Agenda Item	5.10
Report No	PLN/021/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 2 March 2021

Report Title: 20/04970/FUL: WHP Ltd and Scottish Futures Trust

Land 375M NW Of Clashnastruag, 257 Tubeg, Skerray

Report By: Area Planning Manager – North

Purpose/Executive Summary

- **Description:** Installation of a 10m high timber-clad monopole mast with 3 antennae on a concrete foundation and 2 equipment cabinets at 1.6m and 1.3m in height all set within a 7.5m x 10.0m compound enclosed by a 1.2m wood fence
- Ward: 01 North, West, and Central Sutherland

Development category: Local

Reason referred to Committee: Number of Objections

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.

Recommendation

Members are asked to agree the recommendation to **Grant** as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to erect a 10m high timber-clad monopole telecommunications mast with 3 antennae. The mast will be set on a concrete pad with auxiliary equipment comprising of 2 equipment cabinets which are 1.6m and 1.3m respectively in height. The development will be contained within a 7.5m x 10.0m compound enclosed by a 1.2m high timber fence. The mast is proposed as part of the Home Office's commitment to providing coverage from the Emergency Services' Network (ESN) across all public roads. and will also provide 4G coverage on EE.
- 1.2 Construction access is proposed as a helicopter build with maintenance access thereafter to be on foot or by all-terrain vehicle (ATV) from the closest public road which is an unclassified road leading north off the C1007 from the Skerray Mains Bus Stop
- 1.3 Pre Application Consultation: No formal Pre Application however this application is the result of discussion with the Applicant following the previous application which was considered inappropriate and withdrawn.
- 1.4 The application is supported by the following information: Coverage Report, ICNIPR Declaration of Conformity, Design and Access Statement, Ecological Assessment, Planning Presentation Pack, Police Support Letter, Street Works Survey, Photomontages.
- 1.5 There have been no variations made to the application since it was lodged.

2. SITE DESCRIPTION

2.1 The site is located on the peak of a hill within the crofting community of Skerray. Residential dwellings are scattered around the hill thus it forms a prominent feature in the locale. The closest dwelling to the site is 240m to the west with the majority of the settlement located approximately 1.4km to the southeast. The hill meets the coast to the north and the surrounding landscape is characterised by rocky hills and croftland. The site is within the Kyle of Tongue National Scenic Area (NSA).

3. PLANNING HISTORY

3.1 07.12.2020 20/03544/FUL: Installation of a 12.5 high lattice APPLICATION mast with 3 antennae and a 2.44m high WITHDRAWN satellite backhaul dish set on a concrete base, and 2 equipment cabinets at 2.9m and 1.3m in height, all set within a 7.5m by 10.0m compound enclosed by a 1.2m wood fence, and the formation of 3m wide by 495 m long access road. The application attracted 14 representations.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour – Schedule 3 Development

Date Advertised: 18.01.2021

Representation deadline: 29.01.2021

Timeous representations: 11 from 9 addresses

Late representations: None

- 4.2 Material considerations raised are summarised as follows:
 - a) Adverse impact on the National Scenic Area
 - b) Adverse impact on the local character
 - c) Adverse impact on local ecology
 - d) Adverse impact on tourism business

The above matters are considered in the planning assessment.

Nonmaterial considerations raised are summarised in sections 8.24 - 8.26:

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

5. CONSULTATIONS

- 5.1 **Tongue Community Council (TCC)** have received comments both for and against the proposal and hence intend to stay neutral on the proposal.
- 5.2 **NatureScot** have not formally commented on this proposal, as they do not comment on proposal below 12m in a National Scenic Area (NSA), however they have commented that the proposal does not lie within, and is unlikely to affect, any other designated sites for nature conservation.

