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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

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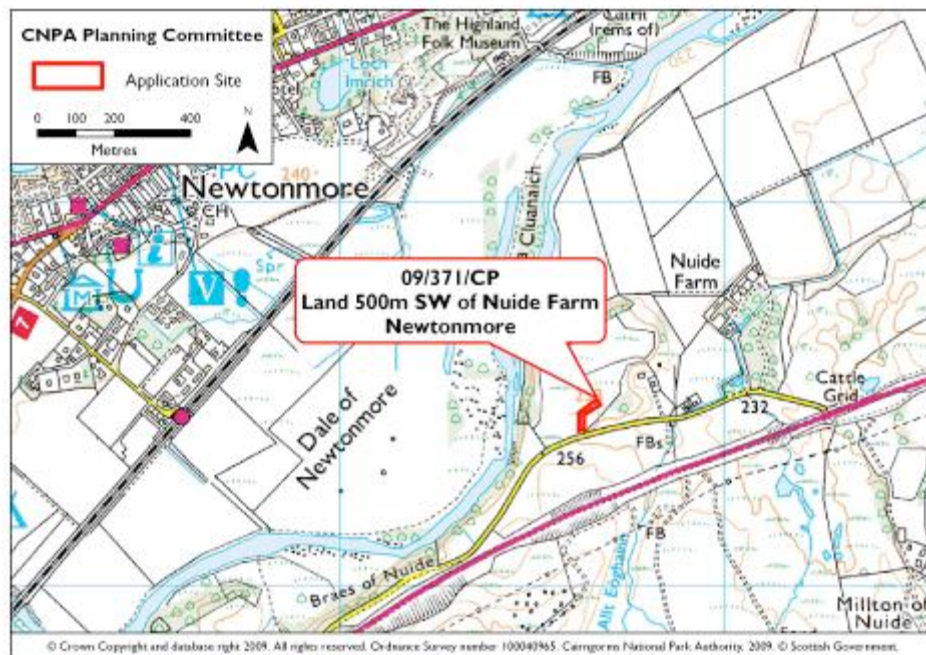
**DEVELOPMENT PROPOSED:** INSTALLATION OF A 15M HIGH LATTICE TELECOMMUNICATIONS MAST AND ANCILLARY EQUIPMENT, FORMATION OF TEMPORARY CONSTRUCTION ACCESS TRACK AT LAND 500M SOUTH WEST OF NUIDE FARM, NEWTONMORE

**REFERENCE:** 09/371/CP

**APPLICANT:** ORANGE PCS LTD

**DATE CALLED-IN:** 11<sup>TH</sup> DECEMBER, 2009

**RECOMMENDATION:** APPROVE, SUBJECT TO CONDITIONS



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application is for the erection of a 15metre high (slimline) lattice telecommunications tower and the installation of ancillary equipment. The tower will have 3 dual polar antennas at the top of the mast and 2 transmission dishes. Six equipment cabinets will be located adjacent to the base of the mast, plus a meter cabinet. The tower and cabinets will sit on a 3.6m x 3.6m concrete base. It is proposed to paint the tower, cabinets and antenna ivy green with all the feeders to be black. The compound area is 6m by 6m in size, and is within a field used for grazing. A temporary access track is also proposed into the site for the construction of the development which would be approximately 300 metres in length and 3.0 metres wide.
2. The proposed site is approximately 500m south west of Nuide Farm in a field currently used for grazing animals. The proposed site is approximately 70m from the road sitting in a hollow with an undulating landscape around the proposed site.
3. The CNPA have previously approved a planning application (04/050/CP) close to this site however this was never implemented and has now expired. A planning application was received to renew this consent (09/163/CP), however after the applicants held discussions with the CNPA planning officials, the applicants decided to submit a new application at this revised location in order to reduce the landscape impact of the proposal. The revised location was chosen as it will be less visually prominent from Newtonmore than the previous site and is not on or adjacent to any environmental designations unlike the previous site.
4. The applicants have provided a Declaration of Conformity with ICNIRP Public Exposure guidelines, to confirm that the development is designed to be in full compliance with the requirements of European guidelines.

