

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**28 February 2017**

|             |            |
|-------------|------------|
| Agenda Item | 6.9        |
| Report No   | PLS 019/17 |

**16/05407/FUL: Telefonica UK Limited**  
**Land 40M NW of Carrbridge Golf Club, Carrbridge**

**Report by Area Planning Manager – South/Major Developments**

**SUMMARY**

**Description:** Erection of mast and ground based equipment

**Recommendation: GRANT**

**Ward:** 21 Badenoch and Strathspey

**Development category:** Local

**Pre-determination hearing:** Not required

**Reason referred to Committee:** Five or more objections

**1. PROPOSED DEVELOPMENT**

- 1.1 The application is for the erection of an 18m lattice tower and ground based equipment including a 1.8m high fence on land 40 metres northwest of Carrbridge Golf Club, Carrbridge. The mast will have a maximum height of 21 metres when including the headframe.
- 1.2 The site is accessed via the existing entrance to the golf club.
- 1.3 Supporting information supplied with the application includes a radio frequency assessment, general background information, and the declaration of conformity with ICNIRP Public Exposure Guidelines.
- 1.4 **Variations:** None

**2. SITE DESCRIPTION**

- 2.1 The site is part of the existing Carrbridge golf course and is located to the north west of the clubhouse building. There are a number of trees to the north, east and west of the site and taken together with the adjacent single storey buildings associated with the golf club they provide a setting for the site.

### **3. PLANNING HISTORY**

- 3.1 02.09.2016 - Planning application for the erection of a mast and ground based equipment withdrawn (16/02151/FUL). Whilst this relates to a separate location on the golf course, it is of relevance to this proposal.

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown neighbour – 26.01.2017

Representation deadline: 26.01.2017

Timeous representations: 23 representations – 22 from 18 households (1 for and 17 against) and 1 neutral comment from community council

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Area needs 4G from this network provider;
- Enhanced mobile signal is welcomed as it will benefit residents, visitors and businesses;
- Negative visual impact

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

### **5. CONSULTATIONS**

- 5.1 **Cairngorm National Park Authority:** No call-in.

### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

- 6.1 **Cairngorms National Park Local Development Plan 2015**

5 Landscape

6 The Siting and Design of Digital Communications Equipment

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

### **7.2 Scottish Government Planning Policy and Guidance**

National Planning Framework 3, June 2014  
Scottish Planning Policy, June 2014

## **8. PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **8.3 Development Plan Policy Assessment**

8.3.1 The development plan sets out a number of criteria against which new telecommunications development will be assessed. Proposals need to demonstrate that the impact on visual amenity, character and appearance of the surrounding area is minimised. Evidence has to be submitted that opportunities for mast sharing and alternative site locations have been considered. In addition, the applicant has to provide a declaration that the equipment and related installations are fully compliant with relevant international guidelines relating to public exposure to radiofrequency radiation.

8.3.2 The applicant has provided supporting information that demonstrates that mast sharing and alternative locations have been considered and that the installation meets relevant guidelines for public exposure.

8.3.3 The key issue in assessing this application is therefore whether the visual impact of the proposal is acceptable.

### **8.4 Material Considerations**

8.4.1 Scottish Planning Policy (SPP) acknowledges that the planning system has an important role to play in strengthening digital communications capacity and coverage across Scotland. Consideration should be given to the benefits of this connectivity for communities and the local economy. Developments should however be sensitively located and the cumulative visual effects of equipment should be taken into account.

8.4.2 This application is a follow-up to a previous planning application that was submitted in 2016 for an alternative site on the golf course. That site is adjacent to the A938 and was considered a more exposed a visually prominent location than the current

location. Whilst there is significant tree planting at the roadside to the east, the previous site is visually prominent when viewed from the west, or the south at the junction of the B9153 and A938, for persons travelling east.

- 8.4.3 The applicant has clarified that relocating the mast further away from the roadside and to the north of the site is not viable. 3G and 4G equipment operates at a very low power capacity meaning the base station must be located within the target area it serves to achieve the necessary level of network coverage. The mast on the current site has had to be increased in height by 3 metres to compensate for the increased distance from its target coverage area.
- 8.4.4 The current site is located approximately 70 metres further away from the roadside. It is set to the northwest of the existing golf club buildings and against a backdrop of existing trees which are part of a much larger woodland to the north and west. The mast is unlikely to be visible at any point along the A938 to the south and west of the site. It will however be visible for a short distance from the junction of the A938 and B9153 and further east until you reach the roadside woodland.
- 8.4.5 Painting the mast to blend in with the existing trees has been considered but discounted due to the fact that when viewed from the east, the upper section of the mast would breach the skyline resulting in the mast becoming more visually prominent.
- 8.4.6 It is considered that the applicant has taken reasonable measures to minimise the impact of the development on the surrounding landscape by locating the development near to existing buildings on the golf course and against a backdrop of existing trees. It is also considered that as a result the impact on the appearance and character of the area is acceptable. This is subject to a condition requiring approval and implementation of a landscaping plan to further minimise this visual impact, particularly from the east.

