
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF 22 METRE HIGH LATTICE TOWER, 3 NO. ANTENNA, 2 NO. DISHES, 1 NO. GPS ANTENNA, EQUIPMENT CABIN AND ASSOCIATED WORKS, INVERCAULD ESTATE, 4 THE KEILOCH, BRAEMAR

REFERENCE: 03/081/CP

APPLICANT: AIRWAVE MMO2, C/O MONO CONSULTANTS LTD, 48 ST. VINCENT ST, GLASGOW, G2 5TS

DATE CALLED-IN: 7 NOVEMBER 2003

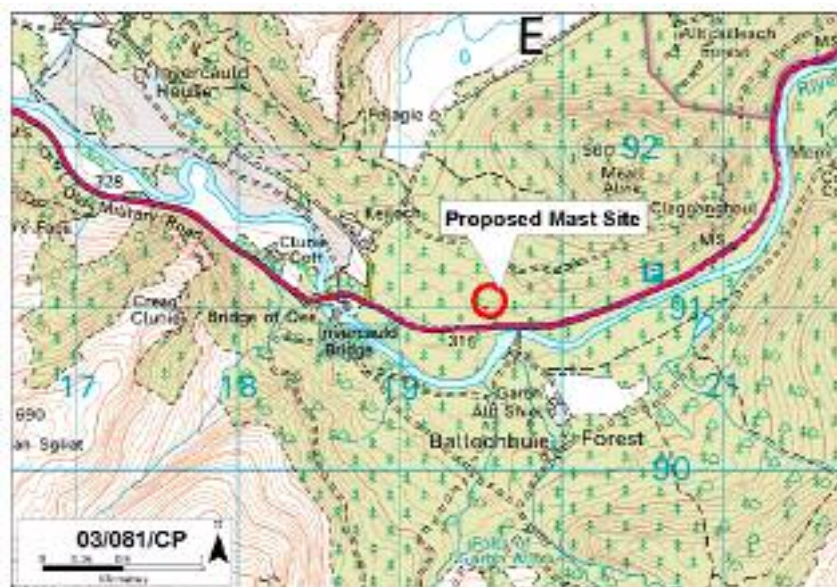


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Members will recall that this planning application was reported to the Planning Committee on 13 February 2004. The Committee deferred determination of the application in order that methods for ensuring the retention of tree cover around the proposed site, could be investigated.
2. Members will recall that the site to which this application relates is located on the north side of the A93 (North Deeside Road) approximately 1km to the east of the Invercauld Estates Offices at Keiloch which is situated about 5km east of Braemar (see Fig. 1.). The site is within an area of woodland which has been the subject of tree felling operations within the last few years and it is accessed by an existing estate track directly off the A93. The site is approximately 120m north of the A93. Within 35m of the site is an existing 15m high mast operated by MMO2. This mast is also served by the access track but is located at a slightly higher level to the proposed site. The existing trees around the site are estimated to be approximately 15m in height. The landform rises up to the north from the A93. There is an existing overhead power line with poles running east to west along a fire break in the trees approximately 20m to the south of the proposed site.
3. The proposal is to erect a 22m high lattice tower with two associated equipment cabins (1m x 0.85m x 2.5m), and a meter cabin, within a compound (8.5m x 6m), enclosed by a 2m high deer fence. The apparatus on the tower includes three dipole antennas, two transmission dishes and a Global Positioning System antenna. The total height including the antennas is 24.5m. The agents have confirmed that the mast and all the associated equipment will be finished in a matt khaki colour. No trees are required to be felled.
4. The proposed structure is part of a new airwave system which is being developed nationally in order to provide 100% geographical digital telecommunications coverage for the emergency services. The proposal is related to the new private digital radio service network for the police. The common name for the system is TETRA (Terrestrial Trunked Radio).

DEVELOPMENT PLAN CONTEXT

5. **NPPG19 (Telecommunications)** states that national policy is to ensure that telecommunications infrastructure is developed in a way which continues to provide Scotland with world class communications services while at the same time minimising the environmental impact of new or replacement equipment. **Planning Advice Note (PAN) 62 (Radio Telecommunications)** provides the detailed background for NPPG19 and states that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings. It also mentions the issue of health risk.
6. **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together-NEST) Policy 4 (Telecommunications)** states that proposed telecommunications developments are encouraged but should be

sited and designed to minimise adverse impacts. Policy 19 states that development which would have an adverse effect on a National Scenic Area will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.

