

## The failure of Scotland's planning system to protect wild land – the proposed telecommunications on Carn an Fhreiceadain

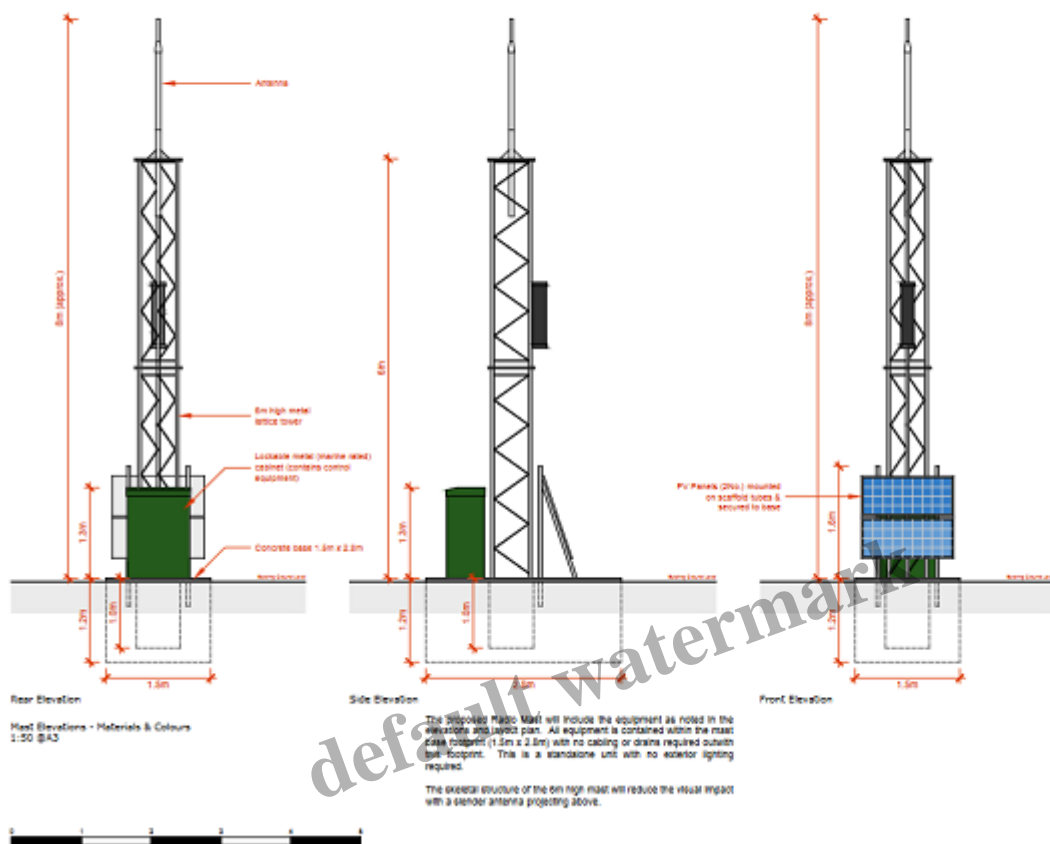
### Description

[Post updated 22nd September]. After the planning application to build a telecommunications mast on Carn an Fhreiceadain in the Monadhliath Wild Land Area was withdrawn for the second time, following a significant number of objections, I commented ([see here](#)) that it was impossible to know if Savills or the Pitmain Estate would come back again. Six months later they have ([see here](#) for planning documents). This post explains how the latest application addresses almost none of the issues raised by the original ([see here](#)) but raises new concerns.

### The revised planning application

The application form reveals that on 16th February (two days after the Cairngorms National Park Adviser had submitted an extensive critique of the application) Savills were "Advised to withdraw application" by Highland Council. What that advice was is not stated. But instead of just three documents, as last time, Savills have now added a fourth which consists of a drawing of the proposed mast with a short Construction Method Statement.

default watermark



Do not scale from the drawing unless for planning purposes. Measured dimensions only are to be used. All dimensions must be rounded up or set by the Contractor prior to the commencement of any fabrication or building work. Where applicable, dimensions and details are to be read in conjunction with associated standard drawings. Any discrepancy between drawings is to be brought to the attention of Seattle prior to the commencement of any fabrication or building work. This drawing is the property of Seattle and may not be reproduced without their expressed permission.

