



Appeal Decision

Site visit made on 25 September 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/T9501/W/23/3324271

Gleedlee Forest, Greenhaugh, Bellingham NE48 1NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hutchison 3G UK Ltd against the decision of Northumberland National Park Authority.
 - The application Ref 23NP0001, dated 10 January 2023, was refused by notice dated 10 May 2023.
 - The development proposed is described as telecommunications installation: Proposed H3G 25.0m Francis & Lewis ATS1300 Lattice tower mounted on new 7.00 x 7.00m R.C. Foundation and associated ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for proposed telecommunications installation: Proposed H3G 25.0m Francis & Lewis ATS1300 Lattice tower mounted on new 7.00 x 7.00m R.C. Foundation and associated ancillary works. at Gleedlee Forest, Bellingham NE48 1NH in accordance with the terms of the application, Ref 23NP0001, dated 10 January 2023, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the landscape and scenic beauty of the Northumberland National Park (NP).

Reasons

3. The appeal site is an area of open countryside in an elevated position, towards the top of Belling Rigg, adjacent to plantation woodland known as 'Gleedlee Forest'. The surrounding area is inherently rural in character, comprising open agricultural land and sporadic buildings. The appeal site is located within the NP which is characterised by its open qualities, sense of remoteness and tranquillity. The appeal site also lies on the boundary of the Moorland Forestry Mosaic Landscape Character Type (LCT) characterised by its gently rolling topography with a mosaic of large scale coniferous plantations, open grass and heather moorlands and the Rolling Uplands LCT, which includes broad, open, large-scale, rolling moorland plateau, as identified in the Northumberland National Park Landscape Character Assessment (2019).
4. In considering the proposal, I have had regard to the purpose of conserving and enhancing the natural beauty of the NP as set out in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995 and paragraph 176 of the National Planning Policy Framework (the Framework) which requires that great weight is given to conserving and enhancing the landscape and scenic beauty in National Parks.

5. There is no doubt that the proposed installation and associated infrastructure would be visible from several different vantage points in this part of the NP. The proposed development's height and location towards the top of the Rigg would result in it being visible from short and long range views by residents, road users and those on foot on the surrounding network of public rights of way (PROW). There are other vertical man-made elements in the area in the form of overhead cable posts crossing the landscape, however these are not of the same height or design as the proposed tower, which would therefore be more prominent. While it would occupy only a very small proportion of any views it would be an intrusive, alien feature in the surrounding area.
6. The appellant's Landscape and Visual Impact Assessment (LVIA) establishes a visual envelope covering the appeal site and surrounding area, with viewpoints and sensitive receptor locations. It concludes that overall, the visual effect of the proposal is anticipated to be moderate to slight adverse and that the proposed development would assimilate into the landscape and into views from the surrounding landscape. Having considered the wireframes and photomontages, and my observations, I agree with these conclusions.
7. The surrounding hills and valley ridges offer a degree of screening, and views of the tower would be largely screened from the west by Gleedlee Forest, and in views from the east the tree planting would mitigate the height of the tower by providing a tall backdrop to the installation. Moreover, while on elevated ground the appeal site is not at the top of the Rigg and as such, is not on an exposed ridgeline within the landscape. In locating the proposed tower close to trees to take advantage of vertical elements in the search area to mitigate the level of visual intrusion the proposal follows the principles set out in the Code of Best Practice for Wireless Network Development in England (2022), which supports the Government's objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations.
8. Viewpoint 2 from the LVIA shows that the proposed development would be screened by the plantation in views from the nearby PROWs. The Northumberland NP Authority (the Authority) suggests that a viewpoint not covered by the LIVA is on approach to the site on the access road from Greenhaugh, further south of the location of viewpoint 2. I observed clear views of the plantation along this road and agree that the eye is drawn to the hillside in the vicinity of the appeal site. Even if the very top of the tower would be perceivable, I am not convinced that the full extent of the lattice tower would be experienced in views travelling along this road towards the appeal site, owing to the bend in the access track where the proposal is to be sited. As such, I am satisfied that the selected viewpoints are representative of the visual effects of the development.
9. I have carefully considered the Authority's submissions with regard to Gleedlee Forest and the suggestion that the scheme should be assessed as if the trees were not present. While the woodland is showing signs of wind damage at the eastern edge, there is no substantive evidence with regard to the health of the wider plantation. I note that the conifer species in Gleedlee Forest are said to be shallow rooting species that are prone to being uprooted by high winds, however there is no clear indication that the trees at Gleedlee Forest would not endure.

