



**23/00290/FULTEL – ERECT 25 METRE LATTICE TELECOMMUNICATIONS TOWER  
HOSTING ANTENNA, AT TOM RUISG, BOWGLASS, ISLE OF HARRIS**

Report by Depute Chief Executive

**PURPOSE**

- 1.1 The planning application is the subject of a formal objection from NatureScot, a Government Agency, and therefore under the terms of the Scheme of Delegation is presented to the Planning Applications Board for a decision.

**EXECUTIVE SUMMARY**

- 2.1 The planning application relates to a remote area of elevated moorland within the interior of North Harris, approximately 3km due west of Bowglass, Isle of Harris. The site is within the South Lewis, Harris and North Uist National Scenic Area (NSA), within the Harris - Uig Hills Wild Land Areas and within a Prominent Hills and Mountains Landscape Character Type, sited at an elevated location within the landscape, with more prominent hills around and beyond the development site. The only access to the site is a recreational mountain path that passes south of the site and forms part of the Core-path network.
- 2.2 The site area extends to approximately 1000 sqm (0.1 ha) and the application is for the erection of a 25-metre-high lattice telecommunications tower. The proposed tower would host 3no antennas, 2no 0.6m dishes and the 1.8m high post and rail fenced compound would enclose 2no external equipment cabinets, 1no equipment cabin (containing 3no internal cabinets), 1no VSAT dish and related ancillary development together with 2no generators. The application submission states that there is no proposal to construct an access road to the site.
- 2.3 The development proposed is part of the Government's Shared Rural Network (SRN) project. The SRN project seeks to improve the coverage and quality of mobile network services for rural communities and businesses that live and work in areas of rural Scotland where existing mobile network coverage is non-existent. These areas are commonly referred to as 'not spots'.
- 2.4 Pre-application consultation was undertaken in June 2023, at which point NatureScot advised that the proposal was likely to result in significant adverse effects on two Special Qualities of the NSA and advised that an alternative siting of the mast should appear less prominent on the skyline, at a lower altitude with a backcloth of hills. No amendments were made to the proposals and the application submitted is as per the location and design details proposed at the Pre-application stage.
- 2.5 Consultations were issued to Scottish Water, NatureScot, and Comhairle Archaeology.
- 2.6 The proposed development is assessed to have significant adverse effects on the special qualities of the South Lewis, Harris and North Uist National Scenic Area (NSA), more specifically such that the objectives of the designation and overall integrity of the area would be compromised. It is also assessed to have significant adverse effects on the wild land qualities of the Harris – Uig Hills Wild Land Area (WLA); more specifically the following NSA Special Qualities (SQ's): A wild, mountainous character; The close interplay of the natural world, settlement, and culture; and the following Wild Land Quality: Awe-inspiring, towering, irregular, rocky mountains that adjoin low-lying peatland or the sea, offering panoramic views and possessing a strong sense of naturalness.
- 2.7 Further, the proposed development does not demonstrate a satisfactory siting, scale and design and would be harmful to the Prominent Hills and Mountains Landscape Character Type and there is a lack of clear justification for the development to be sited at this location.

- 2.8 The Comhairle is required to determine planning applications in accordance with the provisions of the statutory Development Plan, comprising the Outer Hebrides Local Development Plan 2018 (OHLDP) and National Planning Framework 4 (NPF4), unless material planning considerations indicate otherwise.
- 2.9 The proposal has been fully assessed and it is clear that the proposed development would adversely affect the Special Qualities of the National Scenic Area and will have significant adverse effects on the wild land qualities of the Harris – Uig Hills Wild Land Area (WLA), contrary to the provisions of Policies PD1: Development Strategy and NBH1: Landscape of the Outer Hebrides Local Development Plan (OHLDP) and Policy: 4 Natural Places of National Planning Framework 4 (NPF4).
- 2.10 Further, the lack of justification in relation to the allowances of Policy EI10: Communications Infrastructure of the Outer Hebrides Local Development Plan (OHLDP) and Policy 24: Digital Infrastructure of National Planning Framework 4 (NPF4) adds weight to this consideration, as there is insufficient justification to prioritise the benefits of Digital Infrastructure provision over the protection of important landscape qualities.
- 2.11 This assessment is corroborated by an objection to the development from NatureScot. Weighing up the public interest as reflected in both local and national policy and the material considerations of an objection by a Government Agency, the recommendation is therefore one of refusal.
- 2.12 While there are aspects of the proposal that would be in accordance with the Development Plan, it has been assessed that overall the proposed development does not comply with the key policies OHLDP Policy DS1 – Settlement Strategy, OHLDP Policy NBH1 Landscape and NPF Policy 4 c) and 4g) Natural places or OHLDP Policy EI10 Communications Infrastructure or NPF Policy 24 Digital Communications and is therefore considered contrary to the Development Plan. While there are clear benefits to digital infrastructure, these benefits do not over-ride the protection of important landscape qualities and this material consideration does not outweigh the assessment against the Development Plan.
- 2.13 It is the case that under the terms of Scottish Development Department (SDD) Circular 9/1987 if the Comhairle as Planning Authority is minded to approve the application, contrary to the advice of NatureScot and the recommendation, it would be necessary to notify Scottish Ministers of this intention, given the outstanding objection from a Government Agency. This would provide the Scottish Ministers with a period of time to consider whether they wished to ‘call-in’ the application for determination.

## RECOMMENDATION

- 3.1 It is recommended that planning permission be **REFUSED** for the reasons set out at Appendix 1 to this Report.

