

Agenda Item	7.4
Report No	PLN/033/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 19 April 2023
Report Title: 23/00322/FUL: Cornerstone
Acharn Wood, Lealty, Alness
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: 23/00322/FUL
Ward: 06 – Cromarty Firth
Development category: Local Development
Reason referred to Committee: Community Council objection

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the installation of a 25m high lattice tower. The upper headframe section of the tower is proposed to include 4.No dishes and 6.No remote radio units which make up the headframe. The site compound will measure approximately 11.5m x 11m, contained by a 1.2m high timber stock proof fence. The area is to be covered in hardstanding to accommodate three cabinets, generator and generator fuel tank alongside the tower itself which has a footprint of approximately 2m x 2m. It is submitted that the mast is to provide 4G coverage and is a collaboration between three separate Mobile Network Operators.
- 1.2 There is an existing access from the B9176 (Boath Road) and rough stone forestry track which would serve the site.
- 1.3 Pre-Application Consultation: Pre-Application advice was sought prior to the submission of 22/00896/FUL however, as it was invalid, no pre application advice was given. The proposal was subsequently applied for however was refused planning permission under 22/00896/FUL (as explained further in the planning assessment).
- 1.4 Supporting Information:
- Coverage Plots
 - Design and Access Statement
 - General Information for Telecommunications Development Scotland
 - ICNIRP Certificate
 - Mobile UK Health Fact Sheet
 - Site Specific Supplementary Information
 - Photomontages and Wireframes package
 - Shared Rural Network Explanatory Notes
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located to the south side of the Boath Road on the south facing slope of Cnoc Alasdair between Wester Lealty and Easter Ballone and to the immediate east of Acharn Wood. The site comprises rough moorland which slopes gently toward the public road. The approach to the site is relatively steep, however the site itself comprises a flatter area of the hillside. An existing stone track runs along the edge of adjacent Acharn Wood situated to the west of the site, the track is bound by a post and wire fence. There is an existing 20m tall mast which sits just above the public road, located approximately 730m away. The site is denoted as being at medium risk of surface water flooding. Ardross Castle and Designed Landscape are situated on the opposite side of the River Averon.

3. PLANNING HISTORY

- 3.1 n/a 22/00188/PREAPP – Installation of 25m high lattice tower Insufficient info to make valid

3.2 08.07.2022 22/00896/FUL – Installation of a 25m high Refused lattice tower and associated works

4. PUBLIC PARTICIPATION

4.1 Advertised: Yes – Unknown Neighbour

Date Advertised: 10 February 2023

Representation deadline: 9 March 2023

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- i) Social and economic benefits of the roll out of the Shared Rural Network are highlighted
- ii) As part of the Shared Rural Network masts are shared where possible

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.

5. CONSULTATIONS

5.1 **Ardross Community Council** object to the proposals. Its response notes the following:

The applicant has failed to demonstrate that sharing the existing mast is not a practical proposition (granted under 17/03196/FUL). The applicant has failed to demonstrate that the specific site is required to give greater coverage. It therefore fails to comply with HwLDP policy 46 and NPF4 policy 24e) ii which states that applications will only be supported if 'it has been demonstrated that, before erection a new ground-based mast, the possibility of erection antennas on an existing building, mast or other structure has been explored'.

The existing mast gives excellent coverage around Ardross, note that Stittenham which does not have mobile phone coverage and will see no benefit from the proposal.

The applicant still fails to demonstrate that the proposal does not affect the integrity of Ardross Castle Designed Landscape.

Viewpoint 1 shows clearly illustrates how this application does not demonstrate sensitive siting. The mast in this application clearly breaks the skyline and will be highly visible from the Designed Landscape of Ardross Castle. It is in strict contrast to the existing EE mast to the left of the picture which sits against the background of the hill and needs to be really looked out for in the photo. This application 23/00322/FUL does not demonstrate that the siting has minimised the visual and amenity impacts as NPF4 Policy 24 e) ii dictates; contrast this with the existing EE mast which has used the backdrop of the surrounding hills to minimise the impact. Further we do not believe the Application complies with NPF4 Policy 7 i) as the proposal does not enhance the cultural significance or character of the Designed

Landscape and Gardens and because it significantly impacts the important views from the site and its setting.

We would like it noted that the Novar windfarm was consented before the Designed Landscape of Ardross Castle designation was even made.

As far as Viewpoint 3 is concerned we would remind the Planning Authority that trees are not a permanent structure and could be felled at any time and cannot be considered as mitigation.

Viewpoint 5 sits just on the edge of the Designed Landscape of Ardross Castle. This large structure breaking the skyline perfectly illustrates how the Proposal significantly impacts the views from the Designed Landscape and does not enhance in any way the cultural significance or character of the designation contrary to NPF4 7 i).

In reference to TV show The Traitors it is stated that this has made a positive economic contribution to the local area and brought useful revenue streams to community buildings and local businesses. We would not like to see any insensitively sited infrastructure, such as this mast, deter the use of Ardross Castle and Ardross as film locations.

To conclude the applicant has failed to demonstrate that existing infrastructure cannot be used Policy 46 and NPF4 Policy 24; it has failed to demonstrate that the visual impact has been minimised and has failed to demonstrate sensitive siting

Policy 28 and NPF4 Policy 24; it does not enhance, indeed has a significant detrimental impact on the views from the Designed Landscape contrary to NPF4 Policy 7 and also contravenes Aim 14 of Highland Historic Environment Strategy.

We believe that some planting as has been done with existing mast would help mitigate some of the visual impact should the Planning Authority decide to grant this application especially to the south of the site.

Comments are also made around pre application discussions with the applicants, and it is reiterated that Ardross Community Council has not changed their position around mast sharing at the existing mast site.

5.2 **Historic Environment Team – Archaeology** has no objection; a planning condition is requested as the application area is considered to have archaeological potential.

5.3 **Historic Environment Scotland** has no objections. The Ardross Castle estate extends along the Avern valley and the parkland together with the farmed and wooded landscape contrasts markedly with the moorland on the slopes of the hills that contain the valley. This gives the designed landscape outstanding scenic interest. The castle, its ancillary buildings, estate buildings and formal gardens with its range of structures and ornaments, give the landscape outstanding architectural interest.

An Italianate formal garden is located immediately to the east of the castle. Designed by Edward White in the early 20th century, its ornamental features are set within the informal parklands of Ardross Castle. This gives the site outstanding artistic interest. The landscape also has outstanding historical interest.

There are a series of views, identified in the Inventory entry, which contribute to an understanding of the designed landscape and its setting, these include views northwards and from the road, which leads midway along the hillside with long-

distance views to the wooded Avern valley below and across to the Lealty parklands. From the Castle terrace a panoramic view extends west over the hills of Strath Mor and southwards, over the wooded Avern, to parkland on the valley slopes of Cnoc Crask, with Ben Wyvis beyond.

The Novar wind farm, situated on Cnoc Gille Mo Bhrianaig and Bendeallt, lies within the westernmost section of this view. Views from the Lealty parklands are also important.

The Photo Montage and Wire Frame Package document provides a series of five views – four of them from public roads. This is accompanied by a Zone of Theoretical Visibility map, which in tandem have been used to assess potential impacts.

It is anticipated that the mast would be visible from the southwest edge of the Inventory landscape, as identified in View 5 of the Photo Montage and Wire Frame Package. The mast may also be visible from areas of parkland. Whilst it would be visible, it is likely that impacts on this part of the landscape would not be significant given that this is a single mast and these areas are less sensitive to visual change than others.