NatureScot commented on the previous proposal at the site for a 12.5m mast with access road, 20/03544/FUL, which they stated would not have an adverse impact on the integrity of the NSA, and recommend that with changes the visual impact of the mast could be reduced, including removal of the 495m access track. The elevated position may mean the mast is more prominent in this sensitive location which may limit options for extension in the future.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 45 Communications Infrastructure
- 46 Siting and Design of Communications Infrastructure
- 47 Safeguarding Inbye/Apportioned Croftland
- 57 Natural, Built and Cultural Heritage

6.2 **Caithness and Sutherland Local Development Plan 2018**

No specific policies apply

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Highland Council Supplementary Planning Policy Guidance** Not Applicable

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

Para 298. "Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity - for example, mobile connectivity for in a "not spot" - consideration should be given to the benefits of this connectivity for communities and the local economy."

Para 299. "All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account."

Para 300. "Planning Authorities should not question the need for the service to be provided nor seek to prevent competition between operators. 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 radio frequency radiation as a material consideration".

PAN 62 Radio Telecommunications

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) the need for a new mast
- c) siting and design
- d) impact on the National Scenic Area designation
- e) any other material considerations.

Development plan/other planning policy

- 8.4 Policies 45 and 46 of the Highland wide Local Development Plan which relate to telecommunications are the key determining policies in the assessment of the application. Both policies support the provision of electronic communications infrastructure, to help achieve economic growth, and in the interests of public safety, subject to ensuring that the equipment is sited and designed sensitively, to avoid adverse impacts on natural, built and cultural heritage, including landscape character and views, and that existing masts or structures cannot be shared. The proposal also requires to be assessed against the general policies of the HwLDP as detailed below:
- 8.5 Policy 57 of the Highland wide Local Development Plan outlines that proposals should not have a detrimental impact on any natural, built and cultural heritage features or their setting. NSAs are identified as nationally important natural features in which developments are supported that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
- 8.6 Other key policies that need to be considered are; Policy 47 which outlines that proposals should avoid siting on the better part of the croft in terms or agricultural value, nor impede the use of the remaining croftland; Policy 28 that requires proposals to be assessed against the impact on individual and community residential amenity, landscape and scenery, the environment and existing infrastructure; and Scottish Planning Policy which sets out general support for proposals that contribute to fulfilling the Government's objectives for digital connectivity, that proposal should be designed and positioned as sensitively as possible, and that Planning Authorities should not question the need for services to be provided.
- 8.7 Subject to the proposal not adversely impacting upon the individual and community residential amenity, landscape and scenery, the environment and existing infrastructure the proposal would comply with the development plan.

Planning History

8.8 This is revised application following concerns raised in relation to the previous application. The Planning Authority engaged with the applicant to establish whether there were any other alternative locations or structures that could be used and to produce a revised design for the mast. This has led to significant improvements

resulting in this revised application which include; removal of the access track and proposing a helicopter build to remove undue harm to the landscape; reducing the height of the mast to the lowest possible which can still cover the not-spots in Skerray; significantly reducing the number of and height of equipment within the compound; altering the form of the mast to a simmer timber clad monopole to reduce the visual impact of the mast as far as possible.

Need for the Development

- 8.9 The supporting information provided outlines the site selection process undertaken to serve the target roads which lack Emergency Services Network (ESN) coverage, mainly the C1007 through Skerray. Studies were undertaken of several sites around the local and the presented option is considered to satisfy the requirement of the ESN with the lowest visual impact. The C1007 approaches Skerray from the southeast and southwest and makes an about turn through the settlement. To the south, the C1007 is surrounded on all sides by the topography which poses a challenge for site selection. The presented site is in a unique location at the turning point of the C1007 from which there can be an uninterrupted path of transmission between a low height mast and both the southeast and southwest sides of the C1007. Alternative sites are not able to provide complete coverage unless a significantly taller mast is proposed which would result in a far greater visual impact. No existing mast in the Kyle of Tongue area is capable of serving the target area due to the nature of the topography.
- 8.10 The Applicant was asked to consider multiple smaller scale roadside masts and a survey was undertaken in response. In order to fill the coverage gaps, five roadside mast would be required which would result in a proliferation of masts in Skerray harming the local character more than a single mast siting higher in the landscape. The proposed design of the mast is similar in height and form to those that would be required by the roadside.
- 8.11 The Applicant has commented on public representations with regard to the siting and design stating that detailed Radio Coverage information has been supplied proving the need for the mast. This targeted coverage requirement is vital for the Emergency Services and is supported by the Scottish Government and Police Scotland.
- 8.12 The Applicant has engaged consistently with the Planning Authority to demonstrate thorough consideration in the site selection process and that alternative sites or structures cannot be used, and that there exists a locational need for the mast to fill coverage gaps in the ESN.

