

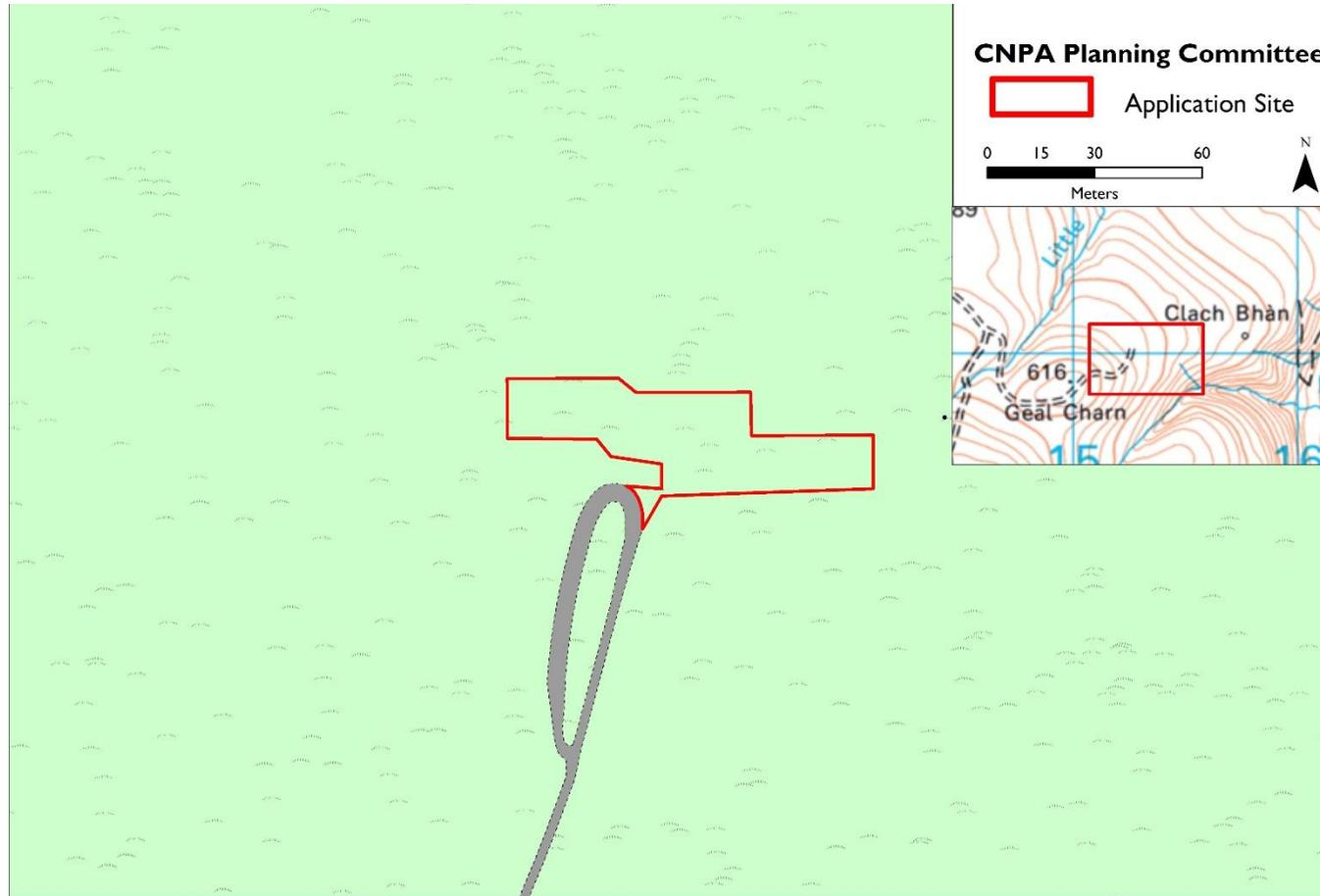


Committee report

Development proposed:

Proposed telecommunications installation comprising of a new 15.0m high lattice tower on new concrete base, three shared antennas, two dishes, four cabinets, two 9m (hub height) micro turbines, a solar array, one generator compound and ancillary development.