The Zone of Theoretical Visibility map suggests that views may also be possible from more sensitive areas of the Inventory landscape and potentially Ardross Castle and its Terraces and Gate Piers (all listed at Category A). However, given that this is a single mast that would be seen in views that include the Novar wind farm to the southwest, we think it is likely that any impacts here would also not be significant.

Your Council may wish to request further predicted views from these more sensitive locations in order to confirm the level of these impacts.

Our view is that proposals do not raise historic environment issues of national significance and therefore we do not object.

- 5.4 **Highland and Islands Airports** confirm that at the position and height proposed the development would not infringe safeguarding criteria for Inverness Airport.
- 5.5 **Ministry of Defence** confirm no objections as the site is located outside of Ministry of Defence safeguarding areas.
- 5.6 **National Air Traffic Service** confirm no objections and that the proposal does not conflict with their safeguarding criteria.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (adopted February 2023)

- 1 – Tackling the climate and nature crisis
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 7 – Historic Assets and Places
- 14 – Design, Quality and Place

22 – Flood risk and water management

23 – Health and safety

24 – Digital infrastructure

6.2 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality and Place-making

45 - Communications Infrastructure

46 - Siting and Design of Communications Infrastructure

56 - Travel

57 - Natural, Built and Cultural Heritage

61 - Landscape

64 - Flood Risk

6.3 **Inner Moray Firth Local Development Plan (2015)**

No relevant site-specific policies

6.4 **Proposed Inner Moray Firth Local Development Plan (2022)**

No relevant site-specific policies

6.5 **Highland Council Supplementary Planning Policy Guidance**

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

7. **PLANNING APPRAISAL**

7.1 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

7.2 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

7.3 The key considerations in this case are:

- a) planning history
- b) compliance with the development plan and other planning policy
- c) site selection; siting and design including visual impact and cumulative impacts
- d) impact on Designed Landscape

- e) transport and servicing
- f) surface water drainage
- g) biodiversity and climate crises
- h) any other material considerations.

Planning History

- 7.4 Planning permission for a similar proposal on the site was refused for 22/00896/FUL under delegated powers on 8 July 2022. The reasons for refusal were as follows:
1. The proposal fails to comply with Policy 46 – Siting and Design of Communications Infrastructure of the Highland-wide Local Development Plan as the coverage provided by the proposed tower is already provided by an existing mast on the same hillside located 730m away. It has not been demonstrated that this mast cannot be shared as required by Policy 46.
 2. The proposal fails to comply with Policy 46 – Siting and Design of Communications Infrastructure and Policy 61 – Landscape of the Highland-wide Local Development Plan as it fails to demonstrate the cumulative visual impact on the landscape when read in relation to existing infrastructure. It also therefore fails to comply with Policy 28 – Sustainable Design of the Highland-wide Local Development Plan as it fails to demonstrate sensitive siting.
 3. The proposal fails to comply with Policy 57 – Natural, Built and Cultural Heritage of the Highland-wide Local Development Plan as it fails to demonstrate cumulative visual impact on the landscape when read in relation to existing infrastructure and the impact on the landscape as read from cultural heritage assets including the Category A Listed Ardross Castle and Ardross Designed Landscape. The proposal therefore also fails to comply with Strategic Aim 6 of the Highland Historic Environment Strategy as the proposal could affect the setting of a listed building and Strategic Aim 14 as it has not been demonstrated that the proposal would not affect the integrity of Ardross Castle Designed Landscape.
- 7.5 The applicant has submitted a revised proposal which is largely similar to that which was refused however revised photomontages and wireframe images have now been provided, alongside supporting information detailing other potential sites which were discounted including mast sharing options with an existing mast in vicinity to the site. This will be considered in detail in the sections which follow.

Development plan/other planning policy

- 7.6 NPF4 was adopted in February 2023 and is now part of the Development Plan alongside the HwLDP, IMFLDP and Proposed IMFLDP. Policy 1 of the NPF4 requires that weight is given to the global climate and nature crises when considering development proposals. Policy 2b) of Climate change and adaptation requires proposals to be sited and designed to adapt to current and future risks from climate change. Policy 3 – Biodiversity requires development proposals to contribute to the enhancement of biodiversity. Under policy 2c) proposals for local development will

include appropriate measures to conserve, restore and enhance biodiversity. Measures should be proportionate to the nature and scale of development.

- 7.7 Policy 24 – Digital Infrastructure is the main policy of relevance in assessing the proposal. Policy 24a states that development proposals that incorporate appropriate, universal and future proofed digital infrastructure will be supported. 24b goes on to say that such proposals or improvements in areas with low connectivity capacity will be supported. Policy 24c states that proposals that are aligned with and support delivery of local or national programmes for the roll out of digital infrastructure will be supported.
- 7.8 Policy 24e sets out that proposals will only be supported where:
- i) The visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints;
 - ii) it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing building, mast or other structure, replacing an existing mast and/or site sharing has been explored; and
 - iii) there is no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities.

This largely ties in with the requirements of policies 45 and 46 of the HwLDP which the proposal was previously assessed against but places more emphasis on the delivery/ roll out of such infrastructure where it is part of a national programme under part 24c) as detailed in paragraph 7.7 above. In this instance the proposal is advanced under the Shared Rural Network scheme.

- 7.9 As previously noted, the site is located near to Ardross Castle Designed Landscape. One of the reasons for refusal of the previous application was that there was insufficient information to assess the impact on this heritage feature. Policy 7 of NPF4 - Historic Assets and Place of NPF4 with reference to part i states that development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting. This aligns with policy 57 of the HwLDP and Strategic Aim 14 of The Highland Historic Environment Strategy which requires that the integrity of Designed Landscapes are not impacted.
- 7.10 Policy 14 – Design quality and place states that proposals will be designed to improve the quality of an area whether in urban or rural locations regardless of scale. It then goes on to state that development proposals will be supported where they are consistent with the six qualities of successful places. It also requires the proposals which are detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported. Policies 28 and 29 of the HwLDP also require development to demonstrate sensitive siting and a high-quality design which is in keeping with the local environment and do not have a significantly detrimental impact on visual amenity.

- 7.11 Policy 61 – Landscape of the HwLDP requires development to make consider potential cumulative effects of development on the receiving landscape.
- 7.12 An area near to the site is identified as being at risk of surface water flooding. Under policy 22c of NPF4 it is stated that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. All rain and surface water should be dealt with by SUDs and developments should seeks to minimise the area of impermeable surface.