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Appendix 1:	Schedule of reasons for refusal
Appendix 2:	Site Location and Site Layout plans
Appendix 3:	Proposed South East Elevation
Appendix 4:	Photographs and Viewpoints
Appendix 5:	Responses to consultation
Appendix 6:	Representation
Appendix 7:	NatureScot Objection
Appendix 8:	Response from Applicant
Background Papers:	None

## IMPLICATIONS

- 4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	None
Assets and Property	None
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	None
Environmental Impact	None
Consultation	None

## BACKGROUND

### Application

- 5.1 Pre-application consultation took place in June 2023, in relation to the erection of a telecommunications tower on this remote site, 3km due west of Bowglass, Isle of Harris. Following input from NatureScot, on account of the site being within a designated landscape and the sensitivity of land characterised as wild and remote to built development, the applicant was advised that contrary to national and local policy, the proposal was likely to result in significant adverse effects on two 'Special Qualities' of the South Lewis, Harris and North Uist National Scenic Area (NSA). The applicant was advised that an alternative siting of the mast should be explored and should appear less prominent on the skyline, at a lower altitude with a backcloth of hills.
- 5.2 Despite this clear advice from NatureScot and Planning at pre-application stage, and advice that information be provided to show the need for the particular location of the mast and what, if any, alternatives had been considered, no amendments were made to the proposal and the planning application was submitted as per the details proposed at pre-application.
- 5.3 The application was registered as valid on 18 July 2023.
- 5.4 The telecommunications tower is proposed for the Shared Rural Network (SRN), which is a partnership between 4 mobile operators (EE, O2, Three and Vodafone) and the Government, and it would provide 4G coverage to the immediate surrounding area, termed a 'Total Not Spot' (TNS) i.e. with no mobile coverage.

## SITE CONTEXT AND PROPOSAL

### Description of site and its context

#### Site Context

- 6.1 The application site extends to circa 0.1ha. The site is to be located within the setting of hills and rising land, close to the highest point of a shoulder of ground between valleys to the north and east. The land is currently open moorland possibly used for grazing and is a mixture of exposed rock, waterlogged vegetation, and soils.
- 6.2 The area is termed a 'remote area' in terms of the spatial strategy of the Outer Hebrides Local Development Plan, forms part of the South Lewis, Harris and North Uist National Scenic Area (NSA), and the Harris - Uig Hills Wild Land Areas and has a Landscape Character Type of Prominent Hills and Mountains. A detailed description of the site is set out within the assessment below.

#### Application site

- 6.3 The application site (the site) is at Tom Ruisg, Bowglass, Isle of Harris. The site area extends to approximately 0.1 hectares and is likely used for open grazing. Ground conditions are a mixture of exposed rock, waterlogged vegetation, and peat. The site is small in scale, which is typical for this type of development. No access road is proposed to the site.
- 6.4 The site is at an elevated location within the landscape, with more prominent hills around and beyond the development site and is a prominent location which will be highly visible from viewpoints on the A859 road, the highly trafficked spinal route serving Lewis and Harris as well as from key viewpoints within the Harris – Uig Hills Wild Land Areas and the NSA.

#### **Description of development**

- 6.5 The proposal is for the erection of a 25-metre-high lattice telecommunications tower, hosting 3no antennas, 2no 0.6m dishes, 2no external equipment cabinets, 1no equipment cabin (containing 3no internal cabinets), 1no V-SAT Dish and ancillary development thereto, contained within a 1.8 metres high post and rail fence. In terms of materials, it is proposed that ground-based equipment cabinets should be matt-painted Fir Green (RAL6009) with mast structure Khaki Grey (RAL7008) to minimise potential impact on skyline.
- 6.6 The application has been accompanied by the relevant ICNIRP certification. It is also proposed to install two generators. The submission states that no access road is proposed to the site. An existing recreational path which runs from the Bowglass car park (adjacent to the A859 Stornoway to Tarbert Road) into the North Harris hills passes to the south of the site.
- 6.7 The telecommunication tower is proposed for the Shared Rural Network, which is a partnership between 4 mobile operators (EE, O2, Three and Vodafone) and the Government, and it would provide 4G coverage to the immediate area which is recognised as a TNS i.e. no mobile coverage.

#### **LEGISLATIVE CONTEXT**

- 7.1 The Town and Country Planning (Scotland) Act 1997 (the Act) is the principal legislation. Sections 25 and 37(2) of the Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The weight to be attached to any relevant material consideration is for the judgment of the decision-maker. Two main tests are used when deciding whether a consideration is material and relevant:
- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
  - It should fairly and reasonably relate to the particular application being determined.
- 7.2 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, to inform a conclusion and recommendation as to the determination.
- 7.3 In terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the class and scale of development is such that it falls within the classification of a 'Local Development'.
- 7.4 The application is not of a type specified in Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations) and it was therefore not necessary to be screened under the Regulations.

## PLANNING HISTORY

- 8.1 The site which is the subject of this planning application has no planning history.

## CONSULTATION ADVICE

- 9.1 Statutory consultation was undertaken as required by Regulations. The detailed response of statutory and other consultation bodies can be viewed at Appendix 5 to this Report but is summarised as follows.

- **NatureScot:**

Based on the information provided, the proposed development would result in significant adverse effects on the special qualities of the South Lewis, Harris and North Uist NSA and wild land qualities of the Harris – Uig Hills WLA.