Reference:	2025/0008/DET
Applicant:	EE Ltd
Date called-in:	07 January 2025
Recommendation:	Refuse
Case officer:	Katie Crear, Planning Officer



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Site description, proposal and history

Site description

1. The application site is located near the summit of Gael Charn, a hilltop located in Glen Avon and approximately 8km southwest of Tomintoul.
2. The development site is outwith any defined settlement boundary on an exposed heather covered hilltop in an undeveloped open and expansive upland landscape, which is defined as “Smooth Rounded Hills” by the Cairngorms Landscape Character Type.
3. The application site is located within the Cairngorms Massif Special Protection Area, designated as such because of regularly supporting a population of breeding Golden Eagles.
4. A number of environmentally designated sites lie within proximity of the proposal site, which have potential to be impacted upon by the proposed development. These are:
 - a) Cairngorms Special Area of Conservation;
 - b) River Spey Special Area of Conservation;
 - c) Inchroy Site of Special Scientific Interest.
5. The application site is located on an area of Class 2 nationally important carbon-rich soils, deep peat and priority peatland habitat as designated by NatureScot.

Proposal

6. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise: <http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>



Title	Drawing number	Date on plan*	Date received
Plan – Planning redline demise area	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Plan – Planning site plan	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Plan – Existing access plan	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Plan – 250 proposed site elevation A	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Plan – 251 proposed site elevation B	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Plan – 252 proposed site elevation C	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Plan – 253 proposed site elevation D	TNS1520A_34 875_GA_REV_ B	17/10/2024	10/01/2025
Other – Landscape & Visual impact assessment	34875 GEAL CHARN, TOMINTOUL	01/01/2025	10/02/2025
Other – Emergency network info	34875 GEAL CHARN, TOMINTOUL	n/a	10/01/2025
Other – Habitat (NVC) & protected species of proposed phone mast	34875 GEAL CHARN, TOMINTOUL	01/09/2024	10/01/2025
Other – ICNIRP statement	EE TNS 34875	12/12/2024	10/01/2025
Other – Mast build factsheet	n/a	n/a	10/01/2025
Other – Mast location selection	n/a	n/a	10/01/2025



Other -Peat management plan	n/a	01/09/2024	10/01/2025
Other – People and communities	n/a	n/a	10/01/2025
Other – Shared rural network in Scotland	n/a	n/a	10/01/2025
Other – Design and access statement	n/a	n/a	10/01/2025
Other – Covering letter	EE TNS 34875	n/a	10/01/2025
Other – Construction method statement	EE TNS 34875	18/12/2024	10/01/2025

*Where no specific day of month has been provided on the plan, the system defaults to the first of the month.

7. The proposal is for a 15 meter (m) high lattice telecommunications mast, including telecommunications equipment, antennas, dishes, etc, and assorted ancillary development within a fenced compound. The proposed lattice mast will accommodate three antenna and two transmission dishes and will be placed within a levelled compound surrounded by a 1.8m high deer fence enclosure.
8. Two 11m high wind turbines will each be located within individual levelled compounds surrounded by a 1.8m high deer fence enclosure.
9. A solar panel array will be located with a fourth levelled compound surrounded by a 1.8m high deer fence enclosure.
10. It should be noted that a discrepancy exists between the submitted proposed site plan (008c – Planning Site Plan), which shows two proposed turbines, and the submitted site elevations (250–253 Proposed Site Elevations A-D) which show one and sometimes zero turbines. Should the Committee determine to approve this application these discrepancies would require to be addressed in advance of any decision being made.

History

11. The application site has no relevant planning history.



Habitats Regulations Appraisal

12. In order to carry out a Habitats Regulations Appraisal (HRA), the Park Authority, the competent authority, must have sufficient details about all aspects of the proposal and how this will be carried out. The insufficient and inaccurate information provided by the Applicant does not meet the standards required to be able to undertake the necessary HRA / Appropriate Assessment.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045	
Policy 1	Tackling the climate and nature crises	
Policy 2	Climate mitigation and adaptation	
Policy 3	Biodiversity	
Policy 4	Natural places	
Policy 5	Soils	
Policy 11	Energy	
Policy 14	Design, quality and place	
Policy 24	Digital infrastructure	
Policy 29	Rural development	

Strategic policy	Strategic policy Cairngorms National Park Partnership Plan 2022 – 2027	
	The Cairngorms National Park Partnership Plan Figure 7: Strategic developments in the Cairngorms	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	
Policy 2	Supporting economic growth	
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X
Policy 5	Landscape	X



Policy 6	The siting and design of digital communications equipment	X
Policy 7	Renewable energy	X
Policy 8	Open space, sport and recreation	
Policy 9	Cultural heritage	
Policy 10	Resources	X
Policy 11	Developer obligations	

13. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>



Planning guidance

14. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross (x).