REV	NOTE / DRAWN BY	DATE
-----	-----------------	------

REV	NOTE / DRAWN BY	DATE
-----	-----------------	------

## 1. Delivery of the Method Statement &amp; Risk Assessment for

1. Delivery of the Method Statement & Risk Assessment for the job to all personnel working on site together with a site induction
2. Site Supervisor/Manager to check the training records/competency cards for all personnel are relevant and in date for personnel undertaking plant operations
3. Check for any obstructions in the relevant places/positions and physical barriers if required
4. Transportation of plant/machinery on the back of the low-loader to designated delivery point ensuring the load is secure and within the weight limits
5. Place protective barriers to protect adjacent turn burner from damage from machinery during construction
6. Move machinery to the working area
7. Check for any electrical overhead or overhead services prior to commencing works
8. Set up turn burner from proposed site and set aside.
9. Excavate soil/peaty and set aside
10. Set out excavation for the required depth of foundation
11. Mix wet soil/peaty material to consistency of paste

\_\_\_\_\_

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523</
--	---	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-------

WAVELENGTH	WAVELENGTH (nm)	DISCRETE NUMBER	DEFINITION
1:500	@A3	483928/PL03	*

DRAWING STATUS

Planning		
DRAWN BY	CHECKED BY	DATE

FM CSW Jun 22

traditional business park  
Diverse  
and film

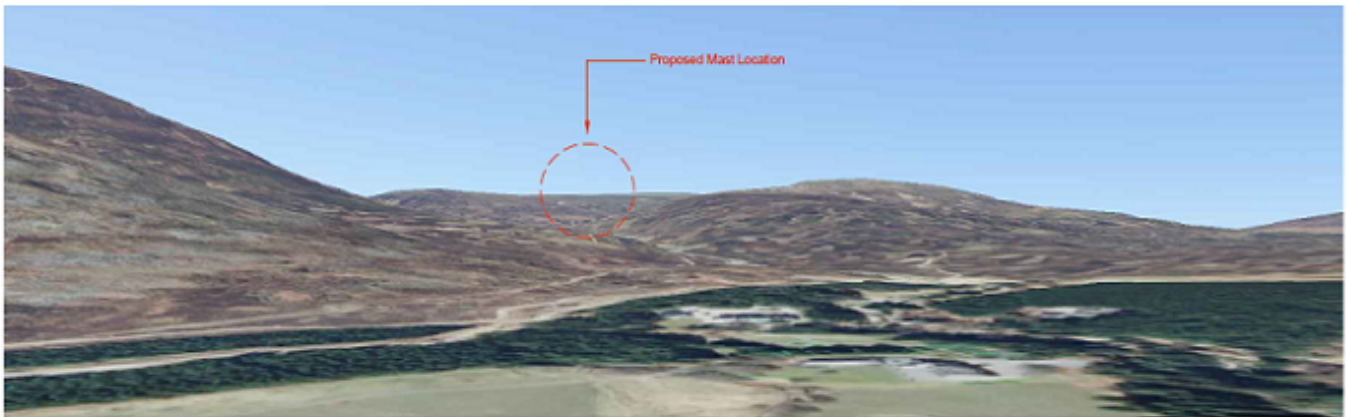
**savills** **RICS** **THE RICS QUALIFIED**  
 Tel: 01493 215100  
 e: [info@savills.com](mailto:info@savills.com)

It turns out the proposed telecommunications past is 8m high, not 6m as stated in the previous application

The lack of any design details and a Construction Method Statement were two of the planning issues raised by the Cairngorms National Park Authority(CNPA)'s Landscape Adviser in their response to the last planning application. But the CNPA's Landscape Adviser also recommended the developer should provide:

- “A description of the siting and design objectives for the proposed development to directly respond to the specific landscape characteristics, visual amenity, wild land attributes and qualities, and SLQs [Special Landscape Qualities] within the CNP.
- Leading from b above, information on alternative sites and designs considered and their relative benefits and disadvantages in terms of potential landscape and visual effects.
- A landscape and visual appraisal of the proposal, identifying the predicted effects on landscape character, visual amenity, wild land attributes and qualities and NP SLQs. It is advised that this should be informed by some visualisations of the proposed development from key routes within the NP including.....”:

Not only has Savill's provided no such information in their latest application, they have removed the Landscape Visual Impact Assessments that accompanied the last one.