Siting and Design

8.13 The proposal will introduce a new land use to Skerray; by way of a new vertical feature that will have a degree of prominence in a rural area characterised by traditional crofting townships. The concerns of members of the community in terms of visual impact are understood, as a structure that breaks the skyline in Skerray, the mast would have a negative visual impact on the locale. The design of the

monopole mast is considered to be the simplest design possible and the lowest height possible, thus has the possible lowest impact in terms of visual intrusion, while still providing the essential ESN coverage in the interest of public safety.

- 8.14 Photomontages provided by the Applicant demonstrate that while the mast sits in a prominent location, the majority of the mast will be obscured from view by the topography. Only the top of the mast with the antennae will be visible from the majority of viewpoints, which is most clearly demonstrated by viewpoints 1 and 2 to the immediate west of the hill where a few residential properties sit. A greater proportion of the mast will be visible from the nearest road to the immediate east of the hill, as shown in viewpoint 5. Properties to the east are separated from the hillside by further high topography so they will have limited views of the mast. Due to the slim profile, the prominence of the mast is greatly reduced from views greater than 1km distant as demonstrated by viewpoints 3 and 4 taken from the main settlement by the Post Office. The slim form and materiality will blend well with existing telegraph poles, as shown in viewpoint 5, however it is noted that the mast will break the skyline unlike many telegraph poles.
- 8.15 It is considered that the mast will have an impact on the local character and the visual amenity of residents in the immediate vicinity of the mast, however the need for the mast at this site has been demonstrated (outlined in sections 8.8 to 8.11) and the mast has been designed to minimise its visual impact as far possible. The Planning Authority engaged with the Applicant to achieve this design which is considered to be the simplest and least intrusive conceivable. The will mast will not have an impact on the general amenity of residents and will increase public safety through the provision of reliable ESN coverage.

Impact on National Scenic Area

- 8.16 The proposal will impact on the NSA however this consideration requires to be balanced against the social need to provide coverage for the ESN in the interests of public safety as per Policy 57.
- 8.17 The special qualities of the Kyle of Tongue National Scenic Area are:
 - an ever-present backdrop of mountains;
 - the Kyle a link from an inhabited coast to a wild, moorland;
 - scale, from domestic to naturally monumental;
 - the constantly changing character of the Kyle;
 - rich variety of coastal scenery; and,
 - the distinct pattern of settlement.

The mast will have a minor impact on these special qualities by intruding on the sense of remoteness, open landscape, and coastal scenery. The scale of the mast, at 10m, is not uncommon in the area due to numerous telegraph poles and a wind turbine, although none break the skyline as prominently. It is considered however that need for ESN coverage outweighs the visual impact.

- 8.18 The use of a monopole minimises contrast against the skyline in comparison to the previous proposal for a tri-pole lattice mast. The mast will be timber clad so that it will harmonises with the surrounding landscape as far as possible. The compound has also been designed as a simple enclosure with the height and quantity of auxiliary equipment greatly reduced from the previous proposal. The omission of any formal access track further also ensures that disruption to the special qualities of the NSA is reduced as far as possible.
- 8.19 The Applicant has commented on the public representation with regard to the NSA stating that the revised design mirrors the myriad of existing telegraph poles that are in the area. The visual impacts of this proposal are negligible and do not outweigh the need to provide ESN coverage.
- 8.20 It is accepted that the proposed development will have a visual impact when viewed from the surrounding area and there will be localised impact on the landscape setting. The visual impact of development and impact on the landscape setting will diminish over distance and the development will not draw attention from the natural features and their setting in medium- and long-distance views, thus the mast will not have an impact on the wider NSA, as affirmed by NatureScot's comment on the previous application for a taller and wider mast. It is therefore considered that the detrimental visual impact to the NSA in the immediate locale of the mast is acceptable in order to provided ESN coverage in the interests of public safety.