Policy 1	Housing supplementary guidance	
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	X
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	

Consultations

15. A summary of the main issues raised by consultees now follows:
16. **NatureScot** advised that the proposal is unlikely to adversely affect natural heritage interest of international importance on the site. The response points out the requirement for the Park Authority, as competent authority, to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest.
17. **The Ministry of Defence** raised no objections to the proposal subject to the application of the recommended condition.
18. **National Air Traffic Services (NATS)** raised no objections to the proposal from an en route air traffic technical safeguarding perspective.
19. **Moray Council Transport Planning** Team raised no objections to the proposal.



20. **The Park Authority Outdoor Access Officer** highlighted the likely negative visual impacts of the proposal on user experience of Core Path (C66) and Right of Way (GM42), stating that this would undermine the designation of core paths in their role of facilitating people to enjoy the special qualities of the Park and in offering a high-quality access experience. Right of Way in the vicinity (GM40) may also be impacted upon.
21. **The Park Authority Peatland Team** raised no objections to the proposal.
22. **The Park Authority Specialist Landscape Consultant** response highlights the inadequacy of the applicant's Landscape and Visual Impact Assessment (LVIA). "The information provided by the Applicant is not satisfactory. The LVIA does not accord with good practice and also omits a detailed assessment of effects on the Cairngorms Wild Land Area (WLA). Photographs of assessment viewpoints have been provided but not visualisations which should (as a minimum) illustrate the location and scale of the proposed development. No assessment has been provided of potential cumulative landscape and visual effects with the existing mast at Cnip Chaochan Aitinn or of another mast (Ref: 2025/0044/DET) understood to be proposed within the LVIA study area but not referenced in the information provided by the Applicant." The proposed development would "introduce further built infrastructure to a landscape which is open, simple and minimally developed. Effects on some of the Special Landscape Qualities (SLQs) of the Cairngorms National Park and indirect effects on part of the Cairngorms WLA will be adverse although it is not possible, given the deficiency of the information provided by the Applicant, to make a judgement as to the degree of significance of these effects. Visual receptors walking and cycling in this part of the Cairngorms National Park, while likely to be relatively low in number, would be of high sensitivity and significant adverse effects would be likely to occur on close views for these receptors."
23. **Glenlivet and Inveravon Community Council** provided no response.

Representations

24. Arqiva Ltd is responsible for providing the transmission network for the BBC and ITV along with the majority of the UK's radio companies and is responsible for



ensuring the integrity of Re-Broadcast Links. Arqiva Ltd raised no concerns regarding the proposed development.

Appraisal

25. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan. This comprises the Cairngorms National Park Local Development Plan 2021, and the National Planning Framework 4. Where there is conflict between policies, NPF4 policies takes precedence.

Principle

26. **NPF4 Policy 24: Digital infrastructure** seeks to encourage, promote and facilitate the rollout of digital infrastructure across Scotland. This policy 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, subject to certain criteria being met.”
27. One such criteria is that “the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and landscaping”.
28. **NPF Policy 11: Energy** seeks to support proposals for all forms of renewable, low-carbon and zero emissions technologies. This policy states that “development proposals that impact on international or national designations will be assessed in relation to Policy 4”, and that landscape and biodiversity impacts are satisfactorily addressed / mitigated.
29. **LDP Policy 6: The siting and design of digital communications equipment** stipulates that proposals for new telecommunications or other digital communications equipment will only be permitted provided that certain criteria are met. These criteria include the requirement that proposals are acceptable in terms of their impacts on landscape, visual amenity, natural heritage and ecology. Best efforts at mitigating effects are also a requirement.



