
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 20m Emergency Services Network (ESN) mast, cabinet, 2 antennas and 1 dish antenna attached to mast, creation of pedestrian access path, and installation of a cabinet, remote generator and associated service channel at Land 320M NE Of, Auchlean, Feshiebridge

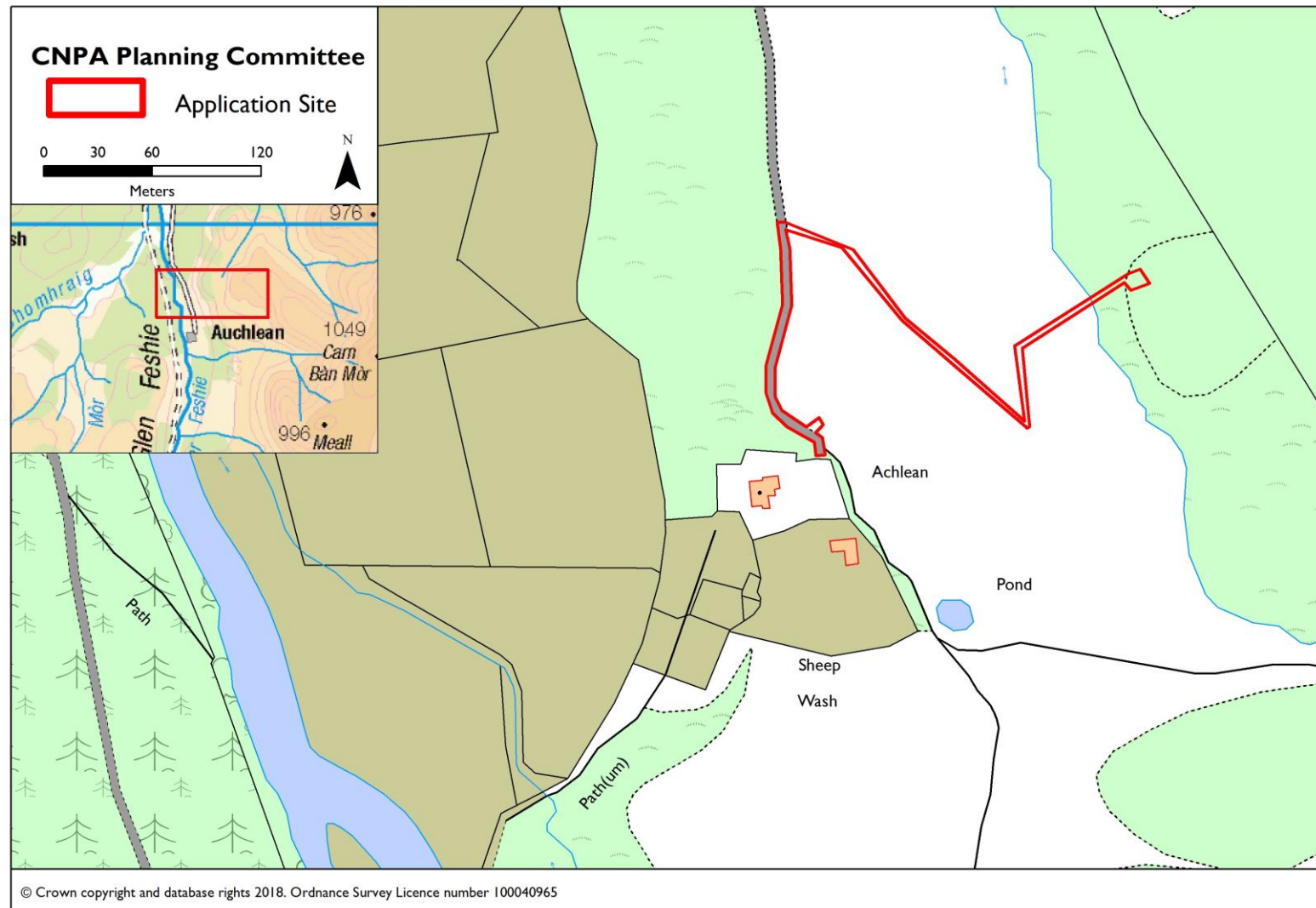
REFERENCE: 2017/0458/DET

APPLICANT: Mr John Ewen

DATE CALLED-IN: 7 December 2017

RECOMMENDATION: Approve subject to Conditions

CASE OFFICER: Colin Bradley, Graduate Planner



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The proposed site is located to the end of the unclassified road on the east of the River Feshie, 300m north of Achlean. It sits at the bottom of the eastern slopes of Glen Feshie in an area with young scots pine trees. The Forestry Commission have approved a 17ha Natural Regeneration Scheme through the 'Forestry Grant Scheme' to this eastern edge of the valley floor. This is shown in **Appendix I**. Access to the site is by an existing footpath and new access track.
2. The proposed siting of the mast lies within the Cairngorm Mountains National Scenic Area, the River Spey Special Area of Conservation and the River Feshie Site of Special Scientific Interest.

Proposal

3. 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=P0UVN8SI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Auchlean Woodland Regeneration Plan			12/04/2018
Alternative Site Analysis Walkers Car-Park			17/04/2018
View 1 Wireframe			18/12/2017
View 1 With			18/12/2017
View 1 Without			18/12/2017
View 2 Wireframe			18/12/2017
View 2 With			18/12/2017
View 2 Without			18/12/2017
View 3 With			18/12/2017