Site selection; Siting and design including visual impact and cumulative impacts

- 7.13 The information submitted in support of the application includes a site selection process which discounts 5 alternative sites in the surrounding area. This includes:
1. Land near Cnoc na Stroine – discounted due to a lack of existing access and need for tree felling
 2. Acharn Wood (east of the site within the woodland itself) – Due to high ground to the east (Cnoc Alasdair) coverage would be restricted preventing operational requirements from being achieved.
 3. Inchlumpie Wood – Limited access to deploy and maintain the apparatus
 4. Cnoc an Leacachan – Due to high ground to the east (Cnoc Alasdair) coverage would be restricted and prevent operational requirements from being achieved.
 5. Lealty, Moultaivie – EE mast sharing (detailed in para 7.14 below).
- 7.14 The use of the existing EE mast approved under 17/03196/FUL and located approximately 730m away from the site was considered for mast sharing however has been discounted. The reasoning behind this is submitted as being because the installation is too low to achieve the operational requirements of the Shared Rural Network. It is submitted that the application site is situated at a height of 290m above sea level ensuring that coverage is maximised across the area. It was also noted that following a visual inspection of the mast that it was determined that the structure would not have sufficient capacity to support three additional operators and the necessary transmission equipment required for the operators. The existing mast is likely to be relatively old in terms of the technology which is used and was never intended to accommodate apparatus for 4 providers. A new lattice tower to be shared by 3 providers is therefore accepted on the basis of alternatives and site sharing options being discounted however support is only forthcoming on the basis that the specific siting, design and landscape impacts are not significantly detrimental in terms of visual amenity in the area as considered in the following paragraphs.
- 7.15 The proposal is now supported by photo montages, wireframes and a zone of theoretical visibility which allows the Planning Authority and consultees to assess the landscape and visual impacts and impacts on views out with the Designed Landscape. Historic Environment Scotland have also been consulted and considered the new information.
- 7.16 Viewpoint 1 is taken from the opposite side of the River Averon from the public road to the north west of Ardrross Castle, in front of Ardrross Distillery. There will be views from the distillery however it will not be hugely visible from the public road due to

screening along the road. Viewpoint 1 shows that the tower will be visible from a distance and is also in the same view as the existing mast. Given the existing mast has a back drop of trees and sits low on the hillside the cumulative impact with this is not considered to be significant. This viewpoint shows that the proposed tower will sit lower and be less visually intrusive than Novar windfarm which occupies a larger proportion of the view with the turbines being visible on the skyline from this viewpoint. It is considered that the landscape and visual impact in this context is therefore not significant.

- 7.17 Viewpoint 2 is taken from the north east of the castle and grounds and looks toward the site and toward Novar windfarm. Views from here will largely be from the public road and restricted by screening along the road. The hillside and tower will be visible from a small number of properties up the hill to the northeast of the viewpoint however, this is a small number of properties who already have views to the windfarm. The main visual receptors being from the main public road. From this viewpoint there is no cumulative impact with the existing EE mast as it cannot be seen. As with viewpoint 1, the mast would be viewed in the context of the Novar wind farm and its visual impact is not considered to be significant. When considering the distances from the site at viewpoints 1 and 2 and given the lattice design which is proposed, long distance visual impacts are not considered to be significant.
- 7.18 Viewpoint 3 is taken from the public road to the west of the site. At present this shows that the tower would not be visible due to tree cover however it is acknowledged that these trees may be felled in future meaning the mast would be visible however this viewpoint is representative of road users meaning that any views will be transitory and therefore not significantly detrimental.
- 7.19 Viewpoint 4 is taken from the east of the site looking across to the hill from the public road the tower will be partially visible from this viewpoint and particularly if trees are felled however views from this point when travelling along the public road are likely to be fleeting glances and in terms of visual amenity is not significant. The nearest property to this viewpoint is Wester Lealty Farm, the zone of theoretical visibility does not suggest the proposed tower will be visible from this property or Lealty House to the north of this.
- 7.20 Finally, viewpoint 5 is taken from the closest point of the public road to the north of the site. This would be the most visually prominent location where the mast can be viewed. As the largest number of people who will see this will likely be driving past this all views from the adjacent road are likely to be glances. The existing mast is in such close proximity to the road that you can only see this when you are immediately adjacent to it. It is therefore considered that there will be no significant cumulative impact between the two masts, and no cumulative impact when read in relation to Novar windfarm.
- 7.21 The additional information provided includes a zone of theoretical visibility which shows areas and properties which the mast could be visible from. Viewpoints and wireframes are provided from the 5 viewpoints described above which are largely representative of views from the public roads which would be subject to impacts from the majority of people accessing the area. There may be some limited impacts to a very small number of residential properties however such impacts are not considered to be significantly detrimental to visual amenity when read in the context of the

nearby windfarm and given this is a single lattice style tower. It is not considered that the installation of the tower will have a significant visual impact which would warrant refusal of the planning application.

Impact to Designed Landscape

- 7.22 Historic Environment Scotland have assessed the application in terms of the impact which the tower may have upon Ardross Castle Designed Landscape. They note that it is anticipated that the mast will be visible from areas of parkland as shown in viewpoint 5 however that impacts on this part of the landscape would not be significant given that the proposal is for a single mast. It is also noted that the Zone of Theoretical Visibility suggests that views may also be possible from more sensitive areas of the Inventory Landscape and possibly Ardross Castle itself, however it is the view of Historic Environment Scotland that again, given this is a single mast that would be seen in views that include Novar Windfarm to the southwest that visual impacts would not be significant. It is concluded that the proposals do not raise historic environment issues of national significance.
- 7.23 Historic Environment Scotland in their response also note that the Council may wish to request further predicted views to confirm the level of impacts. This is noted; however, we agree with the assessment that given this is a single tower and read in relation to a windfarm the impacts would not be significant.
- 7.24 As there are no objections from Historic Environment Scotland who are a statutory consultee for such designations it is considered that the information submitted satisfactorily demonstrates that the third reason for refusal of the earlier proposal is addressed.
- 7.25 NPF4 places emphasis on supporting proposals which are advanced under local or national programmes; this proposal forming part of the Shared Rural Network roll out. It is acknowledged that the area is already served by an existing (EE) mast, and it is suggested that decent coverage already exists from this. Conceivably the population within the area and those visiting the area won't all be able to benefit from this coverage if they are not an EE customer. The new tower will allow for an additional 3 providers to give coverage in the area improving connectivity and capacity within the area. The use of the existing mast and discounted sites is accepted, and the application is now supported by photomontages and wireframes which demonstrate that the mast will not have a significant visual impact or any detrimental impact on the historic environment which would warrant refusal of the application. Close range views are inevitable however would be limited to fleeting glances from the roadside. The cumulative impact of the two masts in proximity is not considered to be significant particularly when the visual impact of Novar Windfarm is more likely to draw the eye. It is considered that the proposal complies with policy 24 of NPF4 and policies 45 and 46 of the HwLDP.
- 7.26 The proposal is no longer considered to be contrary to heritage policies including Policy 7 of NPF4, policy 57 of the HwLDP or the strategic aims of the Highland Historic Environment Strategy.
- 7.27 The proposal is not considered to be significantly detrimental to amenity and it has now been demonstrated that the proposal is appropriately sited and designed and

that landscape impacts will not be significant. The proposal is therefore considered to comply with policy 61 - Landscape of the HwLDP alongside policy 14 – Design quality and place of NPF 4 and the related policies of the HwLDP policy 28 – Sustainable Design and 29 – Design Quality and Placemaking.

Transport and Servicing

- 8.28 The site is to be accessed via an existing forestry access off the Boath Road. At present the access with the road is in poor condition and visibility splays are impeded by trees on each side. While utilising an existing access and track is preferable as it reduces the amount of works and therefore visual impact, if the application is to be approved it is recommended that some upgrades are provided to improve the situation. This would include resurfacing of the track at the point of the public road to a minimum of 6m back and cutting some vegetation to improve the situation and to achieve the required of 2.4m x 90m in each direction for roads with a speed limit of 30mph which is commensurate with road speeds. Otherwise, there is no significant issue with this arrangement given the infrequent vehicular access which would be required once the mast would be in operation if approved.