30. **LDP Policy 7: Renewable energy** seeks to support renewable energy generation proposals where they meet the specified criteria, including conserving and enhancing the special qualities of the Park, including wildness, and adequately minimising all cumulative effects.
31. **The Cairngorms National Park Partnership Plan Figure 7:** Strategic developments in the Cairngorms shows that the proposal site lies outwith the digital connectivity priority area.
32. The proposed development benefits from a degree of qualified support in principle. This, however, is subject to detailed consideration of the proposal, its design, siting and likely impacts.

Design

33. **NPF4 Policy 14: Design** states development proposals should improve the quality of an area and be consistent with the six qualities of successful places. It sets out that proposals which are poorly designed and/or detrimental to amenity, sustainability and biodiversity will not be supported.
34. **NPF4 Policy 29: Rural development** seeks to ensure that development proposals in rural areas are suitably scaled, sited and designed to be in keeping with the character of the area.
35. **LDP Policy 3: Design and placemaking** similarly sets out to ensure that proposals are designed to be consistent with the six qualities of successful places.
36. **LDP Policy 6: The siting and design of digital communications equipment** seeks to ensure that development is appropriately designed and will not have unacceptable detrimental impacts on visual amenity, character and appearance, landscape, ecology or natural heritage.
37. **LDP Policy 7: Renewable energy** requires that for any renewable energy proposal to benefit from support it must conserve and enhance the special qualities of the Park, including wildness, and adequately minimise all cumulative effects.



38. Supporting information including a Design and Access Statement has been submitted by the Applicant. Much of the information is of a generic nature and it does not provide site specific information on the site selection and / or design approach.
39. The proposed mast, solar panels, two wind turbines, compounds and ancillary equipment are of a purely functional design and materials. The nature, design, scale and mass of the proposal, although typical of telecommunications masts, and supporting renewable energy development, is such that it will unavoidably appear incongruous within its rural and “natural” setting. This is compounded by the site location, an undeveloped hilltop. Accordingly, it is not considered that there are any particular design issues which could, for example, be addressed through design amendments or planning conditions.
40. The submitted LVIA does not accord with good practice and omits a detailed assessment of effects on the Cairngorms WLA and omits any cumulative assessment. As a result of these fundamental omissions, no mitigations on likely impacts are offered by the proposed design.
41. The proposal is therefore contrary to NPF4 Policy 14; Design, NPF4 Policy 11: Energy, NPF4 Policy 29: Rural development, Local Development Plan (LDP) Policy 3: Design and placemaking, LDP Policy 6: The siting and design of digital communications equipment and LDP Policy 7: Renewable Energy, in that the proposal is of a design, scale and nature which is fundamentally incongruous within its setting and will have detrimental impacts on visual amenity, landscape, natural heritage and ecology. This is explored in more detail below.

Landscape and Special Landscape Qualities

42. **NPF4 Policy 4: Natural places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.



43. **LDP Policy 4: Natural heritage** states that development proposals that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where they will not adversely affect the integrity of the area or the qualities for which it has been designated. This includes special landscape qualities.
44. **NPF Policy 11: Energy** states that development proposals that impact on international or national designations will be assessed in relation to Policy 4, and that landscape impacts are satisfactorily addressed / mitigated.
45. **LDP Policy 5: Landscape** states that there shall be a presumption against development that does not complement or enhance the landscape character of the National Park. The policy states that any significant adverse effects on the landscape character of the National Park must clearly be outweighed by social or economic benefits of national importance.
46. **LDP Policy 6: The siting and design of digital communications equipment** states that proposals will only be permitted where the following criteria are met:
 - a) Details of the siting, design and appearance of the proposed apparatus and associated structures demonstrate that the impact on the visual amenity, character and appearance of the surrounding area is minimised;
 - b) In sensitive areas detailed evidence demonstrates that the proposals would not lead to unacceptable effects on areas of particular ecological interest or landscape importance; archaeological and other cultural heritage sites; conservation areas; or buildings of architectural or historic interest;
 - c) Every effort has been made to conceal, camouflage or otherwise disguise masts, other equipment installations and associated building structures as well as cabling
47. **LDP Policy 7: Renewable energy** seeks to ensure that renewable energy proposals enhance the special qualities of the Park, including wildness, and adequately minimise all cumulative effects.