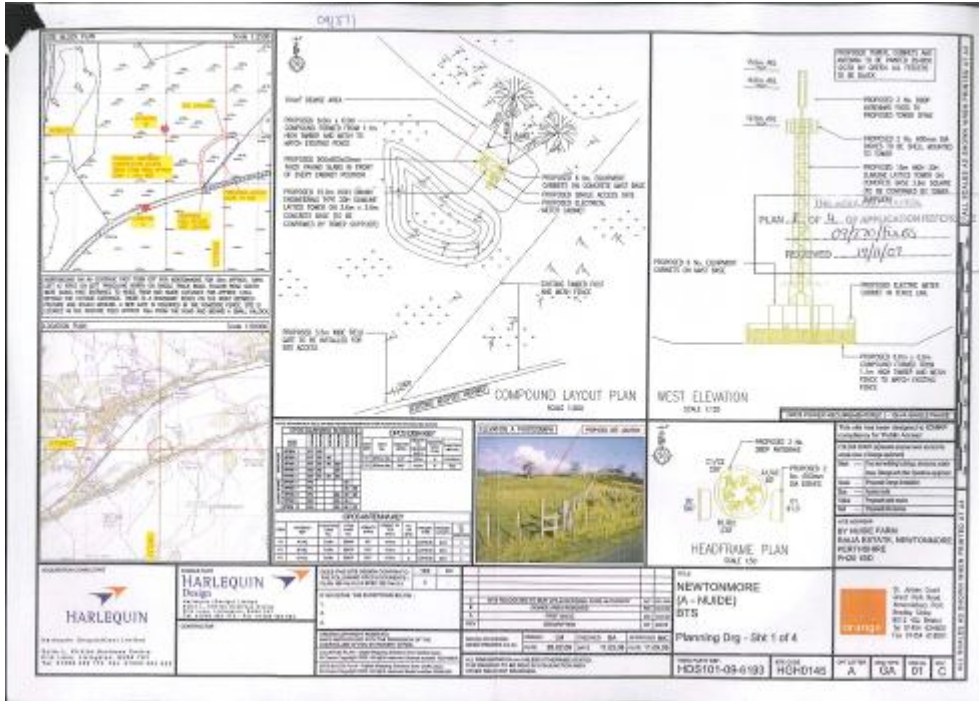


Fig. 2 – Plan showing location and layout of phone mast.