Surface Water Drainage

- 8.29 It is noted that the site is at risk of surface water flooding. This is shown to be relatively remote from the site approx. 300m to the south arising from Corran Burn. It is unlikely there would be any significant issue in this regard given the relative isolation of the mast from other development and the development being of low vulnerability. No information has been provided on drainage; it is recommended that this is secured by condition.

Biodiversity and Climate Crises

- 8.30 NPF4 requires all development to consider the climate crises and achieve net biodiversity gain. A generator is to be situated on site to power the mast. While renewable energy sources would be preferred, this could increase the visual impact. Accepting this element of the proposal is on balance considered acceptable given the national initiative to roll out the Shared Rural Network. As an area of hardstanding is to be created there will be a loss of biodiversity – a condition is therefore recommended to secure landscaping at the site in order to mitigate this loss.

Other material considerations

- 8.31 There are no other material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.32 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) None

9. CONCLUSION

- 9.1 NPF4 places emphasis on supporting proposals which are advanced under local or national programmes. In this instance a new tower will allow for an additional 3 providers to give coverage improving connectivity and capacity within the area. The use of the existing mast and discounted sites as has been discussed in the report is accepted, and the application is now supported by photomontages and wireframes which demonstrate that the mast will not have a significant visual impact or any detrimental impact on the historic environment which would warrant refusal of the application. Close range views are inevitable however would be largely restricted to transitory views from road users rather than any significant impact from a large number of residential receptors. The cumulative impact of the two masts in proximity is not considered to be significant particularly when the visual impact of Novar Windfarm is more likely to draw the eye. It is considered that the proposal complies with policy 24 of NPF4 and policies 45 and 46 of the HwLDP.
- 9.2 The proposal is no longer considered to be contrary to heritage policies including Policy 7 of NPF4, policy 57 of the HwLDP or the strategic aims of the Highland Historic Environment Strategy.
- 9.3 The proposal is not considered to be significantly detrimental to amenity and it has now been demonstrated that the proposal is appropriately sited and designed and that landscape impacts will not be significant. The proposal is therefore considered to comply with policy 61 - Landscape of the HwLDP alongside policy 14 – Design quality and place of NPF 4 and the related policies of the HwLDP policy 28 – Sustainable Design and 29 – Design Quality and Placemaking.
- 9.4 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	N

Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to

GRANT the application subject to the following conditions and reasons

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

3. No other development shall commence until the site access has been surfaced a minimum of 6m back from the public road verge and visibility splays of a minimum of 2.4m x 90m in each direction shall be cleared and maintained in perpetuity.

Reason: In the interest of road safety

4. No development shall commence until details of a scheme of landscaping shall have been submitted to and approved in writing by the Planning Authority. Details shall include:
 - i. soft landscaping and planting works at the site including detail on the location, species and size of individual trees/shrubs
 - ii. detail on appropriate measures to enhance biodiversity at the site
 - iii. detail on planting to the south of the site to provide screening of the mast

Any planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In the interests of biodiversity net gain and visual amenity.

5. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

REASON FOR DECISION

The proposal is not considered to be significantly detrimental to amenity and it has now been demonstrated that the proposal is appropriately sited and designed and that visual impacts will not be significant. The proposal is therefore considered to comply with policy 61 - Landscape of the HwLDP alongside policy 14 – Design quality and place of NPF 4 and the related policies of the HwLDP policy 28 – Sustainable Design and 29 – Design Quality and Placemaking.

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.

INFORMATIVES

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.

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. 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: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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_working_on_public_roads/2

Mud and Debris on Road

Please note that it is 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/protected-areas-and-species/protected-species>

Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 100 Rev B – Location Plan
Plan 2 - 200 Rev A – Proposed Site Layout Plan
Plan 3 - 300 Rev A – Proposed Elevations
Plan 4 - Photomontages and Wireframes Package

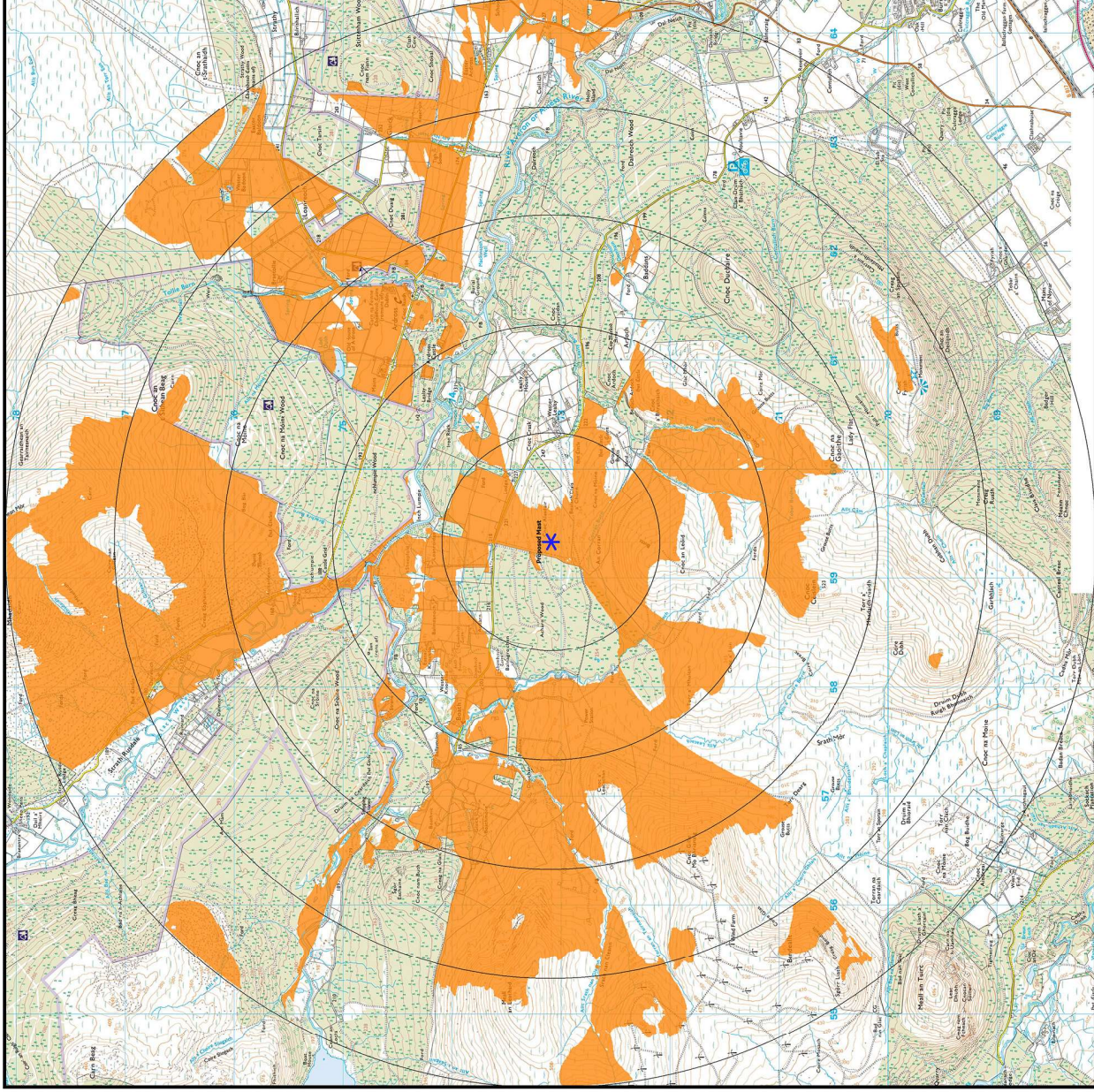


WHP Wilkinson Helsby
 Connaught House, Park View,
 Lofthouse Gate, Wakefield
 WF3 3HA
 Tel: 01924 876777 Fax: 01924 876778
 e-mail: info@wilkinson-helsby.co.uk