We consider these effects to be non-localised and without demonstration of appropriate mitigation to reduce effects from mast development within the interior of the NSA and WLA. We advise that the proposed development may therefore not meet Policy 4c/ 4g or Policy 24e(i)1 of National Planning Framework 4. NatureScot **objects** to this proposal.

If the planning authority intends to grant planning permission notwithstanding this advice, then Scottish Ministers must first be notified of the application and intention.

- **Scottish Water**

Scottish Water has no objection to this planning application; however, the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located.

- **Comhairle Archaeology:**

Please be advised, there are no archaeological issues with this planning application.

## PUBLIC PARTICIPATION

- 10.1 The planning application was advertised for public comment in the public notices section of the Stornoway Gazette in the publication dated 27 July 2023 seeking comments before the expiry of 14 days as required by regulations. The date of expiry of the period advertised was 12 August 2023.
- 10.2 One representation had been received at the time of writing this Report. The representation was submitted by the landowner and did not specifically relate to the details presented in this planning application, but to development that would likely arise as a consequence of the proposed development. The matter is considered further at the Material Planning Consideration section of this Report.
- 10.3 Details of the representation made can be found at Appendix 6 to this Report.

## POLICY CONTEXT

### The 'Development Plan'

- 11.1 In Scotland, the planning system is 'plan-led' and sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the 'Development Plan' unless material considerations indicate otherwise.
- 11.2 Following the enactment of a provision of the Planning (Scotland) Act 2019 on 13 February 2023, the statutory 'Development Plan' for the administrative area of Comhairle nan Eilean Siar is comprised of National Planning Framework 4 (NPF4) (2023) and the Outer Hebrides Local Development Plan (LDP) 2018 and its Supplementary Guidance (SG).
- 11.3 NPF4 comprises the 'National Spatial Strategy for Scotland' up to 2045 and provides the Scottish Government's updated statement of National Planning Policy. The OHLDP sets out the strategic land

use policy and provides the local framework to develop and sustain the communities of the Outer Hebrides. Section 24(3) of the Act provides that in the event of any incompatibility between a provision of NPF4 and a provision of the LDP that whichever of them is the later in date, is to prevail.

11.4 The Development Plan policies with particular relevance to the application are:

**NPF4:**

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 5 - Soils
- Policy 24 – Digital infrastructure

**OHLDP:**

- Policy DS1 - Development Strategy - Remote Area
- Policy NBH1 – Landscape
- Policy NBH2: Natural Heritage
- Policy EI 3: Water Environment
- Policy EI5 - Soils
- Policy EI10 - Communications Infrastructure

**PLANNING ASSESSMENT**

**Main issues**

Principle of Development

*Policy context*

- 12.1 The application site is located within a 'remote area' according to the spatial strategy for the Outer Hebrides contained within Policy DS1 of the Outer Hebrides Local Development Plan (OHLDP).
- 12.2 Remote Areas largely consist of undeveloped interior upland areas and isolated coastline. These areas are important for their natural and cultural resources and encompass some of Scotland's most iconic landscapes.
- 12.3 The OHLDP states that development in remote areas will be limited and developments will need to be clearly justified and that careful planning and design will be required to minimise environmental impacts.
- 12.4 The policy goes on to state Proposals for development will only be acceptable where a locational need has been demonstrated and at least one of the following is met:
- a) The development is required for reasons of over-riding public interest (including those of an economic or social nature) and demonstrates sensitive siting, design and scale of development to minimise impact on the open and rural character of the landscape and its qualities of remoteness; or*
  - b) it is for a non-residential hut required for land management purposes (e.g. hill shelter / bird or fishing hide), is unobtrusive in the landscape and adheres to the principles of low impact, sustainable development in terms of design, materials, construction and access; or*
  - c) it is for, or associated with, the sustainable development of a natural resource and accords with any relevant Supplementary Guidance and associated spatial strategy; or*
  - d) it is for the sustainable development of fish farming in freshwater environments.*

*Proposals should avoid significant adverse effects on the area's ecological and landscape attributes, including the special qualities of NSAs and wildness characteristics of WLAs.*

#### *Assessment*

- 12.5 The proposal has not been clearly justified and based on the advice of NatureScot and the assessment of the Planning Authority, discussed in more detail under the Landscape policy and communications infrastructure policy assessment sections, there would be clear, significant adverse effects to the special qualities of the NSA and the wildness characteristics of the WLA.
- 12.6 Further, the proposal being a telecommunications mast for the mobile phone network is not of a type of development that would merit classification as having an 'over-riding public interest'. In any event it does not demonstrate sensitive siting, design and scale of development to minimise impact on the open character of the landscape and its qualities of remoteness and nor does it avoid significant adverse effects on the area's landscape attributes, including the special qualities of NSAs and wildness characteristics of WLAs.
- 12.7 These matters are assessed in detail at the landscape assessment and Communications and Digital Communications Infrastructure sections below.
- 12.8 The proposal is not a residential hut, associated with a natural resource or fish farm and therefore the remaining criteria do not apply.
- 12.9 The application does not accord with Policy DS1 and therefore the principle of development of a mobile (SRN) telecommunications mast at this location is assessed to not be acceptable.

