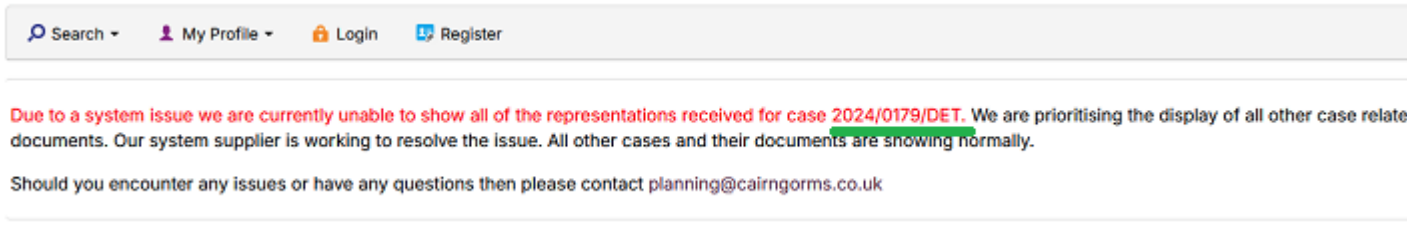


# Unacceptable telecommunications masts (22) – Ryvoan & the failures of the planning system in the Cairngorms National Park

## Description



Screenshot 20th September – 2024/0179/DET is the case number for the Ryvoan planning application. It appears the number of objections to the Ryvoan application may have caused the case file to crash!

Between the 11th July and 12th August – the statutory minimum period the Cairngorms National Park Authority (CNPA) allows the public to comment on planning applications – c530 individual objections were published on the CNPA planning portal objecting to the proposed telecommunications mast at Ryvoan. Since 12th August the CNPA has published NO further objections, only additional material from people who had already objected and wanted to supplement what they had said. It has, however, published a four part Landscape and Visual Impact Assessment (LVIA) and Landscape Response, an Ecology Report and Ecology Response, a Peatland Survey Assessment and an EIA Screening Opinion:

	Date Published	Document Type	Description
<input type="checkbox"/>	02 Oct 2024	Supporting information	ECOLOGY REPORT
<input type="checkbox"/>	02 Oct 2024	Contributions	LEILA EVANS - ADDITIONAL OBJECTION
<input type="checkbox"/>	02 Oct 2024	Contributions	STEPHEN BALLARD - ADDITIONAL OBJECTION
<input type="checkbox"/>	10 Sep 2024	Consultation	ECOLOGY RESPONSE
<input type="checkbox"/>	05 Sep 2024	EIA Screening	EIA SCREENING OPINION
<input type="checkbox"/>	30 Aug 2024	Supporting information	PEATLAND SURVEY ASSESSMENT
<input type="checkbox"/>	28 Aug 2024	Consultation	LANDSCAPE RESPONSE
<input type="checkbox"/>	28 Aug 2024	Contributions	DAVID SCOTT - ADDITIONAL OBJECTION
<input type="checkbox"/>	27 Aug 2024	Supporting information	LANDSCAPE AND VISUAL IMPACT ASSESSMENT PART 1
<input type="checkbox"/>	27 Aug 2024	Supporting information	LANDSCAPE AND VISUAL IMPACT ASSESSMENT PART 2
<input type="checkbox"/>	27 Aug 2024	Supporting information	LANDSCAPE AND VISUAL IMPACT ASSESSMENT PART 3
<input type="checkbox"/>	27 Aug 2024	Supporting information	LANDSCAPE AND VISUAL IMPACT ASSESSMENT PART 4
<input type="checkbox"/>	26 Aug 2024	Contributions	REQUEST TO SPEAK
<input type="checkbox"/>	12 Aug 2024	Contributions	MRS HEATHER MANCEAU - OBJECTION
<input type="checkbox"/>	12 Aug 2024	Contributions	DR JEREMY HOPKINS - OBJECTION

Screenshot 12th October showing the last objection was published on 12th August but three

“additional objections” have been published since then along with nine new documents about the planning application

On 2nd October the CNPA emailed those who had objected to the application within the minimum statutory time period saying:

*“Anyone wishing to submit additional comments, relating specifically to this information, should do so in writing to Cairngorms National Park Authority, 14 The Square, Grantown on Spey, PH26 3HG or email [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk) by 23 October 2024?.*

The problem is NOT ANYONE can object or comment on the new documents, only the 530 or so who objected within the CNPA’s deadline. This is manifestly unfair and designed to favour the developer as these nine new documents will play a crucial role in determining what planning officers recommend for this planning application.