7. Policy Inf9 (Telecommunications Masts) of **The Finalised Aberdeenshire Local Plan (ALP)** states that telecommunications masts and associated apparatus will be approved, in principle, where they comply with the Four Tier approach as defined in Appendix 12 of the plan and if they comply with certain criteria. These include; being sited and designed to minimise visual impact; the developer providing a certificate in accordance with the Public Exposure Guidelines; any rejection of options for mast sharing and installation on existing structures being fully justified; and removal, land restoration and after care use details being satisfactory. The policy also states that within National Scenic Areas, additional care must be taken in the siting and design of masts. Policy Env\5 (National Scenic Areas and Areas of Landscape Significance) states that development within or adjacent to a National Scenic Area will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole.
8. **The Cairngorms National Park Interim Policy No. 2 (Radio Telecommunications) (Consultation Draft) Policy RT1** states that radio telecommunication proposals will be permitted where certain criteria are met. These include (amongst other things); the proposal having no adverse impact on the landscape or cultural heritage of the Park and being sited and designed to minimise the visual and environmental impacts; there being no significant environmental impacts on flora, fauna or habitats; there being no significant adverse impact on residential properties or communities; there being a justification for the development and reasons why alternative sites cannot be used or existing masts or other structures cannot be shared; there being no discernible risk to public health (a certificate in accordance with the Public Exposure Guidelines required); and all redundant equipment and infrastructure being removed timeously at the end of their lifespan.

CONSULTATIONS

9. Scottish Natural Heritage have stated that they do not object to the proposed development. However, they advise that the visual impact of the development could be reduced to a satisfactory level by ensuring that all the equipment, including the tower, its cabins, fence, cabling and antennas are finished in an appropriate colour. They suggest that a matt khaki colour would be appropriate in this instance.

REPRESENTATIONS

10. No representations have been received in relation to the proposal.

APPRAISAL

11. The erection of telecommunications masts and equipment is stated in the Development Control Protocol as a type which, by their nature and scale, should be considered carefully for call-in. In view of this, the Committee, in line with our recommendation, agreed to call-in this application on 7 November 2003, on the basis that it did raise issues of general significance to the aims of the National Park due to its size and its location within a National Scenic Area.
12. It is clear from national, regional and local planning policy that the development of a comprehensive and effective telecommunications network throughout the country is encouraged in principle. However, the development of such a network requires to be assessed carefully in relation to several matters, in particular, siting and design, need and justification, and health. The details of requirements, on an individual site basis, are found in the relative local plan policies and now within the Cairngorms National Park Consultative Draft Interim Policy on Radio Telecommunications.
13. This site lies within the Deeside and Lochnagar National Scenic Area. The siting of the proposed mast therefore requires careful consideration. In this instance, although considerable tree felling in the plantation has been carried out over the last few years in this location, the proposed mast has been positioned adjacent to areas where tree cover remains. Indeed, there is still considerable tree cover between the site and the A93 to the south and on the estate land to the east. Although, the proposed tower will extend above the tree line by approximately 7m, the rising land form and the remaining tree cover will reduce considerably any visual impacts when viewed from the A93. Indeed with the structure and apparatus being finished with a matt khaki colour, as suggested by SNH, the structure will be even less conspicuous. While it may be possible to view the structure from higher areas in the locality, particularly to the north and across the River Dee to the south west, it will be seen in a partially forested context and not in isolation in the landscape.
14. The matter of continued tree cover is an issue, because the surrounding land is not in the ownership of the applicant. It is land owned by Invercauld Estate. In the interests of minimising visual and landscape impacts, the Committee, at their meeting on 13 February 2004, was concerned about the potential for this tree cover to be removed. It is not possible to impose conditions requiring tree retention on land outwith the control of the applicant. It was stated that the only mechanisms that would guarantee the tree retention would be the completion of a Section 75 Legal Agreement between the CNPA, the applicant and Invercauld Estate, or the applicant acquiring a considerable area of land surrounding the site. These mechanisms both have implications as far as the proposal is concerned. In particular, there are issues of time. The completion of a Section 75 Legal Agreement, which involves solicitors representing all parties, could result in considerable delay while the legal procedures are

carried out. Gaining control over the adjoining land would also require legal processes and in relation to the planning application, it may result in the boundaries of the development site being amended considerably. This could only be dealt with by the submission of a further planning application.

15. The options were put to the applicants. They have advised that the site requires to be operational and integrated into the Airwave emergency services network by September 2004. They therefore state that there is a tight schedule for achieving the 100% coverage for the emergency services in this locality. They therefore would not wish to enter into a Section 75 Legal Agreement or seek to acquire the additional land. However, they have contacted Invercauld Estate. This has resulted in the submission, from the Estate, of a letter confirming that they have no intention of felling or removing the surrounding trees lying to the south between the site and the A93, nor the trees positioned to the east/north east of the site in a band of 15m-20m. A copy of this letter is attached to the report. While this does not provide a cast iron guarantee, it does provide a written assurance of the Estate's intentions. As I stated previously, the Estate directed the applicants to this location because of the remaining tree cover, and it is suggested that, in view of the National Park's status, it would not be in the best interests of the Estate to increase the impact of the mast by felling surrounding trees. The matter of how the CNPA deals with this issue, generally, is one for planning policy and it is proposed to investigate the appropriate mechanisms through the consultation process on the interim policy on Radio Telecommunications. However, in this instance and at this time, reliance, in the main, is put on existing development plan policies. These carry more weight in terms of materiality. As such, on this basis, I continue to feel that this alone would not be sufficient to resist the development.
16. With the development being located in a National Scenic Area, the site falls within Tier 2 of the Tier 4 designation schedule in the Aberdeenshire Local Plan (ALP). This does not preclude development of this nature but seeks to ensure that alternative, less sensitive sites within Tiers 3 and 4 of the schedule have been considered and discounted on acceptable grounds. In this instance, the need for 100% coverage for the police network means that it is inevitable that telecommunications proposals will be required within the National Scenic Area. The proposal is to allow 100% emergency services telecommunications coverage for the Ballochbuie Forest Area, around the Invercauld Bridge/Old Bridge of Dee, and encompassing land lying to the north and south of the A93. The scope for alternative locations outwith the National Scenic Area in lesser Tier areas, is therefore extremely limited. However, the agents have confirmed that alternative sites in the locality have been considered.
17. The first is the obvious mast sharing opportunity on the existing mast adjacent to the site. This 15m high mast, which is sited at a slightly higher level to the proposed one, is operational for O2 mobile telephone uses at present. The applicant's agents have stated that this was a strong option. However, following discussion with O2 (current applicant Airwave is a subsidiary company), it was found that, to provide both sets of equipment and achieve the required level of coverage for both operators, it would require an extension of

