

Unacceptable telecommunications masts (14) – Creag Dhubh rejected, what can we learn?

Description



Creag Dhubh with approximate position of proposed mast. Photo credit Alistair Todd.

Highland Council has decided not to approve the application ([see here](#)) for a telecoms mast under the Shared Rural Network programme on Creag Dhubh, west of Newtonmore.

This is not the first mast to be rejected by a planning authority (Perth and Kinross Council recently rejected one north of the west end of Loch Rannoch) but the circumstances for this rejection are worth noting.

The proposed Creag Dhubh mast attracted a considerable number of objections, including one from the Community Council which stated, amongst other things, that connectivity in the area was satisfactory. North East Mountain Trust also objected. The proposed mast would have been sited adjacent to the standard path up Creag Dhubh and would have dominated the view for those ascending/descending the hill. The mast would have been in a Special Landscape Area (SLA) and in a Site of Special Scientific Interest (although the latter is based on the woodland and the mast site itself

is not currently covered by trees). It would not have been in the Monadhliath Wild Land Area (WLA).

The relevant area committee of Highland Council did not approve the application on the following grounds-

This proposed installation of a telecommunications mast is considered contrary to policy 6 of the Cairngorms National Park Authority Local Development Plan and policy 24 (e) (ii) of NPF4 as the Applicant has failed to provide robust evidence in support of their application that demonstrates the possibility of mast and site sharing.

Points of interest

- The Cairngorms National Park Authority (CNPA) did not call the application in. This suggests that the Park did not have concerns which is surprising considering the landscape impacts. This may be a harbinger of future decisions. What will it take for the CNPA to not call-in or subsequently refuse? It did not call in the mast in Glen Gairn which Aberdeenshire Council subsequently approved.
- The Highland Council planning officers recommended granting approval. The Committee did not agree but this was based on one single issue (the failure to explore mast sharing), not on landscape. The Committee is to be applauded for asking questions which led to this decision.
- What is stated in National Planning Framework 4 and in Local Development Plans re landscape detriments, including those in WLAs, is obviously open to interpretation.
- It is interesting that the Committee picked up on the mast sharing issue. Angus Council approved a mast (outwith a WLA) on the south end of ridge between the glens Prosen and Clova, around a mile away from an existing, recently installed, mast! This was one of the reasons North East Mountain Trust had objected. It would appear that Angus Council simply took the word of the developer that sharing wasn't possible without asking detailed questions about this. Developers are bound to say that sharing is not possible if it is to their benefit in some way.

Take-aways for future applications

The number of objections

The number of objections is important: the greater the number, the more likely that the decision will be taken by a planning authority committee and not simply delegated to officers.

Objections must focus on compliance with the law

While objectors may be most concerned about negative landscape impacts in more general terms, it is compliance with planning law and legally binding planning documents, such as NPF4 and Local Development Plans, which will determine the outcome of an application.

Mast applications submitted under Permitted Development Rights

The following is important when an application is made as a Prior Notification under permitted development, as opposed to full planning consent. Permitted Developments Rights for masts do not

apply in National Parks, National Scenic Areas and other areas covered by certain designations except in very specific circumstances. However we are seeing a number of Prior Notifications submitted in Wild Land Areas, and elsewhere, under permitted development rights.

Under the General Permitted Development Order (GDPO), Class 67, there are specific limitations to what telecommunications structures qualify as permitted developments:

- the size of the footprint of ground based equipment;
- the volume of ground based equipment housing;
- new access tracks must be no longer than 50m;
- equipment must be removed when no longer needed.

It is not clear that planning authorities always check that all these criteria are met before treating an application as a permitted development.

The GPDO as amended ([see here](#)) and the subsequent updating circular ([see here](#)) are far from simple to understand and most objectors won't be in a position to go into specific details. However, including wording along the following lines in objections to applications under permitted development should ensure that the planning authority scrutinises the application against the GPDO.

The application has been submitted under Permitted Development. Class 67 of the GPDO lays out limitations in relation to a number of issues including the size of the footprint of ground based equipment, the volume of ground based housing and the length of new access tracks, in addition to requiring the removal of all structures when the mast and equipment is no longer needed. We ask the planning authority to ensure that this application does not exceed the limitations of the order in any way. If it does, it must be rejected.

[The author is a member of the North East Mountain Trust has been co-ordinating responses to telecommunications masts on their behalf].

Category

1. Cairngorms

Tags

1. CNPA
2. Highland council
3. landscape
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5. planning

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