#### Communications and Digital Communications Infrastructure

##### *Policy context*

- 12.10 Policy EI10 Communications Infrastructure of the OHLDP notes that the Comhairle recognises the importance of digital connectivity for social, economic and civil resilience and is supportive of the infrastructure roll-out plans of digital communications operators, community groups and other organisations. New mast sites application should be supported by an explanation of how the mast fits into the wider network, a statement of alternative options considered and design details. In addition it requires that an assessment of visual impact may be required for proposals sited in sensitive landscapes or a National Scenic Area.
- 12.11 NPF4 Policy 24 Digital Infrastructure, contains a general presumption in favour of proposals that deliver new digital services or provide technological improvements, particularly in areas with no or low connectivity capacity and that are aligned with and support the delivery of local or national programmes for the roll-out of digital infrastructure.
- 12.12 However, paragraph 24 e) provides an over-arching test that proposals for digital infrastructure will only be supported where the visual and amenity impacts have been minimised through careful siting, design, height, material and landscaping, taking into account cumulative impacts and relevant technical constraints, and it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing structure, replacing an existing mast and/or site sharing has been explored and that the mast would not present an obstruction to air safety or other transmitters.

#### *Assessment*

- 12.13 This application proposal is part of a Government backed initiative 'Shared Rural Network (SRN)'.
- 12.14 In this instance the area of search was fairly contained to the immediate area and the demonstration of need for a mast in this particular site is not justified or clear.

- 12.15 Five alternative locations have been considered for the siting of the mast. However, of the five proposed, three appear to be technically unviable. The two that could be technically viable, (D1 and D2), are within 65m and 250m of the proposed mast respectively, and do not appear to be sufficiently distant to avoid causing issues of a similar nature to the proposed mast. No options for masts of a less obtrusive height or positioning in a less prominent location have been presented. There is therefore no clear justification for the development as proposed.
- 12.16 The predicted coverage from the proposed mast in this remote location means that while it will cover an area of landmass in a remote area used for recreational walking and angling, there is no real indication of the numbers of persons who will benefit from the mast and its social and economic value to the area. The coverage map indicates that it will not serve any nearby settlements.
- 12.17 It is acknowledged that digital communications are increasingly important but as a mobile telecommunications mast it would not qualify as a development of 'overriding public interest' to justify it being permitted in the face of other policy failings.
- 12.18 An assessment is carried out below of the impact upon Landscape and Natural Places which demonstrates that the development would not comply with relevant policies in this regard.
- 12.19 The application as assessed above does not satisfy the tests of OHLDP Policy EI10 Communications Infrastructure or NPF Policy 24 Digital Communications.

#### Landscape and Natural Places

##### *Policy context*

- 12.20 NPF4 Policy 4 – Natural Places provides that proposals which by virtue of their type, location or scale will have an unacceptable impact on the natural environment will not be supported. Further, that development proposals that will affect a National Scenic Area will only be supported where either the objectives of designation and the overall integrity of the areas will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 12.21 In addition, development proposals in areas identified as 'Wild Land' in the Nature Scot Wild Land Areas map must be accompanied by a wild land impact assessment and will only be supported where the proposal: will support meeting renewable energy targets; or is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.
- 12.22 OHLDP Policy NBH1: Landscape supports the approach taken by NPF4 in that it requires that development proposals should relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of landscape character is maintained. Development proposals should not have an unacceptable significant landscape or visual impact. If it is assessed that there will be a significant landscape or visual impact, the applicant will be required to provide mitigation measures demonstrating how a satisfactory landscape and visual fit can be achieved.
- 12.23 Further, OHLDP Policy NBH1: Landscape NBH1 specifically stipulate that development that affects a National Scenic Area (NSA) will only be permitted where:
- a) the objectives of designation and the overall integrity of the area will not be compromised; or
  - b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.



12.24 National Scenic Areas (NSAs) are areas that have been designated as having outstanding scenic value in a national context and have been recognised within the planning system since 1980. They were identified in 1978 by the Countryside Commission for Scotland (CCS) in its publication Scotland's Scenic Heritage, and their boundaries remain unchanged today. The South Lewis, Harris and North Lewis National Scenic Area is one of forty and is one of the two largest in terms of area.

12.25 Section 263A (2) of the Town and Country Planning (Scotland) Act 1997 requires planning authorities to pay special attention to the desirability of safeguarding or enhancing the character or appearance of an NSA when exercising any powers under that Act in relation to any land within that NSA.

12.26 Each NSA has an up-to-date statement of its Special Qualities that underpin each National Scenic Area's designation as one of Scotland's finest landscapes.

12.27 The site is within the South Lewis, Harris and North Uist NSA, within the Harris – Uig Hills Wild Land Area (WLA) and the landscape character type is one of Prominent Hills and Mountains.

➤ *South Lewis, Harris and North Uist National Scenic Area*

12.28 The relevant section in the description from Scotland's Scenic Heritage relating to the South Lewis, Harris and North Lewis National Scenic Area states: *'There is a striking contrast between the subdued topography of most of Lewis and the bold rugged hills of South Lewis and Harris which, viewed from the north, rise abruptly out of an expanse of blanket bog. Around the rugged hills, there are a number of different contrasting lowland and coastal landscapes. These have been identified as knock-and-lochan, rocky indented coast, and wide sandy machair beaches contained between rocky headlands. Each type has elements of its own which combine to produce landscapes with a variety of form, colour and grain, which are further diversified by changes of scale and aspect.'*

12.29 *North Harris has the highest peaks in the Outer Hebrides. On a clear day views from Clisham (799m) span from Cape Wrath to the Cuillins and St Kilda. The glens are steep-sided and precipitous crags which, despite their relatively low altitude, give to the hills a mountainous character that compares favourably with better known mainland massifs. Exposure and grazing prevent tree growth, and the scenic quality depends on landform and intervisibility with surrounding landscapes, these doing much to enhance the significance of the mountains.*