48. The proposal is necessarily of a functional design and by its nature is relatively large and imposing. No site-specific landscape or visual impact mitigations have been included within the design.
49. The Applicant submitted an LVIA in support of the Application. Despite being requested as part of pre-application advice provided by the Park Authority, this LVIA was undertaken and submitted post application submission. The LVIA does not accord with best practice or the methodology set out in the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). It provides no detailed analysis of landscape and visual sensitivity, and the viewpoint assessment tables are unclear in terms of the conflicting statements made on visual receptor sensitivity (mostly considered to be low but sometimes noted as being medium sensitivity). The absence of visualisations depicting the proposed development is a significant deficiency. Indeed, the LVIA does not include annotation of the location of the mast on the baseline photographs.
50. The proposed development would be located in an open and expansive upland landscape which is defined as the Smooth Rounded Hills – Cairngorms Landscape Character Type (LCT) and in relatively close proximity to the higher Mountain Massif - Cairngorms LCT. The LVIA appears to conclude that effects on these LCTs would not be significant (despite accepting in paragraph 9.5 that the development would be 'prominent and out of character'). However, the lack of LVIA visualisations showing the proposed development, together with the lack of robustness evident in the judgements made on sensitivity and the magnitude of change in the LVIA does not provide confidence in the LVIA findings and conclusions.
51. The Park Authority Landscape consultant's view on the LVIA's assessment of the effects of the proposal on the SLQs of the Cairngorms National Park is that the adopted hierarchical approach to the landscape features identified with the SLQ is overly simplistic in its judgement that effects would be low as the development would be sited within the 'Surrounding Hills' rather than the 'core of the mountain massif'. The LVIA's conclusions on the significance of effects on the SLQs remain unclear.



52. The application site is approximately 1km outside the Cairngorms WLA. However, the LVIA includes no assessment of the likely effects of the proposed development on the character and attributes of the WLA. No mention is made of the proximity of the WLA to the application site and no figure is included showing the WLA area in relation to the site.
53. The Zone of Theoretical Visibility (ZTV) map in Figure five of the LVIA indicates that there will be theoretical visibility from part of the WLA.
54. The description of the WLA notes the strong sense of sanctuary, solitude and naturalness associated with this largely uninhabited landscape, and notes an absence of built structure other than estate buildings and bothies. The WLA is also characterised by boundaries that mark a gradual transition where increasing amounts of human elements and activity such as estate tracks, fences and areas of muirburn etc. The exception of this is the western boundary which is marked by the A9. With this in mind, the omission of an assessment of likely impacts of the proposal on the WLA is not considered appropriate.
55. The LVIA assessment of effects on visual amenity considers visual receptors to be of low sensitivity. This is a conclusion that the Park Authority Landscape Advisor considers “illogical as the receptors affected by the proposed development are likely to comprise walkers and cyclists using the hills for recreation and the viewpoints lie in a National Park, factors which would increase sensitivity to high.” The LVIA conclusions drawn with regards to the sensitivity of receptors and the likely visual effects of the proposal on these receptors are not sound and cannot be supported.
56. The LVIA also does not include any assessment of cumulative landscape and visual effects with the existing mast at Cnip Chaochan Aitinn or of a proposed mast, turbines and solar application (Ref: 2025/0044/DET – currently under consideration), submitted by the same applicant.
57. To conclude, the information provided in relation to landscape and visual impacts, is not satisfactory and the conclusions drawn cannot be supported. The LVIA does



not accord with good practice and omits fundamental aspects that would normally be expected for an LVIA.

58. The proposed development is of a scale, design, materials and siting that are not in keeping with its setting and are likely to have detrimental landscape and visual impacts. No mitigations are proposed by the Applicant or included within the proposed design.
59. The proposal is therefore contrary to **NPF Policy 11: Energy** and **NPF4 Policy 4: Natural Places** as it will likely have adverse effects on the SLQ's and other special qualities of the area which are not outweighed by social, environmental or economic benefits of national importance.
60. The proposal is contrary to **LDP Policy 4: Natural heritage** as it will result in major detrimental impacts on the designated sites and associated SLQ's, and other special qualities.
61. The proposal is contrary to **LDP Policy 5: Landscape** as it does not complement or enhance the landscape character of the National Park but will have detrimental effects.
62. The proposal is contrary to **LDP Policy 6: The siting and design of digital communications equipment** in that the proposal does not include any meaningful mitigation to minimise the impact on the visual amenity, character and appearance of the surrounding area. The proposal is likely to have an unacceptable detrimental impact on areas of particular landscape importance and little / no effort has been made to conceal, camouflage or otherwise disguise the mast, turbines or other equipment installations or associated building structures.
63. The proposal is contrary to **LDP Policy 7: Renewable energy** as it does not conserve the special qualities of the Park, including wildness, and does not evidence that all cumulative effects have been minimised.