## 8.5 **Other Considerations – not material**

- 8.5.1 Nearly all objectors to the proposal have raised concerns over the health implications of the development being located within close proximity to existing residential properties as well as the local primary school.
- 8.5.2 Best practice requires the applicant to provide a declaration that the equipment and installation is designed to be in full compliance with the appropriate International Commission on Non-ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radiofrequency radiation. The applicant has provided this declaration.
- 8.5.3 SPP states in relation to the topic heading 'Supporting Digital Connectivity': *"The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration."*
- 8.5.4 As a consequence of the above, the concerns raised by objectors in relation to health are not a material planning consideration and should not be taken into

account in the determination of this application.

## 8.6 Matters to be secured by Section 75 Agreement

Not applicable.

## 9. CONCLUSION

9.1 It is clear from SPP that the operational need for this development and concerns over potential health impacts are not material planning considerations. Instead, the Planning Authority is required to balance the benefits to the local community, visitors and businesses through improved connectivity for those able to utilise the service against the visual impact of development on local landscape character and the visual amenity of the area.

9.1 This application is a follow-up to a previously withdrawn proposal that was likely to be refused planning permission due to its location and resultant adverse visual impact. This revised submission seeks to address those previous concerns and it is considered that the applicant has taken all reasonable steps to do so.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

**Subject to the above**, it is recommended the application be **GRANTED** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence until a landscaping Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Landscaping Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

2. Should the telecommunications mast hereby approved not supply network coverage for a continuous period of 6 months, it shall be deemed to have ceased

to be required and, unless otherwise agreed in writing by the Planning Authority, shall be removed from the site, along with all associated development, fixtures and fittings.

**Reason:** To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMITS**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

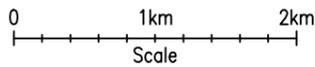
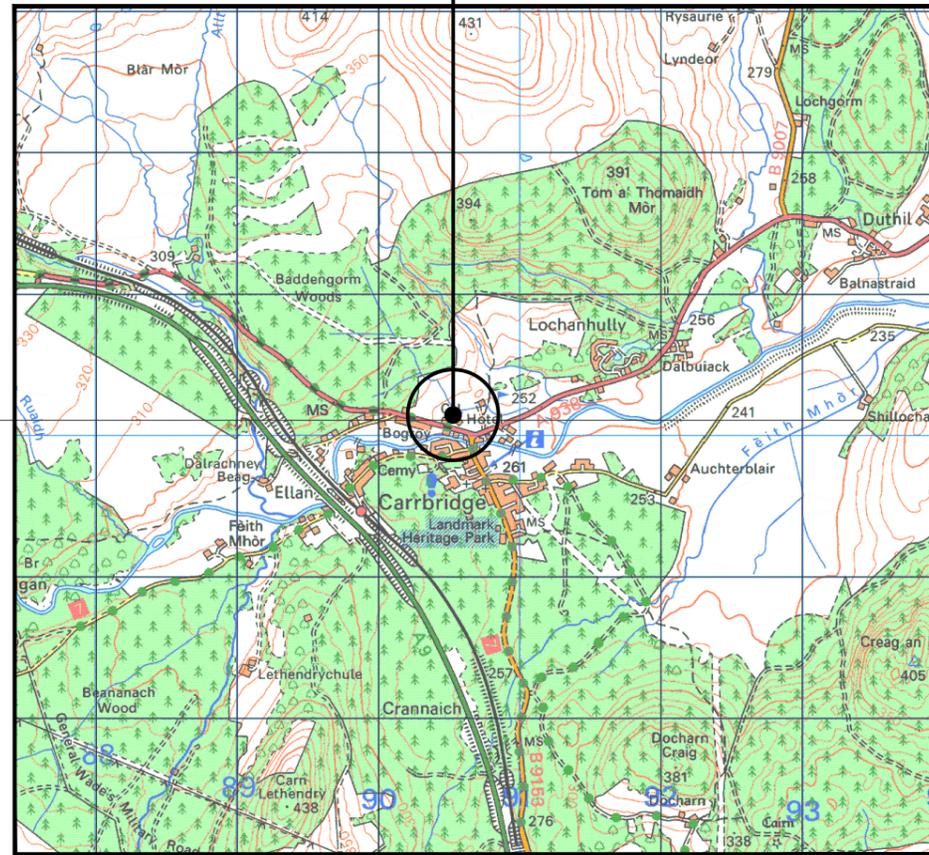
Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Signature: Nicola Drummond  
Designation: Area Planning Manager – South/Major Developments  
Author: John Kelly  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan (100 Rev C)  
Plan 2 – Site Layout Plan (201 Rev D)  
Plan 3 – proposed Elevation Plan (301 Rev D)