Title:
 Proposed Telecommunications
 Installation
 CSR_30525500_TEF_95533

Contract:
 Acharn Wood
 Lealty
 Alness
 Highalnds
 IV17 0XJ

Purpose of issue: Planning
 Image: Viewpoint Locations



WHP Wilkinson Helsby
 Connaught House, Park View,
 Lofthouse Gate, Wakefield
 WF3 3HA
 Tel: 01924 876777 Fax: 01924 876778
 e-mail: info@wilkinson-helsby.co.uk



Title:
 Proposed Telecommunications
 Installation
 CSR_30525500_TEF_95533

Contract:
 Achnarn Wood
 Leality
 Alness
 Highalnds
 IV17 0XJ

Purpose of issue: Planning

Image: Zone of Theoretical Visibility

Site Location



WHP Wilkinson Helsby
Connaught House, Park View,
Lothhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

Title:
Proposed Telecommunications
Installation
CSR_30525500_TEF_95533

Contract:
Acharn Wood
Lealty
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 1 - Wireframe



Site Location



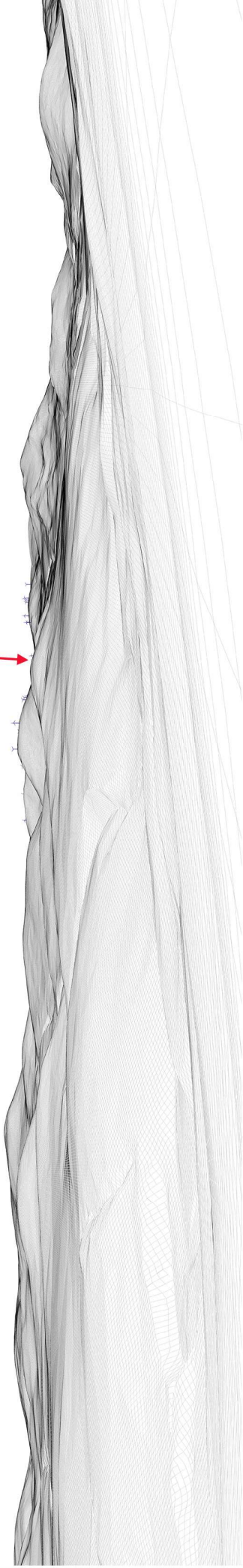
WHP Wilkinson Helsby
 Connaught House, Park View,
 Loffhouse Gate, Wakefield
 WF3 3HA
 Tel: 01924 876777 Fax: 01924 876778
 e-mail: info@wilkinson-helsby.co.uk

Title:
 Proposed Telecommunications
 Installation
 CSR_30525500_TEF_95533

Contract:
 Acharn Wood
 Leality
 Alness
 Highalnds
 IV17 0XJ

Purpose of issue: Planning
 Image: View 1 - Proposed

Site Location



WHP Wilkinson Helsby
Connaught House, Park View,
Loffhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

Title:
Proposed Telecommunications
Installation
CSR_30525500_TEF_95533

Contract:
Acharn Wood
Lealty
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 2 - Wireframe

Site Location



WHP Wilkinson Helsby
Connaught House, Park View,
Loffhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk



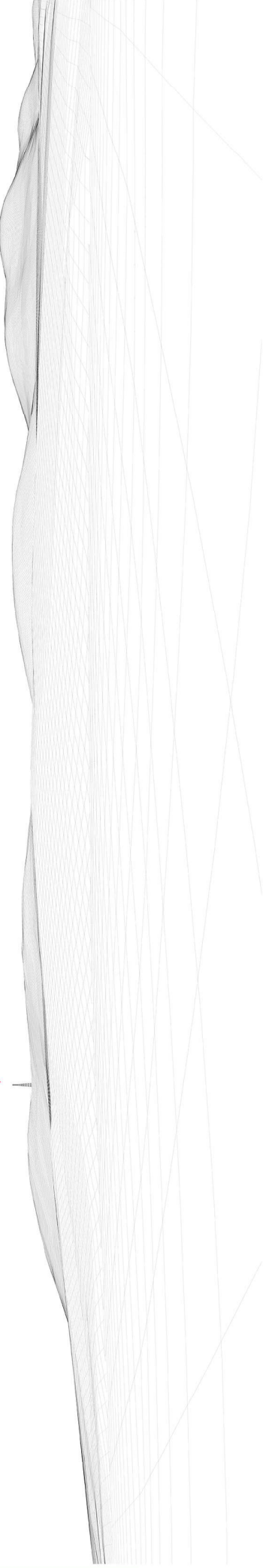
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Proposed Telecommunications
Installation
CSR_30525500_TEF_95533

Contract:
Acharn Wood
Leality
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 2

Site Location



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Lothhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

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CSR_30525500_TEF_95533

Contract:
Acharn Wood
Lealty
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 3 - Wireframe

Site Location



WHP Wilkinson Helsby
Connaught House, Park View,
Lofthouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

Title:
Proposed Telecommunications
Installation
CSR_30525500_TEF_95533

Contract:
Acharn Wood
Leality
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 3 - Not Visible Behind Trees

Site Location



WHP Wilkinson Helsby
Connaught House, Park View,
Lofthouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

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Contract:
Acharn Wood
Lealty
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 4 - Wireframe

Site Location



WHP Wilkinson Helsby
Connaught House, Park View,
Loffhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

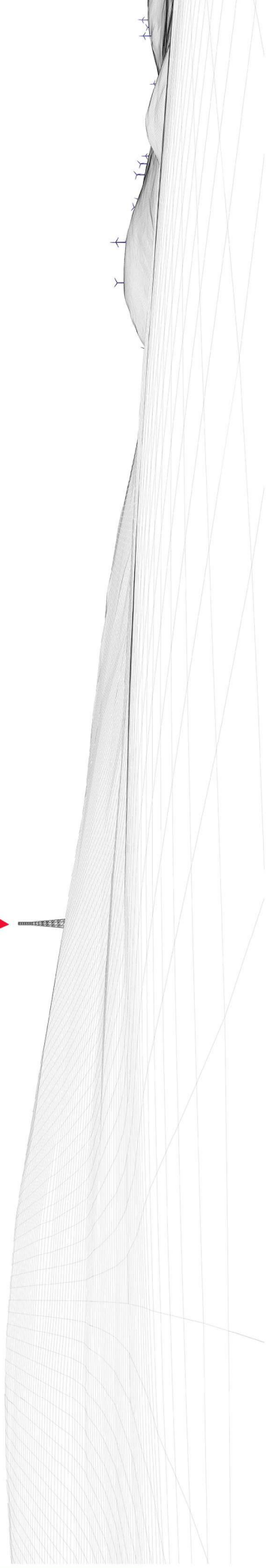
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Proposed Telecommunications
Installation
CSR_30525500_TEF_95533

Contract:
Acharn Wood
Lealty
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 4