10. It is also stated by the Council that the woodland is to be harvested in the not too distant future due to the plantation reaching its maturity. Reference is made to a felling licence being consulted upon in 2013 and 2014 and a woodland management plan being produced which suggested that harvesting would take place in the first five years of the plan. However, the Authority acknowledges that work has not started and has highlighted that difficulties with transporting the timber to the processing mill have arisen, and my attention has not been drawn to any clear evidence indicating the timelines for such work to be carried out. While it is suggested that the felling of the plantation is a likely event and that it will be harvested in the immediate future, without any substantive evidence before me I cannot be certain when this might be, and I must determine this appeal based on the evidence before me.
11. Overall, the tower would have a clear visual impact, contrasting with the prevailing character and appearance of the area. Despite the lattice design of the tower, the bulky apertures at the top of the tower would draw the eye. The visual impact would be negative as it would be a modern utilitarian feature with vertical prominence, thereby being incongruous in the NP landscape. However, the proposal would be screened in views from the west by Gleedlee Forest which would also mitigate the visual effect of the proposal by providing a tall backdrop so that the tower would not be seen in the context of open sky in views from the east.
12. Having regard to my above findings that the proposal would not blend into the landscape, it follows that the proposal would fail to preserve and enhance the landscape and scenic beauty of the NP. I therefore find that the proposed development would cause harm to the landscape and scenic beauty of the NP, in conflict with Policies ST1, ST2, DM1 and DM11 of the Northumberland National Park Local Plan (2020) (NNPLP). Amongst other things, these policies require development to conserve and enhance the special qualities of the NP, making a positive contribution to the local environment. For proposals for new infrastructure, there should be no unacceptable adverse impacts on the NP's special qualities. It would also be contrary to paragraph 176 of the Framework, which seeks the conservation and enhancement of the landscape and scenic beauty in NPs.
13. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks. The scheme is required to facilitate significantly improved connectivity and provide essential new 4G coverage and associated internet provision for the area that would bring numerous economic and social benefits. I also note the local support for greater connectivity to address the existing poor mobile signal and slow internet speeds in the area.
14. Furthermore, the proposed installation would be shared by a number of operators, as part of the Shared Rural Network (SRN) and would therefore improve network coverage generally within the area, providing connectivity across a range of operators. Sharing infrastructure in this way through the SRN project will minimise the number of masts in the area, as advocated by paragraph 115 of the Framework.

15. The appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development, in line with paragraph 117 of the Framework. Siting of the scheme has been driven by coverage requirements which are in a geographically constrained cell search area. Site sharing of existing installations has been investigated and exhausted, including the existing Emergency Services Network mast at Brownknowe Field, Greenhaugh, which is said would not meet the requirements set out in the SRN agreement.
16. Alternative locations for the siting of the proposal have been identified and discounted by the appellant for reasons including not being able to provide the required level of coverage to the target area, access and greater impact on visual amenity. The Authority does not dispute the appellant's conclusions on the alternative sites, and while it is suggested that from a landscape perspective there are alternative locations worth considering no detail has been provided on this matter, and it is acknowledged that technical considerations may be a limiting factor. As such, I am satisfied that realistic alternatives have been assessed and properly rejected and that more suitable sites are not reasonably available. In doing so, the proposal accords with Policy DM1 of the NNPLP which includes a requirement for new infrastructure to represent the least harmful option reasonably available having had regard to any operational requirements and technical limitations.
17. I have found that the proposed development would cause harm to the character and appearance of the area and would not conserve the scenic beauty of the NP. The level of harm is moderate due to screening and mitigation provided by adjacent trees. The public benefits of the proposal, as identified above and relating to the improvement of communications infrastructure, are significant, and I have carefully considered the risk to these benefits being delivered, should planning permission for this scheme be refused. In addition, the absence of a suitable alternative site weighs in favour of the scheme.
18. On the basis of the evidence before me and in the particular circumstances of this case, whilst I give any harm to the NP great weight, the very important contribution the proposed infrastructure would provide to those living, working and visiting this area of Northumberland outweigh the harm that would be caused to the character and appearance of the area, including the landscape and scenic beauty of the NP. As such, even with the identified conflict with development plan policies, there are particularly important and persuasive material considerations that indicate that this development should be approved.