Environment and ecology

64. **NPF4 Policy 1: Tackling the climate and nature crisis** states that “when considering all development proposals significant weight will be given to the global climate and nature crises.
65. **NPF4 Policy 3: Biodiversity** supports proposals that conserve, restore and enhance biodiversity, which integrate nature-based solutions and that minimise detrimental impacts on biodiversity, nature networks and the natural environment through careful planning and design.
66. **NPF4 Policy 4: Natural places** states that development proposals “which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported”. The policy states that “Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - a) The objectives of designation and the overall integrity of the areas will not be compromised; or
 - b) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”
67. **NPF4 Policy 4** also requires that the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
68. **NPF4 Policy 5: Soils** states that development on peatland, carbon-rich soils and priority peatland habitat will require the submission of a suitably scoped site-specific assessment and will only be supported for essential infrastructure, renewable energy, small scale rural businesses, farm or croft, supporting a fragile rural community or peatland restoration.
69. **LDP Policy 4: Natural heritage** seeks to protect natural heritage from the detrimental impacts of inappropriate development. **LDP Policy 4.2** states that development that would adversely affect the Park, a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) or National Scenic Area will only be



permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where the impacts are outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of equal or greater importance than those that are adversely affected. **LDP Policy 4.4 and 4.5** seek to ensure that protected species and environments are not detrimentally affected by developments unless under exceptional circumstances.

70. **LDP Policy 10: Resources** seeks to minimise disturbance of soils, peat and any associated vegetation and to ensure appropriate assessments are carried out and mitigations applied.
71. The applicant submitted a Peat Management Plan and an Ecology Report in support of the application. Both reports contain an inaccuracy in the mapping of the mast location and neither report (or appendices) include the redline boundary or location(s) of ancillary development, including two turbines and solar panel array. Both reports refer to the “mast location” in terms of a spot location, which does not correlate to that of the submitted plans and does not include the entirety of the application site’s redline boundary. Assessments of impacts associated with the entire proposal are not included.
72. The application site is located within the Cairngorms Massif Special Protection Area, designated as such due to regularly supporting a population of breeding Golden Eagles. The Applicant’s submitted Ecology information makes no reference to this. This is considered to be a significant omission given that that the proposal includes high structures in the form of a mast and two turbines.
73. The proposed development, by virtue of introducing development into currently undeveloped moorland, will result in a net loss of biodiversity. The baseline claimed by the applicant cannot be supported due to inaccuracies and omissions within the submitted information, and the impacts of the proposal are expected to be more significant than those claimed by the applicant.
74. The proposal does not include any measures to conserve biodiversity, no measures to restore biodiversity and no measures to enhance biodiversity.



75. The Submitted Peat Management Plan seems to only assess the impacts of the (inaccurate) spot location of the proposed mast in detail. No assessment of the entire application site (redline boundary) is included. Figure one of the Peat Management Plan seems to contradict its own conclusions by showing part of the application site with a peat depth 50cm-100cm but also a statement that “the greatest peat depth recorded over the development footprint was 0.2m”.
76. NatureScot defines deep peat anything over 50cm in depth, however the Applicant has defined “deep peat” as anything over 100cm in depth.
77. The NatureScot “Carbon and peatland 2016 map” shows the site as being located on “Class 2 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas of potentially high conservation value and restoration potential.”
78. NPF4 Policy 5 states that development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported where the mitigation hierarchy has been followed by first avoiding and then minimising the amount of disturbance to soils on undeveloped land, and where the proposal is for essential infrastructure where there is a specific locational need and no other suitable site. The Applicant has submitted no evidence that the required “mitigation hierarchy” has been applied, particularly with regards to site selection.
79. **NPF4 Policy 5** and **LDP Policy 10** also require that where development on peatland is proposed a detailed site-specific assessment will be required to identify the likely effects of the development on peatland, including on soil disturbance and the likely net effects of the development on climate emissions and loss of carbon. The Applicant’s submitted Peatland Management Plan does not meet these requirements.
80. The proposal is contrary to **NPF4 Policy 3: Biodiversity** in that it does not conserve, restore or enhance biodiversity, nor does it the minimise detrimental impacts on biodiversity, nature networks and the natural environment through careful planning and design.