In that respect it is worth noting from the detailed (and excellent) Landscape Response dated and published on 28th August that the LVIA must have been provided to the CNPA planners well before the publication date of 27th August. Whether or not the CNPA deliberately delayed the publication of LVIA to prevent the public from commenting publicly before their deadline, the point is the public should have had the right to comment on such documents. Public comments play a crucial role in raising issues that would otherwise be “missed” or ignored by staff and holding them to account.

Despite asking in their email of 2nd October for additional comments by letter/email, unlike previous planning applications the CNPA has not in this case blocked people from using the comment facility on the planning portal. I have done so and you can try do so [here](#). Given their past record and what they have stated in their email, however, it appears unlikely they will approve comments from anyone commenting for the first time. I have now made a number of requests to the Head of Planning, Gavin Miles, for the CNPA to amend their standing orders to enable the public more time to comment (as happens in the Loch Lomond and Trossachs National Park Authority) and make those comments public. So so far nothing has changed.

Grant Moir, the Chief Executive of the CNPA, referred to the number of objections to the Ryvoan mast in his report to the board ([see here](#) – para 13) on 13th September:

*13. Planning casework ..... A planning application for a new telecoms mast in Glenmore was recently withdrawn and another for a new mast near Ryvoan bothy has generated significant public interest, with more than 520 objections received.*

Mr Moir failed to explain that he was citing the number of objections received in the statutory period and failed to state how many people had tried to object after that. His statement that the “new telecoms mast in Glenmore was recently withdrawn” is also misleading because in August the developer made it clear they intend to submit a new one ([see here](#)).

## The CNPA Environmental Impact Assessment scoping opinion for the Ryvoan Mast

In 2017 the Scottish Government incorporated the EU's Environmental Impact Assessment Directive into planning law and issued guidance ([see here](#)) about its use:

*4. The main aim of the EIA Directive is to ensure that the authority granting consent (the 'competent authority') for a particular project makes its decision in full knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before they can be given 'development consent'. This procedure – known as Environmental Impact Assessment or 'EIA' – is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the competent authority before it makes its decision.*

While developers are encouraged to request scoping opinions as to whether an EIA is required BEFORE submitting planning applications, there is nothing to stop a planning authority deciding an EIA is required. The CNPA, however, only did so AFTER their deadline for public comments had expired meaning that anyone who did not comment previously is unable to comment on the EIA and whether it is fit for purpose (there are lawyers out there who did not object to the original documentation but who might well have objected to the screening opinion). David Craig, who has objected to the application and has contributed a number of posts to Parkswatch ([see here](#)), ([here](#)), ([here](#)), ([here](#)) and ([here](#)) has raised issues about the scoping opinion with CNPA planning staff which have not as yet been published on the planning portal. Parkswatch is therefore very pleased to publish his comments.

Extracts from EIA Screening of 2024/0179/DET( Mast at Ryvoan) by CNP dated 5 September 2024

PART A / B Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	PART C / D (only complete if Yes in A) Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)			
PART	A	B	C	D - Comments
3.2 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	n/a	n/a	One likely option for the power supply is a diesel generator, which will cause noise in what is a quiet area. Of lesser importance, but careless: the purpose of the mast is to transmit EM radiation!
6.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	Breeding birds including capercaillie and protected mammals are likely to be present within the zone of influence.	No	This is VERY important. How can the CNP believe that something with the potential to kill the last of Scotland's 532 capercaillie is 'not significant'? It's not just one mast, two are required, plus fences, plus power supplies which may need poles and wires.
7.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? Where designated indicate level of designation (international, national, regional or local).	Yes	<u>Site within boundary</u> Cairngorms National Park Abernethy National Nature Reserve Cairngorms Massif Special Protection Area <u>Proximity</u> Abernethy Forest SSSI Glenmore Forest SSSI Cairngorms Special Area of Conservation River Spey Special Area of Conservation Abernethy Forest Special Protection Area	No	Hundreds of objectors have written to CNP to say they think the effect will be very significant, with evidence to back this up. How on earth can CNP, whose primary task is to protect the area, come up with the opposite opinion and no explanation or rationale? Just one word: 'No'.