➤ *Harris – Uig Hills Wild Land Area (WLA)*

12.30 Pertinent extracts of NatureScot's description of core areas of wild land relating to the Harris-Uig WLA is as follows: *At 453 km<sup>2</sup> this is the largest of the 11 island Wild Land Areas (WLA), one of two on the Isles of Lewis and Harris. It forms a T shape, with the short side running between Ùig in the north and Loch a Siar in the south, and the longer branch extending to Acha Mòr in the east. It also includes the island of Scarp and its surrounding islets off the west coast. One of 12 WLAs defined in part by the coast, to the west, roads otherwise flank its edge, including the main island spinal route to its east.*

12.31 *The WLA comprises an impressive range of many different landscape elements at a variety of scales, elevation and pattern. These include: open peatland; high rocky mountain ranges; isolated lone peaks; rocky cnocan; deeply carved fjords; open sea; islands; sea cliffs; lochs and lochans; and rivers and waterfalls. These represent the underlying geology as well as subsequent erosion, with the peatlands extending over ice-scoured metamorphic Lewisian gneiss, and some of the higher hills corresponding to intruded igneous rocks. The superlative qualities of these elements are emphasised by their contrast and juxtaposition, for example seeing a curtain of high, steep rocky hills beyond a wide expanse of peatland.*

- 12.32 *Land within the WLA is used mainly for deer stalking, fishing, grazing, nature conservation and recreation. Within part of the WLA, this is influenced by the community ownership of The North Harris Trust, whose objectives include: 'To keep North Harris wild and beautiful by safeguarding and enhancing the environment and managing this in ways that benefit the local community and the general public'.*
- 12.33 *The WLA is largely uninhabited, apart from a few isolated lodges and cottages. Nonetheless it contributes significantly to the visual backcloth of crofting settlements located just beyond its edge in the north, east and south, as well as a number of main and minor roads. The area is valued for recreation and attracts many visitors, with the Harris hills (one Corbett and three Grahams) and Ùig area being particularly popular for hillwalking, bird watching and fishing via a number of paths and tracks that enter the WLA. In contrast, the peatlands in the centre and east of the area are visited infrequently and are much more difficult to access, with a lack of paths and a dense distribution of waterbodies.*
- 12.34 *The landscape and scenic qualities of the western half of the WLA are recognised by its inclusion within the South Lewis, Harris and North Uist National Scenic Area. Its description highlights '...the general absence of development lends a wild and remote character to this whole region of rocky hills, precipitous glens, remote lochs and rushing rivers'.*
- 12.35 *Although the mountains are not extremely high for Scotland (An Cliseam, the highest at 799m AOD), they nonetheless appear very high and arresting in relation to their low-lying surroundings. They are also physically challenging and provide a sense of risk when ascending due to being steep and rugged.*
- 12.36 *Some of the Harris mountains attract many hillwalkers and climbers, often favoured for their proximity to the B887 or A859, for being Corbett or Grahams, and/or for being accessible via some good footpaths. In contrast, the remoter mountains to the north tend to be visited infrequently, resulting in a stronger sense of solitude.*
- 12.37 *The broad scale horizontal expanse and 'wide skies' appear awe-inspiring; whilst, at a detailed level, the rugged landform undulations harbour a closely interwoven arrangement of lochs, lochans and pools. These waterbodies vary in scale, from very small pools to very large lochs that extend over a wide area with many projections, such as Loch Langabhat. These waterbodies are irregular in shape and pattern which, in combination with the predominant rock cover in some areas, amplifies the sense of naturalness. The horizontal waters also emphasise the rugged nature of the adjacent landform.*
- 12.38 *The peatland interior is remote, with access routes limited to one path from Loch Morsgail in the north and a track to Loch Langabhat in the south. Within the remaining area, access is off-path and physically challenging, influenced by the need to cross or avoid lochs, lochans, pools, bogs and watercourses.*
- 12.39 *This challenge is increased by the undulating ground and visual foreshortening making it difficult to see far ahead to these obstacles, so movement is indirect and lengthy. These factors, in combination with very few visitors to the peatland interior, contribute to a strong sense of remoteness, naturalness, sanctuary, solitude and risk.*
- 12.40 *There is a prevalent lack of human artefacts within the peatland interior and little evidence of contemporary land use. There are, however, some shielings within the interior, including some distinctive 'beehive huts'. Whilst these features indicate human intervention, they typically appear very discrete and isolated.*

12.41 *Around the margins of the area, views of human artefacts and contemporary land use are often screened locally by the peatland landform. When walking into the WLA, this means that a sense of remoteness and sanctuary can often be gained after just a short distance and time in places that are not actually physically remote.*

➤ *Landscape Character*

12.42 The Prominent Hills and Mountains landscape character type is characterised by individual peaks with pronounced summits, long ridges and slopes, rising steadily from the surrounding terrain. Steep sided corries and short u-shaped glens form an integral part of this character type. The upper slopes of the Prominent Hills and Mountains consist of irregular rock buttresses, ledges, shelves and deep gullies. Where the hills and mountains meet the coast the deeply indented coastline is dominated by rocky headlands, sea cliffs and occasional caves.

*Consultation advice*

12.43 NatureScot has objected to this planning application, the full details of which can be viewed at Appendix 7 to this Report. The reasons for the objection are that NatureScot considers the proposal will have significant adverse effects on the special qualities of the South Lewis, Harris and North Uist National Scenic Area, such that the objectives of the designation and overall integrity of the area would be compromised and that the proposal will have significant adverse effects on the wild land qualities of the Harris - Uig Hills Wild Land Area (WLA), a view previously provided to the applicant by NatureScot at the pre-application discussion stage.