Site Location



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Loffhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
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Title:
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CSR_30525500_TEF_95533

Contract:
Acharn Wood
Lealty
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 5 - Wireframe

Site Location



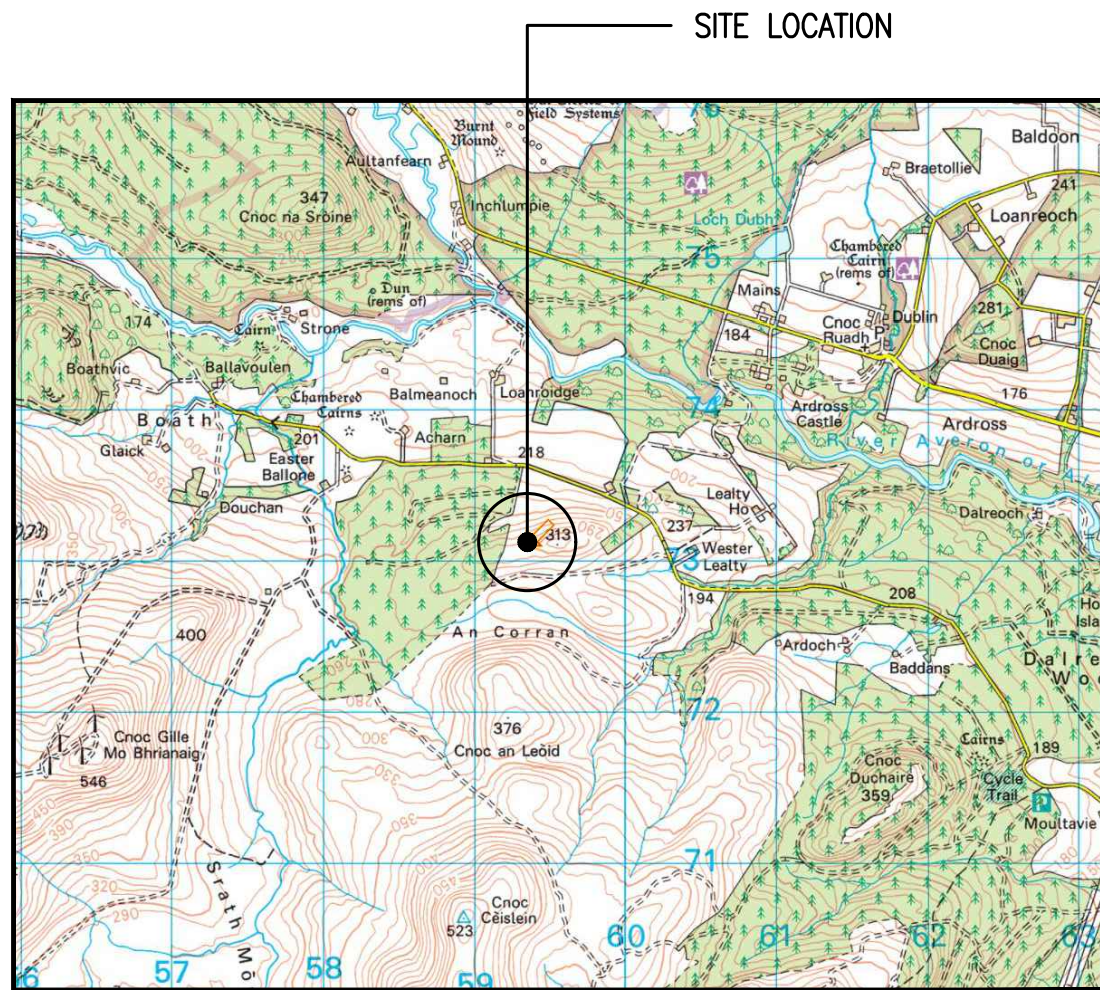
WHP Wilkinson Helsby
Connaught House, Park View,
Loffhouse Gate, Wakefield
WF3 3HA
Tel: 01924 876777 Fax: 01924 876778
e-mail: info@wilkinson-helsby.co.uk

Title:
Proposed Telecommunications
Installation
CSR_30525500_TEF_95533

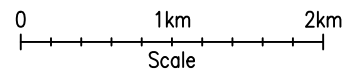
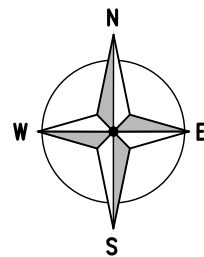
Contract:
Acharn Wood
Leality
Alness
Highalnds
IV17 0XJ

Purpose of issue: Planning

Image: View 5



SITE LOCATION



SITE LOCATION
(Scale 1:50000)

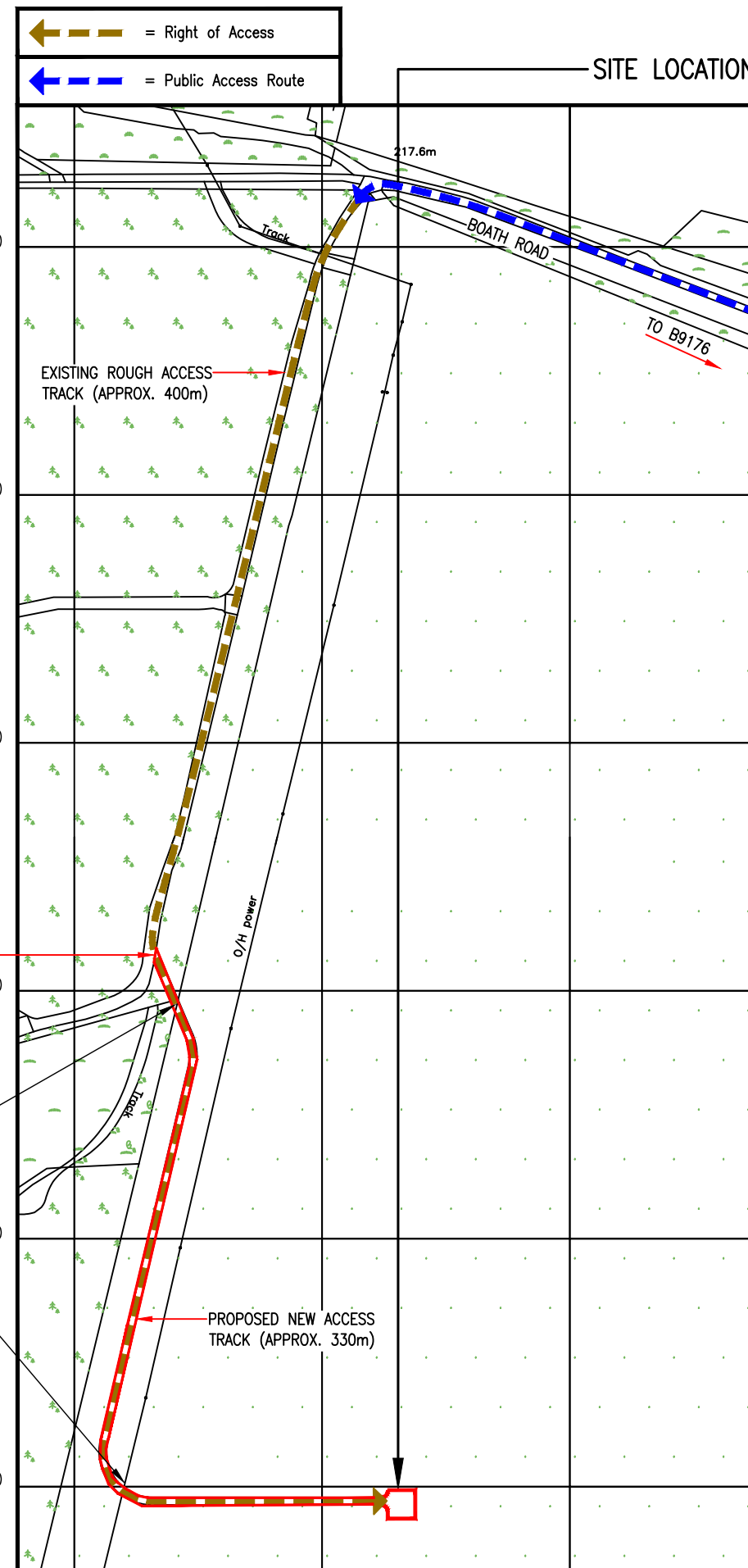
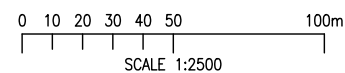
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SITE PHOTOGRAPH

