from a number of locations in the surrounding area. Included in that is the public road along the eastern side of Talla Reservoir and it is

from this road that most people are likely to be able to view the site. It is acknowledged that, as noted by the Landscape Architect, the visual impact of the proposed mast shown in the photomontages appears somewhat unfortunate, with the mast being skylined when viewed from the northern end of the reservoir. The visibility would, however, be decreased as the commercial forestry is restocked and the trees grow to help screen the mast. From other viewpoints, the majority if not all the mast would be screened by topography and forestry.

If the structure were to be finished in a matt dark green colour, the development would not be significantly detrimental to the landscape setting or to the visual character of the surrounding area. Given the low height of the associated ground-based equipment, those would not be visible other than at very close quarters. An appropriate dark green colour would provide further visual mitigation.

Subject to appropriately worded conditions, the proposals are acceptable and can, on balance, be accepted.

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 application is accompanied by a standard ICNIRP certificate which confirms that the mast and associated equipment is designed in full compliance with the requirements of the radio frequency exposure guidelines and will not have any health implications for those living nearby.

The proposed development is located approximately 1km south west of White Cottage and Double Cottage and 1.1km south west of Victoria Lodge. The distance is sufficient enough for it not to pose any significant adverse visual impact on the nearby dwellings, especially as the commercial forestry grows. The trees within the grounds of the latter property providing some additional screening.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns ensuring compliance with LDP policy HD3 and NPF4 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 would be served by the existing forestry track, accessed directly opposite Menzion Farm. The development site would be immediately to the west of the track, approximately 2.5km from the junction with the public road.

The proposal would have a very limited impact on the local road network through the generation of additional traffic to and from the site during construction and for future maintenance. The development would not have an adverse effect on road or pedestrian safety.

Ecology

There are no ecological designations within close proximity to the site. It was stated in representations that the mast would have a negative effect on a SSSI. The nearest such site is the Tweedsmuir Hills SSSI to the east and the closest point of that would be approximately 2km. As such, the development would not have a negative effect on that designated site.

It is unlikely that there would be a detriment to the current ecology of the immediate area as a result of this development. Policy 3 of NPF4 requires that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. A condition is recommended in that regard.

Trees

The trees which were present in the area were of a commercial crop. Felling operations have taken place in recent times and the proposed mast and compound would not affect directly the remaining commercial forestry.

Historic Environment

There are no scheduled monuments which would be affected by the proposed development. The closest listed building is Victoria Lodge, a category B building, located approximately 1.1km northeast of the site. The development would not adversely affect that property's setting.

Representations

There are several third-party representations objecting to the proposed development. The principal grounds of objections are summarised earlier in this report. Comments were made about the potential to increase the height using permitted development rights. The applicant responded that it was extremely unlikely that there would be a need to do that. In order to address the concerns expressed about that however, the applicant suggested that a condition be imposed removing permitted development rights.

The third party objections are noted and have been considered as part of the assessment process. The benefits of improved digital connectivity, when considered against the wider planning balance, outweigh any potential impacts on the landscape or woodland resource. There would be no adverse impacts on residential amenity and adequate access can be provided. The proposed development, subject to compliance with conditions set out below, would comply with the relevant provisions of the statutory development plan.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the statutory development plan 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 expiry 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. Unless required by conditions elsewhere in this schedule, 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) and all ground-based equipment shall be coloured dark green (RAL 6009). All external finishes shall be non-reflective/matt, unless an alternative scheme of colours has first been agreed in writing with the planning authority.
Reason: To better integrate the development into the landscape setting.
4. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the planning authority. The approved details shall be implemented within the approved timescale.
Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), the overall height of the telecommunication mast hereby approved shall not be increased unless an application for planning permission in that behalf is first submitted to and approved in writing by the planning authority.
Reason: To retain control over the height of the development, in the interest of landscape and visual amenity.

DRAWING NUMBERS

Plan Ref	Plan Type
SRN1123_M003 REV C	Proposed drawings, 6 sheets in total.

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
Ranald Dods	Planning Officer



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Quarter Hill Tweedsmuir