**SITE LOCATION**

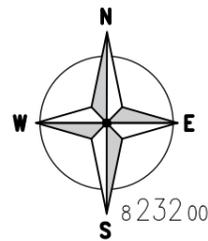


**SITE LOCATION**  
(Scale 1:50000)

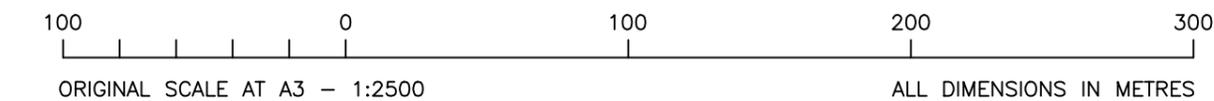
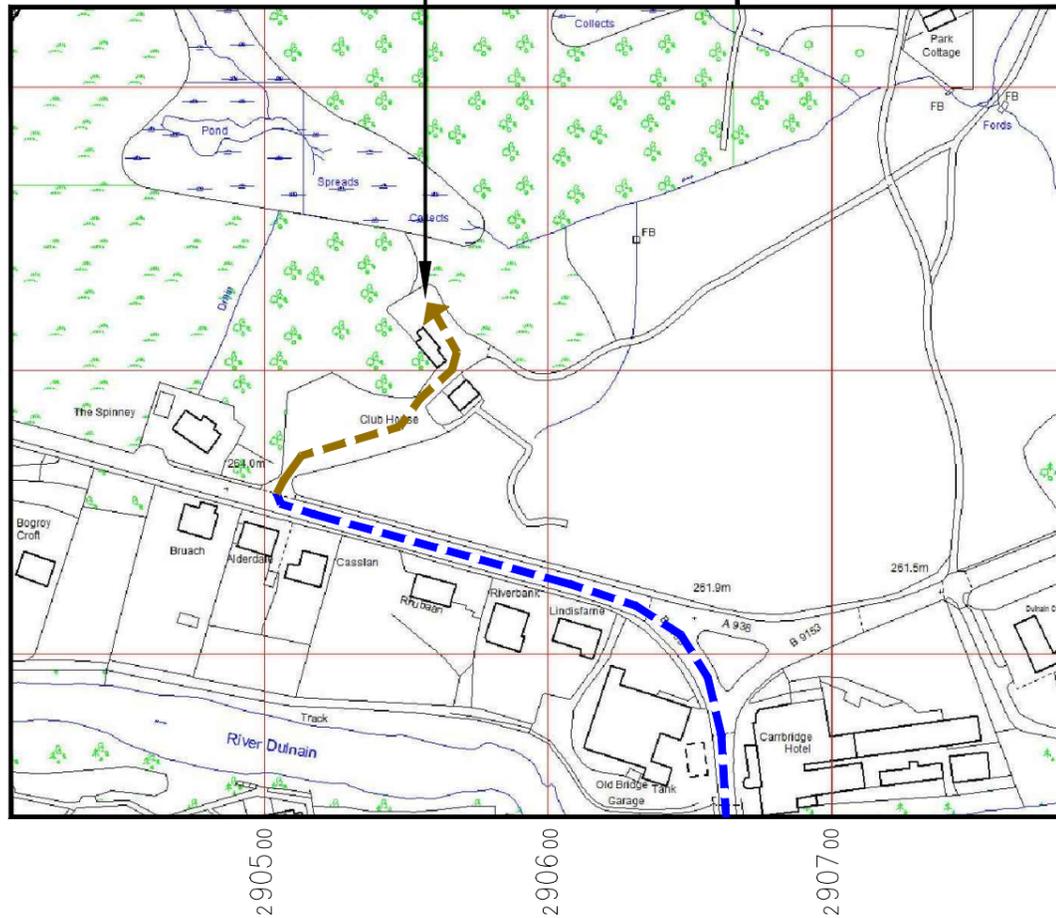
Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationary Office Licence No. 0100023487 Crown copyright.