Croftland

8.21 The site is locate in the common grazing of the crofting community however the small size of the compound will not have any significant impact on the agricultural value of the croft and the site's location will not impede any access to croftland, therefore the proposal is considered to accord with the considerations of Policy 47

Other material considerations

- 8.22 The site is not within any designated area in terms of protected species or habitats however the Applicant has undertaken an ecological assessment in response to representations received highlighting concern of the impact on local ecology. The site is in an area of wet heathland and the assessment did not raise concern of impact to any species. Considering the small footprint of the site and the exclusion of an access track it is not considered that the application would impact on protected species or habitats. Furthermore, NatureScot commented that the application is unlikely to have any affect on nature conservation.
- 8.23 Any impact on the NSA or local character arising from the development are unlikely to have any detrimental impact on tourism or the operation of tourism and leisure related businesses. Skerray will continue to be an area of outstanding natural beauty and increased digital connectivity will not detract from the sense of remoteness and disconnect. The use of the any communications infrastructure is optional and it is more likely to benefit rather than deter visitors visiting the area.

Non-material considerations

- 8.24 The issue of exposure to electromagnetic fields arising from the development is not a material planning consideration. The Applicant has included an ICNIPR declaration that the development will be in full compliance to the public exposure guidelines on radio frequencies.
- 8.25 The issue of low community engagement is not a material planning consideration for a Local Development Application as there is no statutory requirement for public consultation prior to the submission of an application. Any engagement by the Applicant with the community prior to submission was carried out in good will and the degree to which this was or was not effective is not relevant to the assessment of the application. The Applicant has responded well to public representations since submission and has been responsive to engagement with The Planning Authority.
- 8.26 The issue of a sufficient existing broadband connection is not a material planning consideration. The primary purpose of the development is to provide ESN coverage to Skerray which requires a mast. The provision of 4G is an additional benefit arising from the development and the mast would require the same equipment and have the same appurtenance with or without 4G.

9. CONCLUSION

- 9.1 The proposal is for a 10m timber clad monopole mast to provide ESN coverage to the Skerray Area. This is a revised proposal from a 12.5m lattice mast with access road that would have had a significantly greater impact on the local character and the NSA. The Applicant has engaged effectively with the Planning Authority to revise the scheme which has resulted in a reduced number of representations from 14 to 11 with all material consideration addressed. The Applicant has demonstrated that the siting and design, including access, has been designed sensitively to minimise impacts on the NSA and local character as far as possible, and that existing infrastructure or alternative sites cannot be used. It is considered that the need for the mast outweighs the impact to the NSA in this instance.
- 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. **RECOMMENDATION**

Action required before decision issued N

Notification to Scottish Ministers	Ν
Conclusion of Section 75 Obligation	Ν
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be

GRANTED, subject to the following:

Conditions and Reasons

- 1. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction; and
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants and to ensure that construction does not disrupt the special qualities of the National Scenic Area.

2. Notwithstanding the provisions of Article 3 and Classes 67 and 68 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the mast without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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 and 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.

Access Route

Please note that this planning permission relates solely to the construction of the mast and compound. The construction of a temporary or permanent access track has not been proposed, considered or approved under this planning consent. Any sections of temporary trackway laid on site during construction must be completely removed from site upon completion of the mast and compound.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_wor king_on_public_roads/2

Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

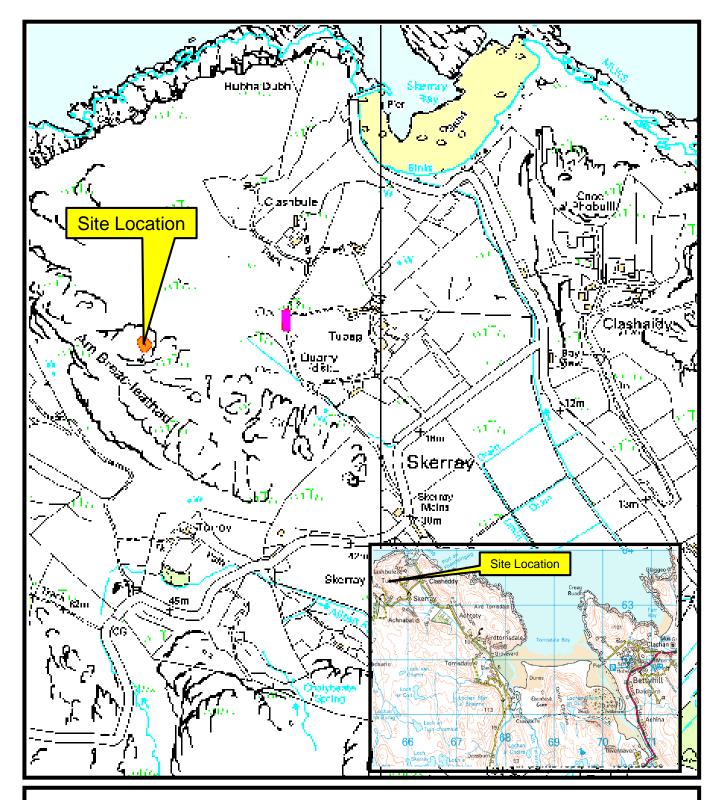
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-protected-species

Designation:	Acting H	lead of Development Management										
Author:	Mark Ripley											
Background Papers:	Docume	nts referred to in report and in case file.										
Relevant Plans:	Plan 1	- 004 Site Layout Plan										
	Plan 2	- 005 Location Plan										
	Plan 3	- 006A Site Boundary Plan 1										
	Plan 4	- 006B Site Boundary Plan 2										
	Plan 5	- 007 Elevation Plan										