12.44 In summary, the pertinent points of NatureScot's objection are as follows:

➤ *Effects on the Special Qualities of the NSA/WLA*

12.45 *The wild land area and this central mountain part of the NSA are difficult to access. One of the key routes into this hinterland is the Miabhag - Bhiogiadail Core Path, which the proposed development will be accessed from. The development will appear prominently on the primary enclosing ridge, (Viewpoint 2). It would be an eye-catching focal point in a part of the landscape where the focus is on the strong and awe-inspiring landform. The presence of the development would detract from the wild land character, and from views into the mountainous interior where, apart from the track, there is very little evidence of human artefacts and contemporary land use. With reference to the Zone of Theoretical Visibility (ZTV) map, there would be almost continuous visibility of the proposal along the track from where it begins at Bowglass to where it passes to the north of Stulabhal (around 6km).*

➤ *A wild, mountainous character*

12.46 *Specific to South Lewis and Harris is the special quality 'a wild, mountainous character' as described; "The mountain summits are made up of narrow, ice-sculpted ridges, and their barren rocky slopes plunge directly into the sea. (...) The general absence of development lends a wild and remote character to this whole region of rocky hills, precipitous glens, remote lochs and rushing rivers." The Harris-Uig hills WLA description expands on how this quality is experienced, stating: "From the mountain tops, it is possible to appreciate the prevailing absence of human artefacts and contemporary land use".*

12.47 *We consider the proposal would reduce the appreciation of the absence of human artefacts and contemporary land use, by being visible from these key mountain top views.*

12.48 *From some lower-level views, the proposal will appear prominently sited on the enclosing skyline. This is particularly the case in views from Loch Langhabhat (VP5) a remote loch, where 'The general absence of development lends a wild and remote character.' The proposal appears visible on the skyline from much of this southern part of the loch, the prominence of the mast increasing the further south you get toward the core of this Wild Land Area. This is an area where wild land qualities appear to be particularly strongly expressed, so the visual impacts of the development would reduce the sense of sanctuary and solitude.*

- 12.49 *The current lack of development within this NSA/WLA means that the area has a very high susceptibility to the introduction of any contemporary structure. This proposal will introduce a contemporary structure to an area currently devoid of modern development.*
- 12.50 *By introducing a new, man-made focal point, visible from a key vantage point within the core of this NSA (An Cliseam) for example, but also Loch Langhabhat, the eye would be drawn to this new focal point, detracting from the panoramas and connections to the wider landscape.*
- 12.51 *Across the NSA, settlement has historically been determined by the natural world. Development is concentrated around the edges of mountains or the sea, and is generally small in scale. The mountain interiors are largely uninhabited; introducing the mast and associated infrastructure at the proposed location would not be in keeping with the character and pattern of this landscape.*
- 12.52 *It is worth noting this pattern of settlement (uninhabited mountain interior, settled coastal edge) contributes to the wild character of the area and is experienced both within and outwith the WLA e.g., from the A859 along Loch Shìophort, vantage points offer views into these great hill interiors.*

➤ *Appraisal of Application/The Applicants Assessment of Effects*

- 12.53 *We [NatureScot] have largely disagreed with the assessments, and levels of effects found. The developer's appraisal seems to consider that the development being away from settlements is a mitigating factor – this shows a misunderstanding of the Special Qualities and Wild Land Qualities, where the absence of development comes across very strongly, from both the NSA and Wild Land Description, as a key underlying quality.*

*Assessment*

- 12.54 A Landscape Visual Impact Assessment (LVIA) was submitted by the applicant in support of their proposal. The LVIA describes the key components, features and characteristics that contribute to the landscape character, visual amenity, quality, and perception of the landscape within a 5km radius from the proposed development. The LVIA also identifies and evaluates the potential effects of the proposed development and associated infrastructure on landscape character, key landscape features, wild land and views during the operation of the development. Considerations of the potential implications of the proposed development in terms of direct and indirect effects on key landscape characteristics, together with the effects upon a representative range of visual receptors in the vicinity of the site and mitigation measures to reduce potential effects.
- 12.55 Five viewpoints were assessed in the LVIA and as illustrated by viewpoint photography at Appendix 4, the proposed site is at a very prominent and undeveloped location within the South Lewis, Harris and North Uist National Scenic Area (NSA), and within the Harris – Uig Hills Wild Land Area (WLA).
- 12.56 While the applicant contends that the visibility of the mast drops away with the mast difficult to discern from a distance of over 1.5km, it is clear that the mast will be highly visible from key viewpoints on the A859 road, the highly trafficked spinal route serving Lewis and Harris, and evidently visible from within the WLA and NSA areas from the Miabhaig - Bhiogiadail Core Path and from surrounding hilltops.
- 12.57 The NatureScot response sets out a clear assessment of the effects of the proposed development on the Special Qualities of the NSA/WLA including: *A wild, mountainous character, The intervisibility between landscapes and the close interplay of the natural world, settlement, and culture.*