DETAILED SITE LOCATION

Scale 1:2500
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SITE LOCATION

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 259331 N: 873093

DIRECTIONS TO SITE:

FROM INVERNESS FOLLOW A9 TO THE NORTH WEST OVER THE KESSOCK BRIDGE. TRAVEL ON THE A9 FOR 25KM AND TURN LEFT ON TO THE B9176 FOLLOW B9176 FOR 3km AND TURN LEFT ON TO BOATH ROAD. FOLLOW BOATH ROAD FOR APPROX. 6km. LOOK FOR POWER LINES AND TREES ON THE LEFT (ACHARN WOOD). TURN LEFT ON TO ROUGH TRACK (ATV REQUIRED). FOLLOW TRACK FOR APPROX. 330m AND THEN OFF-ROAD FOR APPROX. 200m SOUTH WEST TO SITE.

NOTES:

REV	MODIFICATION	BY	CH	DATE
B	ACCESS TRACK UPDATED FOR CLARITY	KR	WHP	13.01.22
A	Issued for Approval	IC	SB	15.12.21

WHP Telecoms
Unit 1 Maple Park,
Low Fields Avenue, Leeds
LS12 6HH
Tel: 01133023550
e-mail: info@whptelecoms.com

cornerstone
CORNERSTONE - SRN

Cell Name	Opt.
INCHLUMPIE PNS (OPTION 2)	-

Cell ID No		
CS ID	TEF	VF
30525500	95533	N/A
CS E REF	THREE	TRIDENT
E369450	IV0356	8941861

Site Address / Contact Details
ACHARN WOOD
LEALTY
ALNESS
HIGHLANDS
IV17 0XJ

Drawing Title:
SITE LOCATION MAPS

Purpose of issue:
PLANNING

Drawing Number:
100

Surveyed By:
WHP

Original Sheet Size:
A3

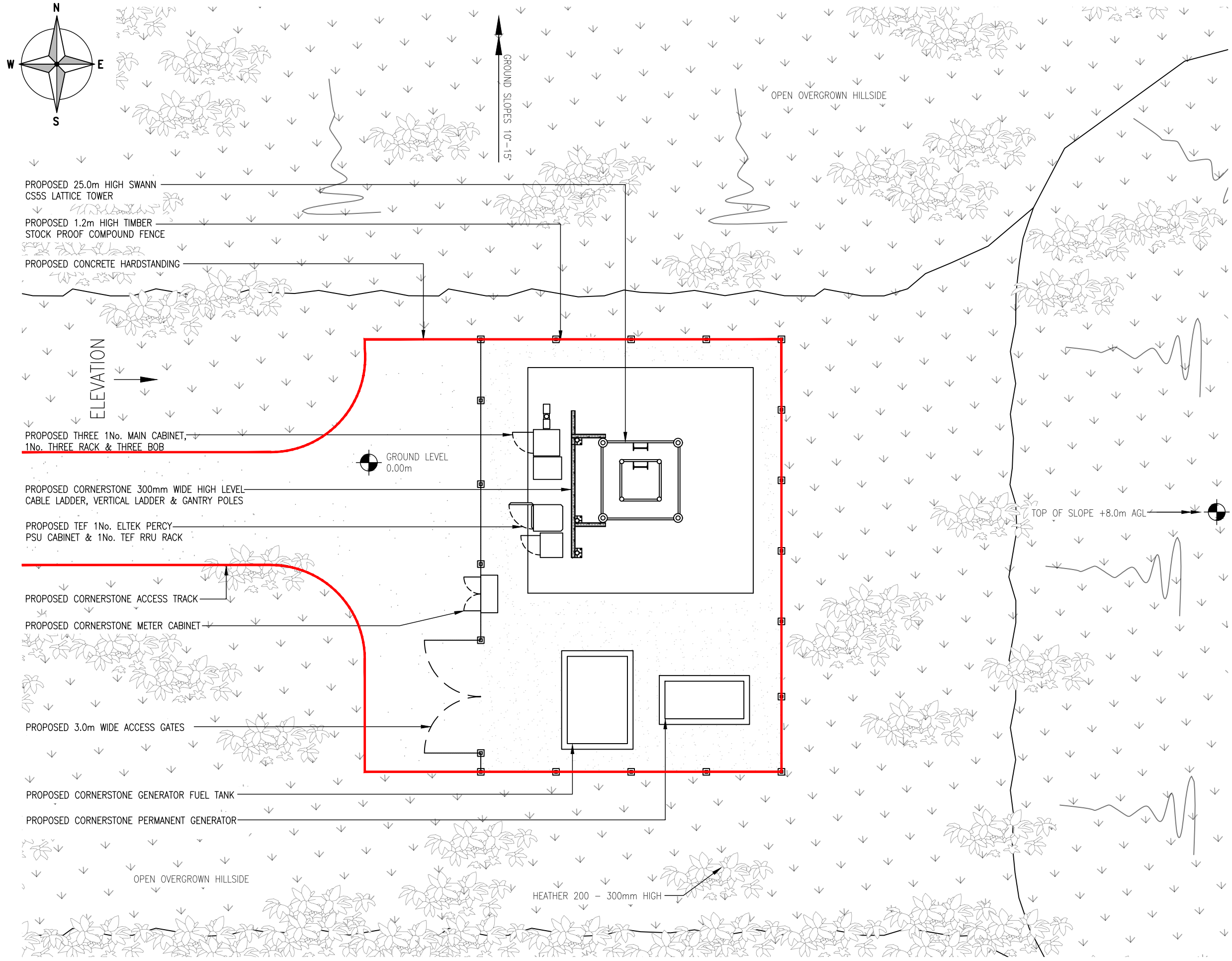
Drawn:
IC

Date:
15.12.21

Checked:
SB

Date:
15.12.21

Pack Issue:
B



PROPOSED 25.0m HIGH SWANN CS55 LATTICE TOWER
 PROPOSED 1.2m HIGH TIMBER STOCK PROOF COMPOUND FENCE
 PROPOSED CONCRETE HARDSTANDING