the existing mast of at least 10m (total tower height 25m min.). This was because of the technical separation requirements of the electrical radio equipment and because O2, as owner of the mast, reserves the right to locate their equipment at the highest position on the redeveloped mast. In addition it was added that the additional equipment would add bulk and clutter to the top of the redeveloped mast which would be seen well above the tree line. An enlarged compound would also be required. When this option was put to Aberdeenshire Council at the pre-application stage, they agreed that, in the circumstances, it was preferable, in terms of visual and landscape impact, to have two smaller masts rather than one larger one. On this basis, the mast sharing option was discounted.

18. The second alternative option was at an existing structure at “Garbh Allt Shiel” located to the south of the River Dee. This option was discounted because it became apparent that the existing structure would not provide the coverage to the area that the emergency services required. This site also had problems in terms of levels of access. With the proposal being for the emergency services, and on the basis of the above, I am content that there is a need, and that the option chosen is justified as the best possible in the circumstances in terms of siting and design within the landscape.
19. In relation to health risks, on the basis of National Guidance, provided a planning application is accompanied by a declaration that the equipment and installation is designed to be in full compliance with the Public Exposure Guidelines for radio frequency radiation, the matter should be considered to have been adequately addressed. In this instance, a certificate declaring conformity with the Guidelines, has been submitted. It is also the case that there are no residential properties nearby. Although the issue of health risk is arguably not classed as a material planning consideration, I am satisfied that there are no potential health concerns and that the terms of policy have been satisfied in this instance.
20. To conclude, I submit that the proposal complies with planning policy at all levels. In addition, and as stated above, the written assurances from the Invercauld Estate about tree retention on the surrounding land, I feel is enough to justify my continued recommendation of approval.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

21. Despite the site being within the Deeside and Lochnagar National Scenic Area, as stated above, the judgement is that the landscape and visual impacts will not be significant. There are no other designations on the site and therefore there will no adverse impacts on flora, fauna or habitats. SNH have not raised any objections. There are also no features of historical or cultural interest in the immediate vicinity.

Promote Sustainable Use of Natural Resources

22. There are no direct implications, positive or negative in terms of this aim.

Promote Understanding and Enjoyment of the Area

23. There is the track which will provide access to the proposed site. However, there is no evidence to suggest that this is anything other than a functional estate track. While the public could use it for recreational purposes, the proposed site does not adversely affect its route. There are no other direct implications, positive or negative, in terms of this aim.

Promote Sustainable Economic Development of the Area's Communities

24. The Scottish Executive supports, in general, the development of the telecommunications industry, which they believe is essential to the global competitiveness of Scottish business. They also state that additional economic and social benefits can be achieved, but only if the infrastructure is developed, including the networks of radio base stations. The use of radio communications, ranging from emergency services to paging can help to promote social justice and play an important role in enhancing personal safety, especially in remoter rural areas. In this instance the proposal is to aid telecommunications for the police. It can therefore be argued that the development would have positive benefits in sustaining the social and economic development of this community.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the Erection of 22 Metre High Lattice Tower etc. Invercauld Estate, 4, The Keiloch, Braemar, subject to the following conditions:

- i. The development to which this permission relates must be begun within five years from the date of this permission.
- ii. That the tower and all its associated equipment, including the cabins, antennas, dishes, cabling and compound fencing, be finished in a matt khaki colour to the satisfaction of the Planning Authority. Prior to the commencement of works on site, an exact specification for this colour, including a British Standard number, shall be submitted for the further written approval of the Planning Authority.
- iii. Unless otherwise agreed in writing with the Planning Authority, all related power lines shall be routed underground.

- iv. Unless otherwise agreed in writing with the Planning Authority, no advertising signage or logos, or non-safety lighting, shall be fitted on any part of the development hereby approved.

- v. 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 date that the development becomes redundant, 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 Planning Authority.

Neil Stewart
20 February 2004

planning@cairngorms.co.uk