Column C in the Screening Opinion is the CNPA's evaluation of whether significant effects are likely from the proposed mast. All the CNPA's answers were "no" or "n/a" and column D is blank in the original version (9 pages long) published on the planning portal. In the edited version David Craig inserted comments in red on 1st October questioning the rationale for the 'No' and some of the n/a statements responses in column C:

PART A / B Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	PART C / D (only complete if Yes in A) Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)		
		Cairngorms Special Protection Area Wild Land Area 15 Cairngorm	
7.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	Yes	Ryvoan Bothy, Ryvoan Pass, surrounding tops – transient visibility, no permanent communities	No See above, but also: does the statement 'no permanent communities' imply that the CNP thinks that landscape views in uninhabited areas are less important?
8.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	Yes	Ryvoan Bothy	No As above, hundreds of people have written in to say how important Ryvoan bothy is to them. How can the CNP think that is so insignificant that a one-word dismissal is all that is required?
9.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Yes	Ryvoan Pass path	No Magnitude of effects tbc as no details provided on required works/upgrade to path. If the effect is 'tbc', the default answer must be 'Yes'. Once permission is granted, it is too late,
10.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	No	n/a	n/a The land is owned by RSPB who invest significant resources (both financial and voluntary) to manage the land for a purpose. The response 'No' is both ignorant and insulting.

David's comments show just why it is so important that the CNPA publish ALL comments they receive on planning applications.

The thresholds for what counts as a "significant effect" under the EIA regulations is mostly based on the size of the development and it may be that CNPA staff have ticked the "no" and "n/a" boxed because telecommunication mast developments are relatively small. Ploofs on the landscape are given very little weight in Scotland's planning system.

However, the CNPA's EIA screening opinion only includes the footprint of the mast and track. It doesn't include an assessment of the impact of bringing power to the mast or the impact of the proposed "repeater" mast in Glenmore. Under the regulations EIAs should include ALL related developments that are integral to it going ahead. This strengthens my argument ([see here](#)) that "since the CNPA has failed to challenge Three's claim that the repeater mast in Glenmore is necessary for the proposed mast at Ryvoan, they should now either suspend the decision-making process for the Ryvoan mast or suggest it be withdrawn". The CNPA needs to explain why it has issued a scoping opinion saying an EIA is not required when they have not determined the overall scope of the development.

While the CNPA's screening opinion shows they see the environmental impacts of the Ryvoan mast as being of no account under the EIA regulations – which makes it easier for staff to recommend it be approved – their wider failure is to consider the environmental impacts of the Shared Rural Network as a whole on the National Park. The point is that ALL the masts proposed for the Cairngorms National Park are related as each mast has to communicate with another and forms part of a network. Moreover, the Ryvoan mast is part of the "Shared Rural Network", a single programme to eliminate partial and total not spots in telecommunications coverage. So why has the CNPA issued a screening opinion about the need for an EIA for the Shared Rural Network programme as a whole, instead of

doing this for individual masts?

While the CNPA planners may not agree, the public – as illustrated by the very large number of objections in this case – clearly believe the environmental impacts of telecommunications masts can be very significant. (An EIA looking at proposed masts in the Cairngorms National Park as a whole would help separate out those that are acceptable and those that are not).

Assuming “Three” does not now withdraw the application for a mast at Ryvoan, when the CNPA’s Planning Committee come to consider it they should not only reject the application but start acting like a National Park: a good start would be to draft supplementary planning guidance on telecommunications masts, for public consultation, and to ask the Shared Rural Network programme to submit an EIA considering the impact of the proposed developments across the National Park as a whole.

Ryvoan is turning into a test case for telecommunications masts in the Cairngorms National Park and it is important that as many people as possible continue to object and to comment on the documents published on the planning portal since 12th August ([see here](#) for documents). If you have any problems doing so, or if the CNPA refuses to publish your comments, please let Parkswatch know.

### **Category**

1. Cairngorms

### **Tags**

1. CNPA
2. conservation
3. Governance
4. landscape
5. planning

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