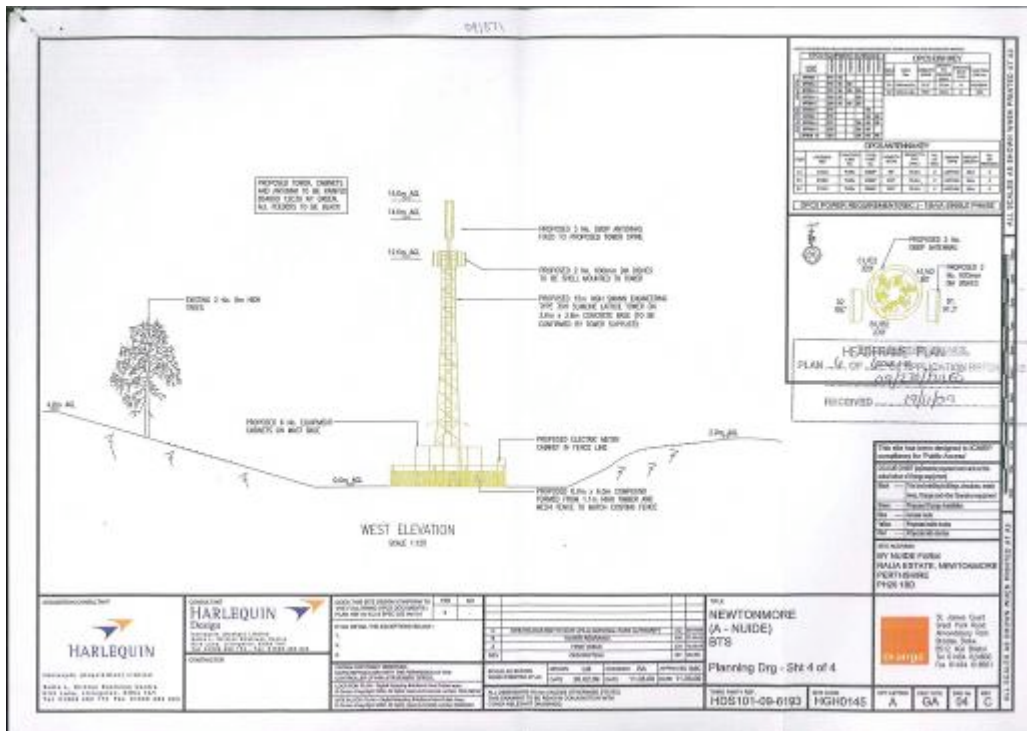


Fig. 3 – Plan showing west elevation of phone mast.



**Fig. 4– Photo showing application site**

## **PLANNING HISTORY**

5. **04/050/CP** - Installation of 15m high lattice telecommunications mast and ancillary equipment at land adjoining River Spey, West of Nuide farm, Newtonmore. Approved subject to conditions on 18<sup>th</sup> June 2004.
6. **09/163/CP** - **Application for renewal of 04/050/CP.** The previous planning consent as detailed above had not been implemented and the consent expired. The applicant submitted the same proposal on the same site. However, following discussions with planning officers regarding potential landscape impact concerns of a phone mast at this location, the applicant decided to submit a further planning application at the revised site which is (09/371/CP) the subject of this planning paper. If the application is granted the applicant proposes to withdraw the earlier application.

## **DEVELOPMENT PLAN CONTEXT**

### **National Planning Policy and Guidance**

7. **National Planning Policy Guideline (NPPG) 19** (Telecommunications) and **Planning Advice Note (PAN) 62** (Radio Telecommunications) set out the national policy, and siting and design principles for new telecommunications infrastructure.

### Highland Structure Plan

8. **Policy U4 Telecommunications** states that the Council will give favourable consideration to proposals for the erection of radio masts and other telecoms structures provided that there is compliance with Strategic Policy G2, and subject to a number of conditions such as - other masts cannot be shared, existing services are not interfered with, there is no discernible risk to public health, the operator is licensed, the proposal forms part of a network, and redundant masts and equipment are removed.
9. **Policy G2 Design for Sustainability**, talks of assessing new developments on the extent to which they may be accessible, they maximise energy efficiency, are affected by significant risk from hazards such as flooding or land instability, make use of brownfield sites, impact on individual and community residential amenity, and impact on non-renewable resources.

### The Badenoch and Strathspey Local Plan (September 1997)

10. **Policy 2.5.10** which covers **Landscape Conservation**, and indicates that the Council will conserve areas of landscape importance including waterside land, open areas, and scenic views particularly over open water from the main tourist routes. Development proposals will be considered carefully in respect of their impacts on conservation and the environment.

### The Cairngorms National Park Plan (2007)

11. In a section entitled “Transport and Communications” the Cairngorms National Park Plan states under its strategic objectives “ensure that communications infrastructure is managed and developed in ways consistent with the special qualities of the Park”. It then says that communications infrastructure provides valuable benefits to the Park, but the potential negative impacts of it on the landscape, natural heritage and other special qualities should be minimised.

### CONSULTATIONS

12. **The CNPA Heritage and Land Management (HLM) Group** examined the proposal, particularly from a landscape perspective and have commented that the revised application is in a better location with less visual impact than the previous planning application. They would like to see landscaping proposals submitted using species such as rowan and birch.
13. **Newtonmore Community Council** has not made a response at the time of writing the report.