View 3 Without			18/12/2017
View 4 With			18/12/2017
View 4 Without			18/12/2017
ZTV and Viewpoint Map			18/12/2017
ZTV and Wireframe Viewpoint Map			18/12/2017
Site Location	ESN7014/75307 - 01 ISSUE B	10/11/17	01/03/2018
Site Location Sheet 2	ESN7014/75307 - 01A ISSUE B	10/11/17	01/03/2018

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Site Location Sheet 4	ESN7014/75307 - 01B ISSUE B	10/11/17	01/03/2018
Site Layout	ESN7014/75307 - 02 ISSUE B	10/11/17	01/03/2018
Remote Meter Cabinet Location	ESN7014/75307 - 02A ISSUE B	10/11/17	01/03/2018
Equipment Layout	ESN7014/75307 - 03 ISSUE B	10/11/17	01/03/2018
South West Elevation	ESN7014/75307 - 04 ISSUE B	10/11/17	01/03/2018
South West Elevation Sheet 2	ESN7014/75307 - 04A ISSUE B	10/11/17	01/03/2018
Equipment Details	ESN7014/75307 - 05 ISSUE B	10/11/17	01/03/2018
South West ICNIRP Elevation	ESN7014/75307 - 06 ISSUE B	10/11/17	01/03/2018
ICNIRP Plan	ESN7014/75307 - 07 ISSUE B	10/11/17	01/03/2018
Antenna Schematic	ESN7014/75307 - 08 ISSUE B	10/11/17	01/03/2018
Duct Detail/Access Track Detail	ESN7014/75307 - 10 ISSUE B	10/11/17	01/03/2018
Culvert and Headwall Details	ESN7014/75307 - 11 ISSUE B	10/11/17	01/03/2018
Design Statement			18/12/2017
Ecological Assessment			18/12/2017
Site Coverage Plots			18/12/2017
Site Specific Supplementary Information			18/12/2017
Declaration Of Conformity			12/01/2018
Alternative Siting Options			01/03/2018
Construction Method Statement			01/03/2018
ESN Information Note			01/03/2018
Home Office ESN Briefing Note			01/03/2018
Written Submission			01/03/2018
Additional Viewpoint			12/03/2018
Discounted Sites			15/03/2018
*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.			