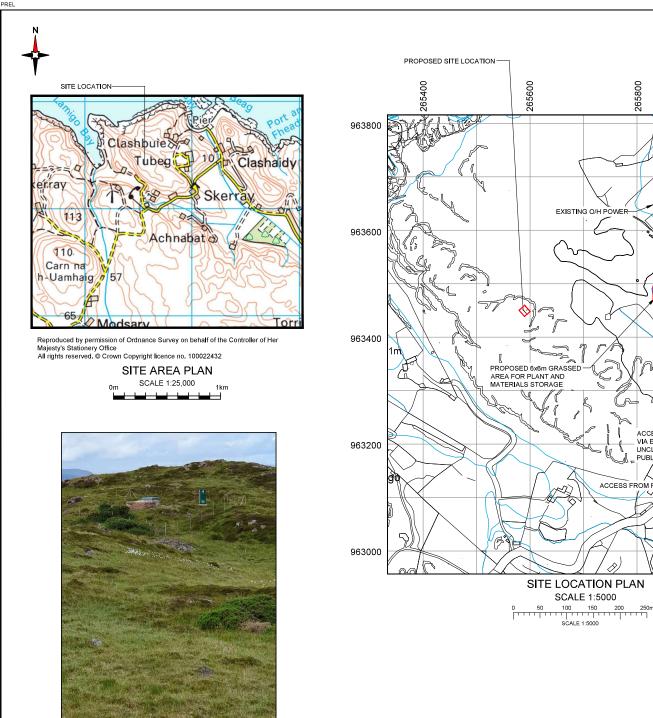


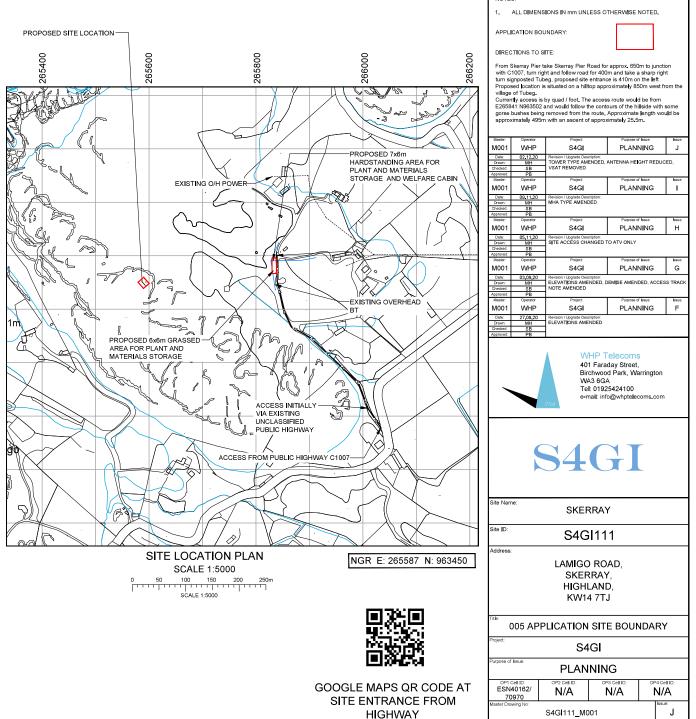
Development & Infrastructure Service

20/04970/FUL

Installation of a 10.0m high timber clad monopole mast on concrete base and associated ancillary works at land 375m NW of Clashnastruag, 247 Tubeg, Skerray February 2021

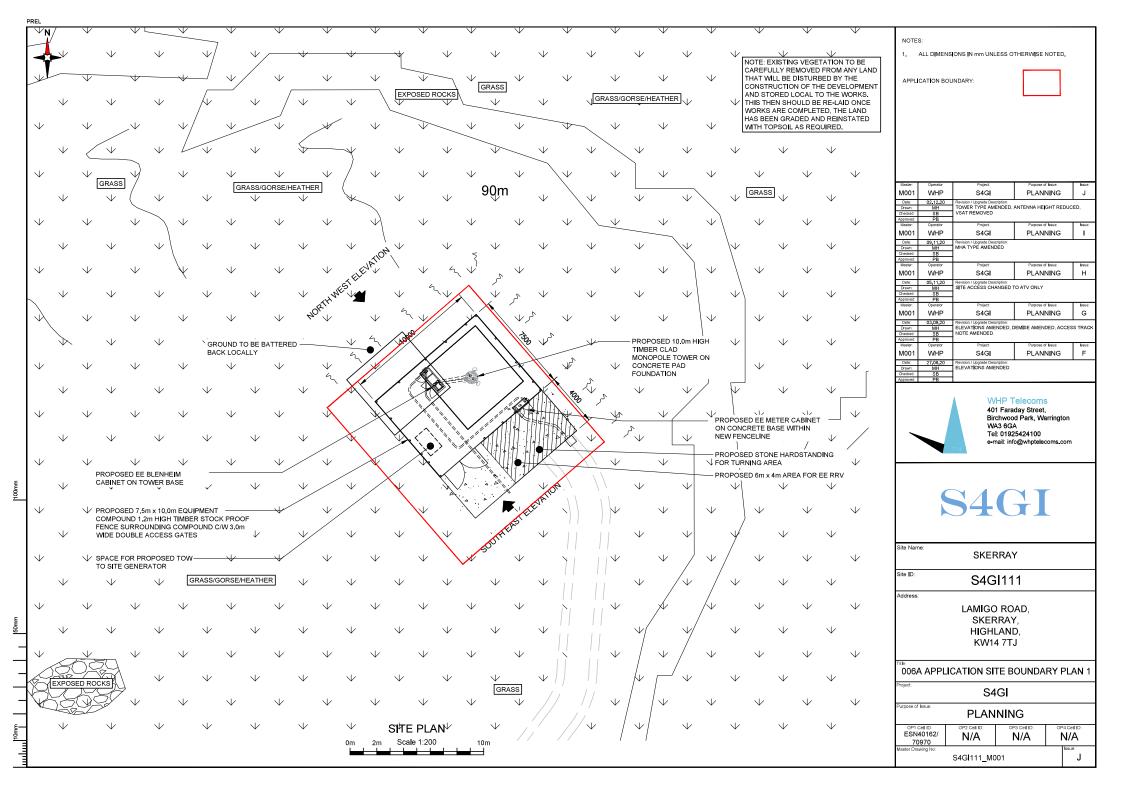
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