81. The proposal is contrary to **NPF4 Policy 4: Natural places** in that by virtue of its type, location and scale it will have an unacceptable detrimental impact on the natural environment and on the qualifying interests / notified features of the designated sites.
82. The proposal is contrary to **NPF4 Policy 5: Soils** in that it does not follow the mitigation hierarchy of first avoiding and then minimising the amount of disturbance to soils on undeveloped land, it is not a proposal for essential infrastructure, and it is not evidenced that no other suitable sites for the proposed development exist.
83. The proposal is contrary to **LDP Policy 4: Natural heritage** in that it may have unacceptable detrimental impacts on protected species, nationally and internationally designated sites with no acceptable mitigation or justification proposed.
84. The proposal is contrary to **LDP Policy 10: Resources** as the likely effects of the development on peatland, including on soil disturbance and the likely net effects of the development on climate emissions and loss of carbon are not satisfactorily addressed by the submitted assessment.

Access and visitor experience

85. One of the Cairngorms National Park Authority's four aims is to "promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public."
86. The Park Authority's recreation and outdoor access officer highlights that the proposed development has the potential to negatively impact upon visitor experience the following paths/routes:
 - a) Core Path (CC6) Glen Avon (Tomintoul to Invercauld)
 - b) Right of Way (GM42) Glen Avon
 - c) Right of Way (GM40) Dalestie to Ailnack Gorge
 - d) Heritage Path (Drovers Road) Tomintoul to Invercauld
 - e) Hill Path (185) Tomintoul to Invercauld



87. The Park Authority recreation and outdoor access officer advises that despite the lack of adequate landscape and visual impacts assessment “we can assume the installation of a telecoms mast and associated infrastructure on the lower aspect of Geal Charn would have a visual impact from the Core Path (C66) and Right of Way (GM42) and would negatively impact on the user experience and undermine the designation of core paths in their role of facilitating people to enjoy the special qualities of the Park and in offering a high quality access experience.”
88. The Core Path network was created to help people enjoy (and understand) the special qualities of the Park by identifying a network of paths which offer a wide range of high-quality outdoor access opportunities. The quality is defined by user experience.
89. The installation of a telecoms mast, two wind turbines and associated infrastructure would negatively impact on visitor and user experience of the aforementioned core paths. It would undermine the designation of core paths in their role of facilitating people to enjoy the special qualities of the Park and in offering a high-quality access experience.
90. As such the proposed development is contrary to one of the Park’s core aims in that enjoyment of the special qualities of the area by the public would be undermined.

Conclusion

91. The proposed development is of a nature and scale which is unacceptable at the proposed site and contrary to the provisions of the development plan.
92. In terms of design the proposal is contrary to NPF4 Policy 14; Design, NPF4 Policy 11: Energy, NPF4 Policy 29: Rural development, LDP Policy 3: Design and placemaking, LDP Policy 6: The siting and design of digital communications equipment, and LDP Policy 7: Renewable Energy, in that the proposal is of a design, scale and nature which is fundamentally incongruous within its setting and will have detrimental impacts on visual amenity, landscape, natural heritage and ecology.