14. **The CNPA Economic Development Officer** examined the proposal and commented that he can foresee no negative effects regarding economic or social development in this planning application. He added that he would support the application, as long as it does not impact aesthetically on tourism businesses. It should aid local economic development through better mobile phone reception.
15. **Highland Council, Archaeologist** examined the proposal and has commented that the application lies within a wider area where historic remains are recorded. She states that an early Christian chapel and burial ground lie just to the east of the application site. She states this is an area where there is believed to be potential for associated archaeological features or finds to be affected by the development. She states that while the risk is not such as to warrant a full archaeological excavation, they request that the full nature and extent of any archaeological features should be identified and recorded, therefore site clearance work and the digging of services should be done under archaeological supervision. They have recommended a condition be imposed on any consent to ensure that the applicants make arrangements for an archaeological watching brief to be carried out on site clearance and excavation works.
16. **Highland Council, Roads** examined the proposal and advised that it is recommended that prior to the commencement of any works on or alongside the minor public road serving the site, the detail of such works shall first be agreed with Highland Council, as roads authority, and a Road Opening Permit obtained.
17. **Scottish Natural Heritage (SNH)** has looked at the proposal and has no objections. They state the new location is outwith any designated site and SNH do not consider that at this location there are any European Protected Species; otters or bats which would be either directly or indirectly affected by this proposal.

## REPRESENTATIONS

18. The application was advertised in the Strathspey and Badenoch Herald on 25<sup>th</sup> November 2009 and no representations have been received.

## APPRAISAL

19. The main issues to consider in this proposal are those of the need for this mast, the location chosen, and if the principle is acceptable, what precautions are required for mitigating any impact the development has on this site.
20. The applicants have submitted a supporting statement making the case for the mast. The technical justification was made for the previous application and was accepted. Given that the consent was never implemented there is still this technical justification for a mast in the area. The applicants have supplied a new Declaration of Conformity with ICNIPR Public Exposure guidelines, to confirm the development is designed to be in full compliance with the

requirements of European guidelines. The applicants state that the mast will provide an important link within the wider network and is located to provide coverage not only to the main highway but also the railway line and the surrounding area. They state that “the proposed mast utilises existing screening being sited within a shallow dip which reduces the visual impact of the compound and the base of the mast upon the surrounding area. The site can also be utilised for further sharing by other operators in the future if so required. It can be seen that the principal of the development has previously been accepted by the Planning Authority and this application has been made after the expiry of the previous consent.”

21. After calling in planning application 09/163/CP, the CNPA planning officials held discussions with the applicant’s agent to explain concerns about the potential landscape impact a mast would have at this location. During a site meeting the possibility of moving the mast to another location was discussed where there would be less of a landscape impact. A site was found and the applicants have submitted a new planning application (this application) at a revised site. The revised site is located in a hollow, with an undulating landscape surrounding the proposed site helping to screen the mast. The amended application site is still able to satisfy the applicants technical needs and has not resulted in objections from the local community but is overall much less visually prominent in the surrounding landscape. The Highland Council archaeology team have commented on the application because the application lies within a wider area where important historic remains were recorded. They state that while the risk is not such as to warrant a full archaeological excavation, they still think it is important that the full nature and extent of any archaeological features are identified and recorded. It is proposed that a condition is imposed to ensure this occurs.
22. In the backdrop of the site is the A9 overhead power line, which in visual terms would be likely to draw the eye away from the mast. It should also be noted that no objections from the local community have been received on landscape grounds. The site may be glimpsed from a section of the A9, but due to the mast location and the surrounding landscape features it should be largely screened from the A9 and indeed from nearby Newtonmore.
23. The applicants have specified an ivy green colour for the mast, and as the mast will largely be visible set against the distant hills, then this is considered to be an appropriate colour. The applicant has not specified any arrangements for power and telecoms lines to the site itself. However, it is felt that the applicants should underground all new cabling to the site and a condition is proposed to ensure this.
24. In conclusion, as demonstrated in the previous consents there is still a need to provide a modern communications tower in this part of the Spey valley. Following careful consideration of the previous proposal this alternative site is considered to be a more reasonable proposal and will be more sympathetic in the landscape. Through the use of a watching brief then any concerns over potential archaeology in the area will be mitigated. The choice of colouring will help to reduce the visual impact of the mast also with a landscaping plan