**SITE PHOTOGRAPH**



**SITE LOCATION**



**DETAILED SITE LOCATION**  
(Scale 1:2500)

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ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 290555 N: 823125

CONCESSION REQUIRED | NO

DIRECTIONS TO SITE:  
TRAVELLING NORTH ON THE A9 PAST AVIEMORE, FOLLOW THE A9 TURNING RIGHT AT GARNISH ONTO THE A95 FOR APPROXIMATELY 2.6 MILES BEFORE TURNING LEFT ONTO THE B9153 FOR APPROXIMATELY 3 MILES. THIS WILL LEAD YOU DIRECTLY INTO CARRBRIDGE VILLAGE MAIN STREET (B9153). TURN LEFT ONTO THE INVERNESS ROAD A938. THE GOLF CLUB ENTRANCE IS FIRST RIGHT. SITE IS SITUATED IN THE MAINTENANCE YARD ON THE LEFT HAND SIDE OPPOSITE THE CLUB HOUSE.

NOTES:

|   |                     |     |     |          |
|---|---------------------|-----|-----|----------|
| C | Address Changed     | SSC | NDS | 17.11.16 |
| B | Address Changed     | SSC | NDS | 14.11.16 |
| A | Issued for Approval | SSC | NDS | 11.11.16 |

| REV | MODIFICATION | BY | CH | DATE |
|-----|--------------|----|----|------|
|-----|--------------|----|----|------|

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Cell Name | Opt.