Other Matters

19. The appeal site is nearby to a Grade II listed structure known as 'Limekiln circa ½ mile north of Heathery Hall'. The structure's significance, insofar as is relevant to this case, is primarily derived from its historic use and architectural interest, and its setting comprises the open landscape surrounding it, including the appeal site. Having considered the proposal and visited the site, despite being visible from the limekiln, given the discreet landscape setting of the structure, the appeal scheme would preserve the listed structure, its setting and significance as a designated heritage asset.

20. It has been queried how the installation is to be powered and concerns raised if there were to be new overhead powerline extensions. The submitted plans show an area for generators and fuel tanks and there is no suggestion that overhead power lines would be required. I have determined the appeal based on the evidence before me.

Conditions

21. The conditions suggested by the Authority have been considered and amended as necessary to ensure compliance with the Planning Practice Guidance and the Framework. In addition to the standard condition that limits the commencement of the planning permission it is necessary to impose a condition identifying the approved plans for clarity.
22. In the interest of conserving and enhancing the NP's biodiversity special quality I have imposed a condition requiring the scheme to be carried out in accordance with the submitted Preliminary Ecological Appraisal. A separate condition relating to a construction environment management plan is not necessary as this is covered by the Preliminary Ecological Appraisal. Similarly, a condition is necessary in relation to biodiversity enhancement measures, and this includes reference to the boundary treatment at the site, to secure biodiversity net gain. As such, a separate condition on boundary treatments is not necessary.
23. A condition requiring details of any lighting and details of the finish of the installation are necessary in the interest of protecting the tranquillity and quality and natural beauty of the NP. Details regarding the new access track and works to the existing access track are necessary in the interest of highway safety, and a condition requiring the removal of the mast when redundant is also necessary, given its sensitive NP setting.

Conclusion

24. For the above reasons, the material considerations indicate that this decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal is allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 002 Site Location Plan, 003 Access Plan, 004A Application Site Boundary Plan, 150 Proposed Site Plan, 250 Proposed Site Elevation A and 251 Proposed Site Elevation B.
- 3) The development hereby permitted shall be carried out in accordance with the working practices and mitigation requirements set out in the Preliminary Ecological Appraisal, prepared by the Ecology Practice, dated June 2022. This includes those requirements set out in Section 4 that the works are guided by a Construction Environmental Management Plan and the implementation of mitigation measures to avoid harm to breeding and nesting birds.
- 4) Prior to the fixing of any external lighting on site, a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority, and shall include:
 - the specific location of all external lighting units;
 - design of all lighting units;
 - details of beam orientation and lux levels; and
 - any proposed measures such as motion sensors and timers that will be used on lighting units.

The lighting scheme shall be installed in accordance with the approved details and shall be maintained as such thereafter, until such a time as the installation is removed.

- 5) Prior to their installation on site, details of the colour of the tower and ground based apparatus shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.
- 6) The development shall not be brought into use until details of the new access track as shown on the approved plans and details of remedial work to be carried out on the existing access track, as agreed to by the Local Highway Authority, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.
- 7) The development shall not be brought into use until a strategy to accommodate biodiversity enhancement measures at the site is submitted to and agreed in writing by the Local Planning Authority, which shall include the stone wall boundary treatments as shown on the approved plans. The biodiversity enhancement measures shall be carried out in accordance with the approved details, maintained and retained as such thereafter.
- 8) Should the development hereby permitted become disused for a period of six consecutive months, it shall be removed in its entirety from the site within the following three months, unless otherwise agreed in writing by the Local Planning Authority.

End of schedule