93. With regards impacts on landscape and visual amenity, the proposal will have substantial detrimental impacts and is contrary to NPF4 Policy 4: Natural Places, NPF4 Policy 11: Renewables, LDP Policy 4: Natural heritage, LDP Policy 5: Landscape, LDP Policy 6: The siting and design of digital communications equipment, and LDP Policy 7: Renewable energy.
94. Concerning impacts on natural heritage and ecology, the proposal has unacceptable detrimental impacts on ecology, protected species, nationally and internationally designated sites with no acceptable mitigation or justification. The proposal does not conserve, restore or enhance biodiversity. The proposal is therefore contrary to NPF Policy 3: Biodiversity, NPF4 Policy 4: Natural Places, NPF4 Policy 5, LDP Policy 4: Natural Heritage and LDP Policy 10: Resources.
95. Regarding the potential impacts of the proposed development on peat and carbon-rich soils, the proposal does not follow the requisite mitigation hierarchy of first avoiding and then minimising the amount of disturbance to soils on undeveloped land. The proposal does not include an assessment of likely effects of the development on peatland, including on soil disturbance and the likely net effects of the development on climate emissions and loss of carbon. The proposal is therefore contrary to NPF4 Policy 5: Soils and LDP Policy 10: Resources.
96. The proposed development would negatively impact on the experiences of Park visitors and other receptors which is in direct contradiction of the one of the National Park's stated aims to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.

Recommendation

That members of the committee REFUSE permission for the erection of telecommunications installation comprising of a new 15.0m high lattice tower on new concrete base, three shared antennas, two dishes, four cabinets, two 9m (hub height) micro turbines, a solar array, one generator compound and ancillary development at land At Geal Charn, Lower Glenavon Estate, Inchory Lodge, Tomintoul, Ballindalloch, Moray, AB37 9HX.



Reasons for refusal

1. The proposed development is contrary to NPF4 Policy 3: Biodiversity in that it will not contribute to the enhancement of biodiversity, does not include any appropriate measures to conserve, restore and enhance biodiversity in accordance with national and local guidance, and the potential adverse impacts on biodiversity, nature networks and the natural environment have not been minimised through careful planning and design.
2. The proposed development is contrary to NPF4 Policy 4: Natural places in that by virtue of its type, location and scale it will have an unacceptable impact on the natural environment.
3. The proposed development is contrary to NPF4 Policy 5: Soils in that the application was not evidenced to be made in accordance with the mitigation hierarchy minimising the amount of disturbance to soils on undeveloped land, it does not meet the required criteria for development on peatland, carbon rich soils and priority peatland habitat, and does not include a suitably detailed site specific peat assessment which meets the policy requirements.
4. The proposed development is contrary to NPF4 Policy 11: Energy as it will likely have adverse effects on the SLQs, and other special qualities of the area are not outweighed by social, environmental or economic benefits of national importance.
5. The proposed development is contrary to NPF4 Policy 14: Design, quality and place in that it is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places, specifically “Pleasant”, “Distinctive” and “Sustainable”.
6. The proposal is contrary to NPF4 Policy 24: Digital infrastructure in that the visual and amenity impacts of the proposed development have not been minimised through careful siting, design, height, materials and landscaping.
7. The proposed development is contrary to NPF4 Policy 29: Rural development in that it is not suitably scaled, sited and designed to be in keeping with the character



of the area, and is not suitable in terms of location, access, siting, design and environmental impact.

8. The proposed development is contrary to LDP Policy 3: Design and placemaking in that its scale, design and materials are such that it would be entirely incongruous within its setting and would not conform to the six qualities of successful places (see reason 4).
9. The proposed development is contrary to LDP Policy 4: Natural heritage in that it would adversely affect nationally designated sites and the qualities for which they have been designated and would potentially adversely affect protected species and other biodiversity.
10. The proposal is contrary to LDP Policy 5: Landscape in that it would have adverse effects on the special landscape qualities of the National Park which are not outweighed by any material consideration, and which have not been minimised or mitigated through appropriate siting, layout, scale and design.
11. The proposal is contrary to LDP Policy 6: The siting and design of digital communications equipment in that the potential impacts on the visual amenity, character and appearance of the surrounding area have not been minimised and the proposal would lead to unacceptable effects on areas of particular ecological interest and landscape importance. Furthermore, it has not been shown that every effort has been made to conceal, camouflage or otherwise disguise the mast and ancillary development.
12. The proposal is contrary to LDP Policy 7: Renewable energy as it does not conserve the special qualities of the Park, including wildness, and does not evidence that all cumulative effects have been minimised.
13. The proposal is contrary to LDP Policy 10: Resources as the likely effects of the development on peatland, including on soil disturbance and the likely net effects of the development on climate emissions and loss of carbon are not satisfactorily addressed by the submitted peatland assessment.