CARRBRIDGE GOLF CLUB (ALT. OPTION) | D

Cell ID No

|        |        |     |
|--------|--------|-----|
| CTIL   | TEF    | VF  |
| 206230 | 075907 | N/A |

Site Address / Contact Details

CARRBRIDGE GOLF CLUB  
INVERNESS ROAD  
CARRBRIDGE  
HIGHLANDS  
PH23 3AU

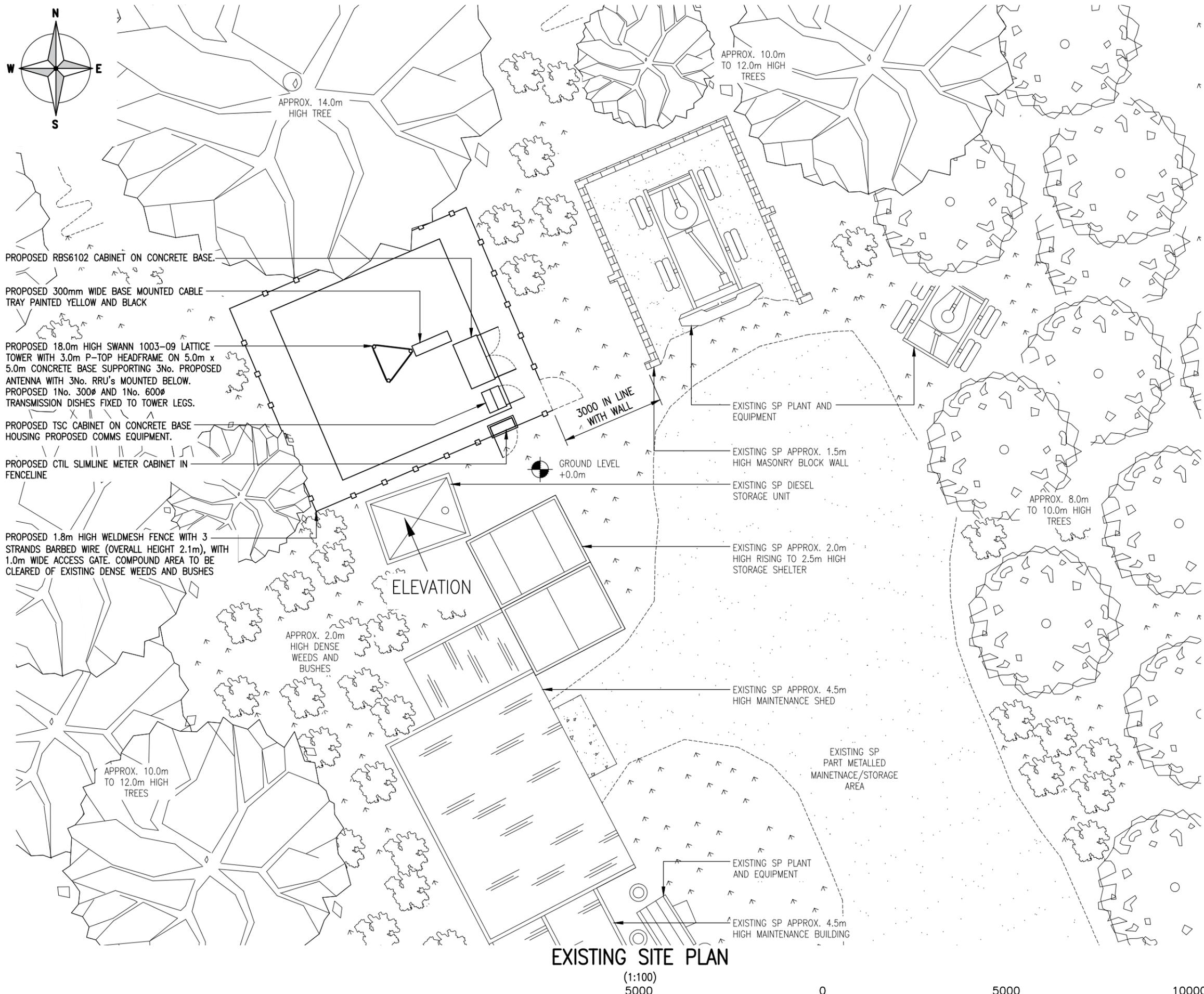
Drawing Title: SITE LOCATION MAPS

Purpose of issue: PLANNING

Drawing Number: 100

|                     |                            |                 |
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| Drawn:<br>SSC       | Date:<br>11.11.16          | Checked:<br>NDS |
| Date:<br>11.11.16   | Date:<br>11.11.16          |                 |

ALL DIMENSIONS IN METRES



The drawings comply with CTIL Beacon Standard ICNIRP guidelines.  
 Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 290555 N: 823125  
 CONCESSION REQUIRED | NO

NOTES:  
 - GEOTECHNICAL SURVEY REQUIRED  
 - ELECTRICAL SURVEY REQUIRED

| REV | MODIFICATION         | BY  | CH  | DATE     |
|-----|----------------------|-----|-----|----------|
| D   | Transmission Amended | SSC | NDS | 28.11.16 |
| C   | Address Changed      | SSC | NDS | 17.11.16 |
| B   | Address Changed      | SSC | NDS | 14.11.16 |
| A   | Issued for Approval  | SSC | NDS | 11.11.16 |