4. The proposal is part of the 'Emergency Services Mobile Communications Programme' (ESMCP) being installed by EE under contract to the Home Office. Alternative sites in the vicinity were considered as part of the applicant's site selection process but did not provide the network coverage required for the network.
5. The application seeks full planning permission for the erection of a 20m Emergency Services Network (ESN) mast with two antenna and a 600mm diameter dish as well as two small equipment cabinets, within a 5m by 5.4m

compound. A new access path 120m long will be constructed to the site from an existing path as well as a power service channel to a remote generator located at Achlean. The details are shown in **Appendix I**. The construction of the mast will use a helicopter to minimise the impacts of construction on habitats.

History

6. There is no planning related history of development to the proposed site. Achlean Farm received planning permission from The Highland Council for 'Demolish existing and erect single storey extension and refurbish house' in October of 2017. A Prior Notification for the erection of an agricultural shed was approved by The Highland Council in September 2017.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan 2015 Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	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	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

7. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

8. 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.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance	

9. Other relevant national guidance includes; Planning Advice Note: PAN 62 Radio Telecommunications.

CONSULTATIONS

10. A summary of the main issues raised by consultees now follows:
11. **SEPA** have advised that based on the information provided the proposal sits below the threshold where they would provide bespoke advice.
12. **Scottish Natural Heritage** have stated that there is no requirement for an appropriate assessment as it is considered that the proposal is unlikely to have either a direct or indirect significant effect on any qualifying interest.
13. **CNPA Ecology Officer** states that the impact on the habitats and the ecology is likely to be small due to the limited scale of this proposal, this is broken down as 184m² of permanent loss of habitat and 115m² of temporary loss of habitat.
14. A further response from Ecology was received requesting:
- a) details on the method of construction of the cable route in order to avoid unnecessary damage to habitat and prevent long term damage to wet-heath and mire habitats;
 - b) that Section 7 of the ecological report by Rigby Jerram is included in the Construction Method Statement (CMS) with regards to mitigation measures for reptiles;
 - c) that the CMS should detail measures to avoid disturbing individual otters (European protected species), restricting works to daylight hours only, that exit ramps are left on all exposed trenches to ensure any trapped mammals may have the opportunity to escape and any pipes have their ends capped to avoid mammals becoming trapped.
15. **CNPA Outdoor Access Officer** states that the area adjacent to the proposed site incorporates a number of established paths, including Core Path (CC1a) Glen Feshie to Deeside. The core path must be maintained during the installation, construction and commissioning of the proposed development and it is considered that this can be controlled by condition.

16. **CNPA Landscape Officer** identifies the site as lying within the Cairngorms National Scenic Area and in close proximity to the Cairngorms Wild Land area which follows higher ground on either side of Glenfeshie. The Landscape advisor's initial concerns of potential adverse impacts on the landscape, visual receptors and special landscape qualities in the immediate area, were satisfied by the submission of additional information detailing an approved Forestry Commission Scotland Natural Regeneration Scheme that would significantly reduce the visual envelope of the mast through natural screening. The Landscape adviser also considers that the Landscape impact can be further mitigated through a change in the colour to (RAL 7005) – Mouse Grey. It is considered that this may be controlled through the use of a planning condition.
17. **Kincraig and Vicinity Community Council** no response has been received to date.

REPRESENTATIONS

18. There has been one letter of representation, which stated support for the proposed development. Support for this application is based on the increased connectivity this proposal would provide in this rural location to aid with the functioning of their business and assist with the education of their children. This is included in **Appendix 2**.

APPRAISAL

Principle

19. The principle of development must be considered against the relevant policies and guidance as contained within the Cairngorms National Park Local Development Plan 2015, the Cairngorms National Park Partnership Plan 2017 – 2022, Scottish Planning Policy, and PAN 62 Radio Telecommunications. These documents lend support to the principle of increased connectivity subject to detailed assessment regarding the landscape and ecological impacts of the proposed development.
20. Policy 2.3: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015 also seeks to support or extend the economy or enhance the range and quality of economic opportunities when the proposal is compatible with/complimentary to existing business activities in the area. The policy further seeks to support the vitality and viability of the local economy and the broader economy of the park. This proposal would lead to an increased connectivity of the Emergency Services Network – providing an essential safety and security network with potential to extend public services.
21. It is therefore considered that the proposed development complies with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015.