- 12.58 It is clear that the mast will introduce an alien and imposing structure into an elevated position in a virgin and iconic landscape, currently absent of any form of development other than a footpath and that the proposal would reduce the appreciation of the absence of human artefacts and contemporary land use, by being visible from key mountain top views including An Cliseam (799m AOD) one of the highest peaks in the Outer Hebrides and key summits that make up the An Cliseam horseshoe walk, (Mullach an Langa, Mulla bho Thuath, Mulla bho Dheas and An Cliseam) the summit of Teileasbhal, and Coire Sgurra-breac.
- 12.59 From some lower-level views, the proposal will appear prominently sited on the enclosing skyline. This is particularly the case in views from Loch Langabhat (VP5) a remote loch, where *'The general absence of development lends a wild and remote character.'* Visibility also appears extensive along Loch Langabhat, and along the Abhainn Langadail, an area where wild land qualities appear to be particularly strongly expressed, so the visual impacts of the development would reduce the sense of sanctuary and solitude.
- 12.60 In terms of Intervisibility, the proposed development will introduce a new, man-made focal point, visible from An Cliseam a key vantage point within the core of this NSA but also Loch Langabhat, where the eye would be drawn to this new focal point, detracting from the panoramas and connections to the wider landscape.
- 12.61 Historically, development has taken place on low-lying coastal areas and consists of mainly electricity poles and buildings, including houses, of which there are few. These have been sited low within the landscape, thereby avoiding any negative impacts. The mountain interiors are largely uninhabited; introducing the mast and associated infrastructure at the proposed location would not be in keeping with the character and pattern of this landscape.
- 12.62 It is worth noting this pattern of settlement (uninhabited mountain interior, settled coastal edge) contributes to the wild character of the area and is experienced both within and outwith the WLA e.g., from the A859 along Loch Shìophort, vantage points offer views into these great hill interiors
- 12.63 Attempts to draw comparisons between these forms of the development on the coast and the proposals do not carry weight.
- 12.64 The NatureScot advice largely disagrees with the LVIA assessment, and levels of effects found, and Planning concurs with the NatureScot view.
- 12.65 The applicant's appraisal considers that the development being away from settlements is a mitigating factor and is a misunderstanding of the Special Qualities and Wild Land Qualities, where the absence of development comes across very strongly, from both the NSA and Wild Land Description, as a key underlying quality.
- 12.66 The planning assessment wholly concurs with the view of NatureScot in that by introducing a new, man-made, focal point visible from, for example An Cliseam, a key vantage point within the core of this NSA, but also Loch Langabhat, the eye would be drawn to this new focal point, detracting from the panoramas, connections to the wider landscape and would detract from the wild land character.
- 12.67 This proposal would have significant adverse effects on the special qualities of the *South Lewis, Harris and North Uist* NSA, such that the objectives of the designation and overall integrity of the area would be compromised. The proposal will also have significant adverse effects on the wild land qualities of the Harris – Uig Hills WLA and the mitigations proposed (painting the mast) will not mitigate the landscape and visual harm that the proposed development would create.

- 12.68 The harm is not in this instance outweighed by social, environmental or economic benefits of national importance.
- 12.69 Having reviewed the LVIA submission in its entirety, and having given due consideration to the advice and reasoned objection of NatureScot and the contrary arguments by the applicant, it is assessed that the development as proposed, on account of its nature, scale and elevated siting, does not relate to the specific landscape and visual characteristics of the local area, with harm to the integrity of landscape character, significant adverse effects on the special qualities of the South Lewis, Harris and North Uist NSA and unacceptable adverse impacts on the wild land qualities of the Harris – Uig Hills WLA.
- 12.70 The development therefore does not comply with OHLDP Policy NBH1 Landscape and NPF Policy 4 c) and 4g) Natural places.

#### Climate Impact, Biodiversity and Natural Heritage

##### *Policy context*

- 12.71 NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises, and that developments should be designed to reduce, minimise or avoid greenhouse gas emissions.
- 12.72 Impact on biodiversity is a key consideration in the suitability of development. Developments should conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

##### *Assessment*

- 12.73 While the scale of the development is small, it has been considered and it is determined that the development in and of itself will have a neutral impact on global climate change. The improvement of digital telecommunication infrastructure helps improve opportunities for local living and working and would potentially reduce the need for commuting and other carbon-contributing travel.
- 12.74 A Habitat and Protected Species Survey was commissioned to accompany the application. The mast location is 1km south of the boundary of the Lewis Peatlands SPA and RAMSAR and Langabhat SAC. It is also 1km east of the boundary of the North Harris SAC and North Harris Mountains SPA.
- 12.75 The protected species survey sought current signs of use and potential habitat for otter, water vole, badger, pine marten, red squirrel, wild cat and bats and concluded that no such uses or signs were present within the immediate vicinity of the site.
- 12.76 A data search was also carried out for Schedule 1 breeding birds and confirmed that there is a breeding golden eagle site approximately 1.8km from the mast location and that there are likely to be other ground nesting bird species also. It is proposed that any potential disturbance will be avoided by completing the works out-with the breeding season (January to August), as the report identified that golden eagles usually lay eggs in March, but breeding displays occur prior to this and if it is not possible to complete the work in this timeframe, further advice will need to be sought from a specialist ornithologist with regard to helicopter flight paths and disturbance zones.
- 12.77 It is concluded that the small scale of the footprint of this development, on a relatively shallow and rocky section of ground, is such that it should not have a significant impact on biodiversity or habitats and would be sufficiently distant from designated habitats and unlikely to have an adverse effect on protected species, provided the relevant safeguards identified were put in place.

## Water Environment

### *Policy Context*

- 12.78 OHLDP EI3 Water Environment seeks that development does not cause pollution in the water environment.