Cell Name | Opt.  
 CARRBRIDGE GOLF CLUB (ALT. OPTION) | D

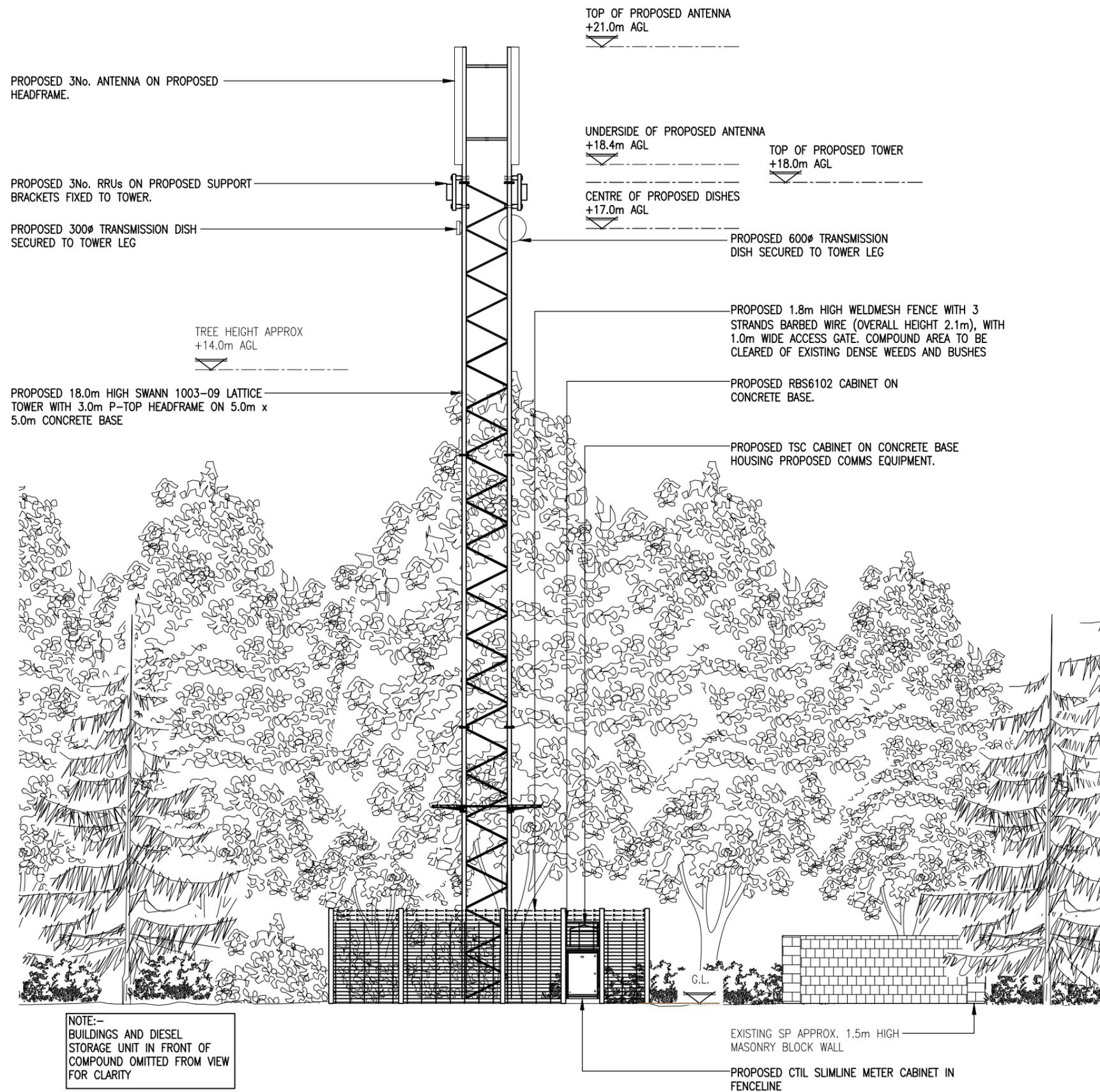
| Cell ID No |        |     |
|------------|--------|-----|
| CTIL       | TEF    | VF  |
| 206230     | 075907 | N/A |

Site Address / Contact Details  
 CARRBRIDGE GOLF CLUB  
 INVERNESS ROAD  
 CARRBRIDGE  
 HIGHLANDS  
 PH23 3AU

Drawing Title: PROPOSED SITE PLAN  
 Purpose of issue: PLANNING

Drawing Number: 201

| Surveyed By: |          | Original Sheet Size: |          | Issue: |
|--------------|----------|----------------------|----------|--------|
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| Drawn:       | Date:    | Checked:             | Date:    |        |
| SSC          | 11.11.16 | NDS                  | 11.11.16 |        |



PROPOSED NORTH-WEST ELEVATION

(1:100)



The drawings comply with CTIL Beacon Standard ICNIRP guidelines.  
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 290555 N: 823125

CONCESSION REQUIRED NO

NOTES:

- GEOTECHNICAL SURVEY REQUIRED
- ELECTRICAL SURVEY REQUIRED

| D   | Transmission Amended | SSC NDS | 28.11.16 |      |
|-----|----------------------|---------|----------|------|
| C   | Address Changed      | SSC NDS | 17.11.16 |      |
| B   | Address Changed      | SSC NDS | 14.11.16 |      |
| A   | Issued for Approval  | SSC NDS | 11.11.16 |      |
| REV | MODIFICATION         | BY      | CH       | DATE |

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**O<sub>2</sub>**  
CTIL

|                                    |      |
|------------------------------------|------|
| Cell Name                          | Opt. |
| CARRBRIDGE GOLF CLUB (ALT. OPTION) | D    |

|            |        |     |
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| Cell ID No |        |     |
| CTIL       | TEF    | VF  |
| 206230     | 075907 | N/A |

Site Address / Contact Details

CARRBRIDGE GOLF CLUB  
INVERNESS ROAD  
CARRBRIDGE  
HIGHLANDS  
PH23 3AU

Drawing Title: PROPOSED SITE ELEVATION

Purpose of issue: PLANNING

Drawing Number: 301

|                     |                            |                                      |
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