becoming established then this should also help mitigate the visual impact of the mast.

25. Planning conditions are recommended to cover the time period of planning consent, the time within which planning consent can be implemented, the colouring of all structures, the protection of any archaeology on the site and proposals for the planting and implementation of a landscaping scheme.

## **IMPLICATIONS FOR THE AIMS OF THE PARK**

### **Conserve and enhance the Natural and Cultural Heritage of the Area**

26. The erection of the mast and ancillary structures and works do not have any significant affect on this aim of the Park. The landscaping proposed would enhance the natural heritage of the area.

### **Promote Sustainable Use of Natural Resources**

27. Not applicable to this proposal.

### **Promote Understanding and Enjoyment of the Area**

28. This proposal is not particularly relevant to this aim.

### **Promote Sustainable Economic and Social Development of the Area**

29. The development of more efficient and effective telecommunications services is considered to have positive economic and social benefits for local businesses and for individuals. This proposal will fit into a national network, and will provide a positive benefit to the local community, and to travellers staying locally and passing through this area.

## **RECOMMENDATION**

That Members of the Committee support the following recommendations to:

**GRANT Full Planning Permission for the erection of a 15 Metre High Lattice Telecommunications Mast, and ancillary equipment, formation of temporary construction access track at land 500m south west of Nuide Farm, Newtonmore, subject to the following conditions:**

- I. The development to which this permission relates must be begun within 3 years from the date of this permission.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006.



2. That the permission hereby granted is for a limited period of 15 years from the date of this planning consent.

**Reason:** To ensure that account can be taken of future telecommunication development in the area and to ensure that the mast can be removed should new technology remove the need for the mast.

3. That the lattice tower and associated fixings shall be finished in a ivy green BS4800 12C39 as shown on Planning Drg – Sht 1 of 4 received 19/11/09 This colour will be applied to the column and fixings prior to the operation of the Telecoms system.

**Reason:** In the interest of visual amenity.

4. Prior to the commencement of any development on the site, landscaping proposals for the site, detailing new planting adjacent to the mast shall be submitted for the consideration and approval of the National Park Authority.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

5. No other antennas or dishes, others fixings, or any signs shall be attached to the approved mast without the express written consent of the National Park Authority.

**Reason:** In the interests of visual amenity.

6. That all service cabling from existing infrastructure networks to the site shall be undergrounded, unless specifically agreed in writing with the National Park Authority.

**Reason:** In the interests of visual amenity.

7. That all infrastructure and equipment, hereby approved, shall be completely removed from the site and all land relative to the development shall be restored to its original natural condition, within six months of the termination of this temporary planning consent, or if the communications system becomes redundant (whichever is the sooner), unless otherwise agreed in writing with the Planning Authority. Prior to the development becoming obsolete, the date from which the six month period shall run, shall be notified to and agreed with the National Park Authority.

**Reason:** In the interests of visual amenity.

8. Prior to the commencement of development, arrangements for an archaeological watching brief to be carried out on site clearance and excavation works, in accordance with the attached specification, shall be submitted to and approved in writing by the CNPA acting as Planning Authority. No site clearance or excavation works shall take place until that approval has been given and all such works shall thereafter be implemented in accordance with the approved arrangements.

**Reason:** To protect the historic and archaeological interest of the site.

**Derek Manson**  
**22 January 2010**

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