PROPOSED THREE 1No. MAIN CABINET, 1No. THREE RACK & THREE BOB

PROPOSED CORNERSTONE 300mm WIDE HIGH LEVEL CABLE LADDER, VERTICAL LADDER & GANTRY POLES

PROPOSED TEF 1No. ELTEK PERCY PSU CABINET & 1No. TEF RRU RACK

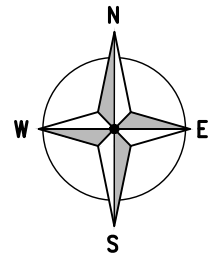
PROPOSED CORNERSTONE ACCESS TRACK
 PROPOSED CORNERSTONE METER CABINET

PROPOSED 3.0m WIDE ACCESS GATES

PROPOSED CORNERSTONE GENERATOR FUEL TANK
 PROPOSED CORNERSTONE PERMANENT GENERATOR

OPEN OVERGROWN HILLSIDE

HEATHER 200 - 300mm HIGH



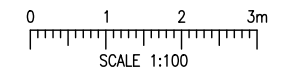
GROUND SLOPES 10-15%

ELEVATION

GROUND LEVEL 0.00m

TOP OF SLOPE +8.0m AGL

PROPOSED SITE PLAN
1:100



The drawings comply with CTIL Standard ICNIRP guidelines.
 Designed in accordance with Cornerstone document: SDN0142 v1.0

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 259331 N: 873093

NOTES:

REV	Issued for Approval	IC	SB	15.12.21
	MODIFICATION	BY	CH	DATE

WHP Telecoms
 Unit 1 Maple Park,
 Low Fields Avenue, Leeds
 LS12 6HH
 Tel: 01133023550
 e-mail: info@whptelecoms.com

cornerstone
 CORNERSTONE - SRN

Cell Name	Opt.
INCHLUMPIE PNS (OPTION 2)	-

Cell ID No		
CS ID	TEF	VF
30525500	95533	N/A
CS E REF	THREE	TRIDENT
E369450	IV0356	8941861

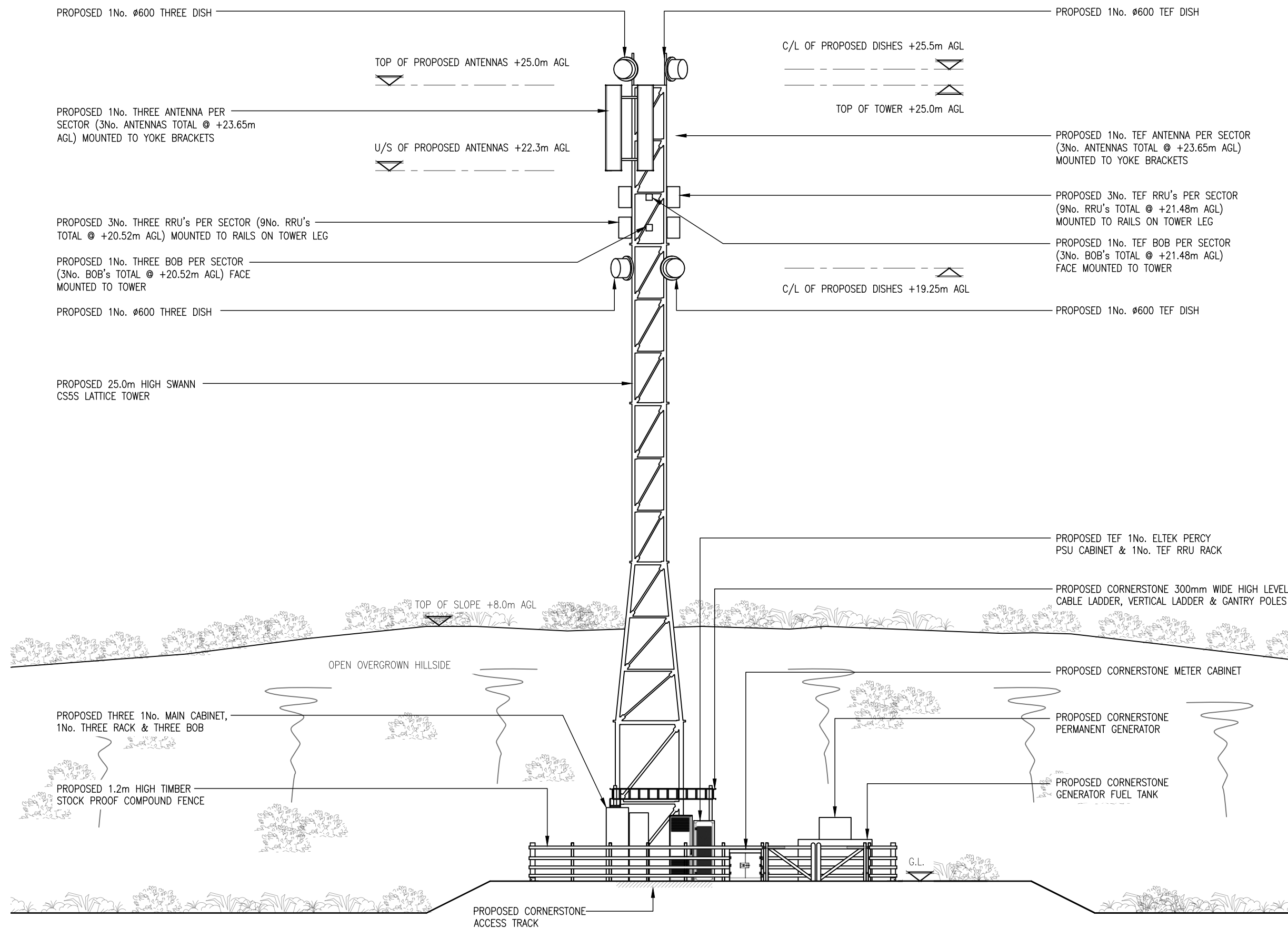
Site Address / Contact Details
 ACHARN WOOD
 LEALTY
 ALNESS
 HIGHLANDS
 IV17 0XJ

Drawing Title: PROPOSED SITE PLAN			
Purpose of issue: PLANNING			Dwg Rev:
Drawing Number: 200			A
Surveyed By: WHP	Original Sheet Size: A3		Pack Issue:
Drawn: IC	Date: 15.12.21	Checked: SB	Date: 15.12.21
			B

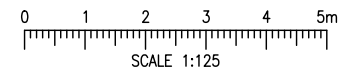
ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 259331 N: 873093

NOTES:



PROPOSED WEST ELEVATION
1:125



The drawings comply with CTIL Standard ICNIRP guidelines.
Designed in accordance with Cornerstone document: SDN0142 v1.0

REV	Issued for Approval	IC	SB	15.12.21
	MODIFICATION	BY	CH	DATE

WHP Telecoms
Unit 1 Maple Park,
Low Fields Avenue, Leeds
LS12 6HH
Tel: 01133023550
e-mail: info@whptelecoms.com

cornerstone
CORNERSTONE - SRN

Cell Name	Opt.
INCHLUMPIE PNS (OPTION 2)	-

Cell ID No		
CS ID	TEF	VF
30525500	95533	N/A
CS E REF	THREE	TRIDENT
E369450	IV0356	8941861

Site Address / Contact Details
ACHARN WOOD
LEALTY
ALNESS
HIGHLANDS
IV17 0XJ

Drawing Title: PROPOSED SITE ELEVATION			
Purpose of issue: PLANNING			Dwg Rev:
Drawing Number: 300			A
Surveyed By: WHP	Original Sheet Size: A3		Pack Issue:
Drawn: IC	Date: 15.12.21	Checked: SB	Date: 15.12.21
			B