

# ANNEX D: RESPONDENT INFORMATION FORM AND LIST OF QUESTIONS



## Consultation on Changes to Permitted Development Rights for Development by Telecommunications Code Operators

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

##### Organisation Name

Cairngorms National Park Authority

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

##### Surname

McKee

##### Forename

Don

#### 2. Postal Address

14 The Square		
Grantown on Spey		
Postcode PH26 3HG	Phone 01339753608	Email donmckee@cairngorms.co.uk

#### 3. Permissions - I am responding as...

Individual	/	Group/Organisation
<input type="checkbox"/>	Please tick as appropriate	<input checked="" type="checkbox"/>

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**  
 Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick ONE of the following boxes**

**Please tick as appropriate**

Yes  No

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

Yes

## List of questions

Cairngorms National Park Authority (CNPA) is restricting its response to this consultation to those aspects that relate to the potential relaxation of existing controls in National Parks. The detail of the response also reflects the complex planning arrangements under the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003.

### Question 1

a) Do you agree with the proposal to amend PDR to allow the installation or replacement of telegraph poles in designated areas?

CNPA is supportive of the provision of a high quality broadband service to all communities and businesses in the Cairngorms National Park.

It is recognised that this involves the provision of the necessary broadband infrastructure and in respect of telegraph poles, the CNPA agrees to the principle of amending the PDR to simplify matters. However, in sensitive landscapes such as National Parks there will be occasions when seemingly minor activities can individually or cumulatively have a significant impact.

To deal with this potential outcome it is suggested that Scottish Government introduce a prior approval system in the PDR direct to the CNPA, not the Council planning authorities, so that an assessment can be made and prior approval required if considered necessary. In the majority of cases it is hoped that the works will be assessed as not having an impact and prior approval will not be required.

In tandem with the changes to PDR, it is requested that Scottish Government make the following clear to Telecommunications Code Operators:

1. Under Section 8A (1) (a) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as amended in 2013, notification to the planning authority in the Cairngorms National Park must be to the CNPA as well as the relevant Council planning authority.
2. CNPA is willing to co-ordinate the response to the operator having particular regard to the 4 aims of the National Park as contained in Section 1 of the National Parks (Scotland) Act 2000:
  - To conserve and enhance the natural and cultural heritage of the area,
  - To promote sustainable use of the natural resources of the area,
  - To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and
  - To promote sustainable economic and social development of the areas communities.

3. In the case of broadband infrastructure the purpose is obviously in support of the last aim, but the potential impact will have a bearing on the first aim and we would draw particular attention to the duty to enhance as well as conserve. This is reflected in Local Plan policy and applies to all developments – we would expect the Code Operators to have serious regard to this when positioning new infrastructure and to also look at opportunities for enhancement and/or offsetting the impact by rationalising existing infrastructure.
4. We would expect Code Operators to respond positively to comments made by CNPA following notification.
5. Code Operators must look to use or add to existing poles and structures, and follow existing routes, before proposing new ones.
6. Code Operators should work with Scottish Government, Heads of Planning Scotland, SNH and Historic Scotland to establish a code of practice similar to that existing in England that would support the roll out of broadband within a framework that takes appropriate account of all relevant operational and environmental considerations.

b) Should there be restrictions on any PDR and if so, what restrictions would be appropriate and why?

See above.

## **Question 2**

a) Do you agree with the proposed increases to the dimensions of existing masts and attached equipment?

Whilst the rationale behind the proposal is noted, masts, by their specific operational and locational requirements, can have a significant impact on both landscape and visual amenity over a wide area.

The decision to grant planning permission for a mast in the first instance may have been a marginal one balancing the social and economic benefits to local communities and businesses along with environmental considerations. To increase the height by 10% or 15% may seem inconsequential in isolation, but when looked at in context may lead to a different conclusion on the assessment of impact that could in some instances tip the balance of a decision the other way.

It is not possible to have a hard and fast rule as each case is different. Consequently they have to be individually assessed, particularly so in designated areas such as a National Park.

The two options available are therefore:

1. Not to apply these new PDR to the Cairngorms National Park, or
2. To introduce a prior approval system direct to the CNPA, as it will most likely have dealt with the original application, so that an assessment can be made and prior approval required if considered necessary.

Whilst the first option offers absolute clarity, the second would appear to offer an expedited process for those cases where no issues are identified. It would also encourage earlier dialogue by the operator prior to any formal process so as to minimise delay.

b) Do you agree that PDR for such increases should apply to existing masts in all, or some, designated areas?

See above.

### **Question 3**

a) Do you agree that Class 67 should refer to antenna systems rather than antenna for the purposes of PDR for equipment installed on buildings?

No comment.

b) Should the definition of antenna system include associated equipment housing, ancillary equipment (see paragraphs 2.34-2.36 below) or other structures?

No comment.

### **Question 4**

a) Do you agree that the criteria setting out the dimensions of antenna should be standardised/simplified?

No comment.

b) Do you agree with the proposal that the distinction between buildings over/under 15m be removed?

No comment.

c) Do you agree with the proposed number of antenna (or antenna systems as the case may be) that would be permitted on a single building under PDR?

No comment.

### **Question 5**

a) Do you agree with the proposed increase in height for antenna on buildings from four metres to six metres?

No comment.

b) If not, please indicate why.

## **Question 6**

a) Do you agree that the definition of small antenna be amended to remove the restriction that it only applies to point to fixed multi-point systems?

No comment.

b) Should the restrictions on size be retained or modified?

No comment.

c) Should the maximum size include the mounting?

No comment.

d) Should the restrictions regarding the number of small antenna on a dwellinghouse be amended

No comment.

e) Should the restrictions on facing roads be removed for dwellinghouses in designated areas?

Following clarification from Scottish Government, it is understood that this relates to equipment similar in proportion to burglar alarms and in most cases there is an operational requirement to have them on the front of properties. On that basis it is agreed it is not necessary to have added restriction for National Parks, but it is requested that consideration is given to a prior approval system to address the potential impact on Conservation Areas.

## **Question 7**

a) Do you agree that PDR should extend to necessary ancillary equipment?

No comment.

b) Do you agree with the list of items that could be included in the definition?

No comment.

c) Should any other equipment be added/ removed from the list?

No comment.

### **Question 8**

a) Do you agree that the time period for emergency apparatus to be located on a site should be increased to twelve months?

Yes so long as there is consultation with the NPA beforehand, the period is up to 12 months maximum with removal sooner if emergency has been addressed, and there is full restoration in accordance with an agreed scheme afterwards.

b) If not, should we retain the current provisions or consider a different period?

No comment.

c) Should planning authorities have discretion to agree a longer period where required?

No, anything longer should require formal planning permission.

### **Question 9**

a) Do you agree with the proposed changes to Class 68?

No comment.

b) Should there be a restriction on the size of each antenna as well as a maximum aggregate size?

**BRIA** Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?

No comment.

**EqIA** Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.

No comment.

**SEA** Please provide details of any significant environmental effects (positive or negative) which you think may arise in relation to the potential changes discussed in this paper.

The SEA should assess the potential cumulative impact of measures on the special qualities that underpin the designation of the Cairngorms National Park .