Visual A: View Looking North - From Nearest Core Path

*As can be seen from the above visual and given the relatively small scale of the proposed mast the visual impact will be minimal. We believe the nearest core path is approx. 5km south of the site (as per NatureScot maps) and the nearest public road is much further. The skeletal structure of the 6m high mast will also reduce the visual impact.*

There is a good reason for that, the LVIA photomontages which were eventually supplied were hopeless. But the point is that Savills have still failed to respond to the concerns that were raised by the CNPA, a statutory consultee, last time around.

The documentation in the application is totally unfit for purpose and should never have been validated. As an indication of its quality in the application form Savills describe the Existing use as being “existing scrubland” – you won’t find any scrub on the overgrazed summit of Carn an Fhreiceadain.

Unfortunately, if you are a member of the public, you would be unlikely to appreciate any of this history because Highland Council has removed every single document relating to the previous application ([see here](#)). Wiping the public record clean is completely wrong and plays into the hands of developers.

## **The latest response of the Cairngorms National Park Authority**

{This section was written on the basis of information available at the time. However, the CNPA have now confirmed that the letter referred to below not to call in the application was a mistake as it was not within the power of the CNPA to do so and that they have also submitted comments on the application as they did last time. You can read those comments [here](#). This confirms the argument I made below, that whoever wrote that the application did not raise any planning issues of significance to the National Park was wrong to do so.]

While not yet on the Highland Council website, the CNPA's own planning portal reveals it has responded to Highland Council (in an unsigned letter) stating that it does not intend to call-in the application ([see here](#)). This is not surprising as the development is just outwith its boundary and therefore outwith its jurisdiction. However, in justifying this decision the letter claims:

“the above planning application does not raise any planning issues of general significance to the park aims and as such No Call-in is necessary in this case.”

The response of the CNPA's Landscape Adviser to the last application – luckily I downloaded a copy ([see here](#)) at the time – completely contradicts this:

“The predicted landscape and visual effects of the proposed development summarised above would affect the National Park SLQs including the: ‘vastness of space, scale and height’; a ‘landscape of layers’; ‘dominance of natural landforms’; ‘layers of receding ridge lines’; ‘wildness’; and ‘wild land’.”

It is impossible to reconcile these two statements and in my view the CNPA has some explaining to do but it is not too late for them to submit a formal response to the application based on what they said last time. That would be consistent with statements CNPA officers made to their Planning Committee in April ([see here](#)) about how the proposed Lethen Windfarm would impact on the landscape qualities of the National Park;

“The proposed wind farm would be located within (and significantly affect) the rounded hills outside of the National Park. There is a strong connection between this and the adjacent Landscape Character Type inside the National Park, where they share some key characteristics, such as a sense of remoteness, underpinning the Wildness SLQ. Visibility from within the National Park would be limited to the ridgeline that demarcates both the National Park boundary (and the less obvious on the ground change in character type). The expression of the Wildness SLQ is high on and along this ridgeline especially where it draws on the characteristics that continue beyond the National Park boundary”

## **A summary of what is wrong with the telecommunications mast planning application**

In the original application the justification for the application was that it was needed for health and safety reason after a member of staff was stranded in their vehicle. The new application continues to refer to that incident as “recent” and makes no attempt to explain why estate staff could not be issued with satellite phones. The site layout plan does, however, include what appears to be a new statement (I did not keep a copy of the original):

“This [ie the development] will also facilitate communication for sporting use of the surrounding land within the estate”.

This confirms the argument I made in my first post, that the real reason for this development is that shooters can continue to use their mobile phones while out on the hill. Unfortunately, under Scotland's Planning system, the fact that a development may be unnecessary is not in itself a reason for rejecting it.

There are, however, very good planning reasons for Highland Council to reject the application:

- The proposal is not supported by the policies in Highland Council's Local Development Plan, more particularly their policies on communications masts as pointed out by Mountaineering Scotland in their response to the application ([see here](#))
- There is no assessment of the impact that the telecommunications mast will have on the Wild Land Area or the landscape, including the National Park, and this will be significant.

So far, only two objections to the application has been published on Highland Council's Planning portal. It is a fundamental failing of Scotland's planning system that when developers submit slightly revised planning applications that previous comments from organisations and the public are not automatically reconsidered by Planning Authorities and previous objectors are not even alerted to the new application. It enables developers to game the system. You can help stop Pitmain and their agents, Savills, getting away with this by lodging an objection [here](#).

### Category

1. Cairngorms

### Tags

1. CNPA
2. Governance
3. landed estates
4. landscape
5. planning

### Date Created

September 18, 2022

### Author

nickkempe

default watermark