Landscape Impacts

22. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan requires the proposal to use materials and landscaping that will complement the setting of the development whilst being sympathetic to the traditional pattern and character of the surrounding area.
23. Policy 5: Landscape states that there shall be a presumption against development that does not conserve and enhance the landscape character of the National Park and states that any significant adverse effects on the landscape character of the Park must clearly be outweighed by social or economic benefits of national importance.
24. Policy 6: The siting and Design of Digital Communications Equipment requires detailed evidence that the proposal would not lead to unacceptable effects on areas of particular landscape importance in sensitive areas.
25. It is considered that although the proposed site of the mast is currently on open ground with regenerating trees, the backdrop to the site is a forested hillside and the mast will not be visible on the skyline from many locations. The woodland regeneration scheme that surrounds the site will provide further natural screening in the medium term. This, combined with a mast painted mouse grey, means that the landscape and visual impacts of the proposal are not considered significant. The servicing cabinets and compound fence will be screened even more quickly than the mast itself. The use of path access rather than significant vehicle track further minimises visual impact.
26. The proposal is considered to comply with Policy 3: Sustainable Design, Policy 5: Landscape and Policy 6: The Siting and design of Digital Communications Equipment of the Cairngorms National Park Local Development Plan 2015.

Natural Heritage Impacts

27. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan states that development shall only be permitted where the integrity of the area or the qualities for which it has been designated will not be adversely affected, unless any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance.
28. The proposal is not considered to have any significant impacts on designated sites. Its small scale means that it will have little impact on habitats but appropriate construction techniques will ensure impacts of construction are minimised, with additional requirements for reptiles and otter to be added to the Construction Method Statement.
29. There are not considered to be significant environmental impacts on natural heritage and the proposals is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

30. The proposed development will extend the Emergency Services Communications Network in a remote area, increasing public safety and creating opportunities for increased public access to mobile communications. Alternative sites were considered during the site selection process but did not allow network coverage. The scheme has been designed to minimise landscape impacts and it is considered that with the natural regeneration around the site, the impacts are not significant. The proposal is considered to comply with the relevant policies of the Cairngorms National Park Local Development Plan 2015 and it is recommended for approval subject to appropriate conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to Grant Full Planning Permission for the Erection of 20m mast, cabinet, ground based satellite dish, antennas and dishes attached to mast at Land 320M NE Of, Auchlean, Feshiebridge subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

- 1. No development shall commence on site until a revised Construction Method Statement has been submitted to, and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. This document must include details of:**
 - a) The method by which the proposed electricity supply cable shall be installed;**
 - b) A mitigation strategy for reptiles along the cable route;**
 - c) Measures to avoid disturbing individual otters including the proposed exit ramps for the cable trench when being left exposed overnight and the capping of any pipe/conduit when being left exposed overnight.**

Thereafter the hereby approved development must be constructed in accordance with the details as set out in the approved Construction Method Statement document.

Reason: To prevent long term damage to wet heath and mire habitats and aid the recovery of these habitats post construction. Furthermore to avoid unnecessary injury to all fauna in the area, and in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 2. All above ground fixtures and fittings associated with the proposed development including cabinets, mast and generator shall be finished in Mouse-Grey (RAL 7005) and maintained as such in perpetuity.**

Reason: To ensure maximum mitigation for the visual effects and to ensure the visual elements of the proposal recede into the background in line with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. The development hereby approved must maintain access to the Core Path (CC1a) Glenfeshie to Deeside for the duration of the installation, construction and commissioning of the hereby approved development.

Reason: To ensure public access is maintained in accordance Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 and the Land Reform (Scotland) Act 2003 Part 1.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. All construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and there shall be no work or deliveries of materials on Sundays and Public Holidays.
3. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
4. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.