### *Assessment*

- 12.79 Scottish Water has confirmed that the site falls partly within a drinking water catchment area where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Vigadale River supplies Ardvourlie Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected.
- 12.80 Scottish Water has confirmed that the activity is a sufficient distance away from any water courses that it is likely to be low risk, but pollution prevention measures will still be required. Added to this, given the nature and scale of the development, the risk of contamination is considered to be low.
- 12.81 Scottish Water has produced a list of standard precautions for a range of activities, which are available on their website. It can reasonably be anticipated that the construction methods will be managed to minimise or avoid such risks and, with the appropriate mitigations in place, the risk is not considered to be significant.

## Soils

### *Policy context*

- 12.82 NPF Policy 5 and OHLDP EI5 seek to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

### *Assessment*

- 12.83 The site is within an area mapped as Class 2 Carbon and Peatland as identified by the Carbon and Peatland 2016 map.
- 12.84 The Habitat and Protected Species Survey (HPSS) which accompanied the application has identified that the 250m radius area around the proposed mast consists mostly of wet heath on shallow peat less than 50cm deep, with some areas of deeper peat blanket bog (up to over 2m deep) on flatter ground and in depressions. The ground in the vicinity of the mast and along most of the ATV access route is stated to be very rocky with shallow peat. The construction of the mast compound will result in the loss of around 14m x 10m of wet heath habitat. The survey proposes that stripped vegetation should be carefully stored and used to restore areas of wet heath around the compound and that there are two areas of sensitive blanket bog on deep peat 10m and 15m away from the proposed works, which would have an exclusion zone placed around them during construction.
- 12.85 The site proposed for development has a small area and is largely rocky outcrops, where soil depths will be minimal. Therefore, combined with the mitigation proposed by the HPSS, it is considered that the development of the site would not impact on a significant volume or depth of peat soils.

## **Material Planning Considerations**

### Matters raised in Representation

- 12.86 One representation was received in relation to this application, the full details of which can be found at Appendix 6 to this Report. The pertinent content of the representation is considered below.
- 12.87 *The developing company have conveyed that the site would likely be serviced by an overhead power connection from the existing network parallel to the A859, a distance of almost two miles.*

- 12.88 *While recognising the benefit of improved telecommunications connectivity, under these circumstances, we would like to outline here our objection to this proposed development on the grounds of public amenity, landscape impact and detriment to wildlife.*
- 12.89 *We believe that the overhead mains power connection would have a negative impact on tourism over the longer term as many are drawn to the area for its perceived undeveloped nature. Glenn Bhiogadail in particular is well known for an abundance of golden and white-tailed eagles.*
- 12.90 *Overhead lines have negative impact on eagle behaviour and have even been known to cause electrocutions in the vicinity.*
- 12.91 In relation to this representation, the applicant made response, the details of which are summarised below, with the full details at Appendix 8 to this Report.
- 12.92 *There's two points I'd like to address in relation to this objection. The first being that the powering of the site does not form part of this application. Any proposed powering method which is outside of the bounds of this planning proposal will be addressed within a separate application. Namely any sort of on-grid powering through OH or underground lines would be covered off by a S.37 through the electricity provider. Currently, we are exploring underground lines or off-grid generator solutions for powering. However, again, this does not form part of this application. The proposal is for the mast and compound in the first instance.*
- 12.93 The applicant is correct to point out that the powering of the site by way of overhead or underground lines does not form part of this planning application and if proposed at a future date, it will be dealt with by a separate consenting regime and it is therefore not open to assessment within this Report, nor is the representation, as it refers to elements outwith the scope of what is being sought in the application.
- 12.94 However, weight must be given to the fact that if the overhead line aspect proposed proceeds at a later date, it will be as a consequence of the approval of this planning application.

#### Benefits of connectivity

- 12.95 The provision of reliable and extensive mobile and data coverage is supported by national and local policies. This requires to be balanced against the potential impacts on other factors such as amenity, historic environment, and natural landscapes. While the site is stated to be proposed to address a TNS, the accompanying justification document does not explain how the mast fits into the wider telecommunications network, or sufficient detail on coverage that would be offered by the mast versus alternative sites that would have less landscape and visual impact. There has been no evident consideration of alternative provision methods, such as smaller mast/s or relays. The benefits of telecoms connectivity are not outweighed by the harm to landscape in this instance. As such, as the application stands, it is not considered there is sufficient weight to this consideration to justify determination contrary to the LDP.

#### **REASONED CONCLUSION**

- 13.1 Planning authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 13.2 An assessment has been carried out against the provisions of the Development Plan which is comprised of the relevant policies of NPF4 and the OHLDP. Consideration has also been given to all relevant material planning considerations.



- 13.3 The proposals have not clearly justified a locational need in this remote area and based on the advice of NatureScot and the assessment of the Planning Authority, there would be clear, significant adverse effects to the special qualities to this part of the South Lewis, Harris and North Uist NSA and the wildness characteristics of the WLA such that the principle of development at this location would not be acceptable despite this being identified as being an area without mobile coverage. The proposal would therefore be contrary to OHLDP Policy DS1.
- 13.4 Further, while the proposal may provide an element of coverage to a TNS area it cannot be argued that the development is required for reasons of over-riding public interest and the predicted coverage of the new mast, and the very remote location of this site means that there is little to justify it on social or economic grounds.
- 13.5 In terms of landscape and visual impacts the proposal fails to demonstrate sensitive siting, design and scale of development and does not minimise impacts on the open character of the landscape and its qualities of remoteness.
- 13.6 The advice of NatureScot is unequivocal in that the proposed development would result in significant adverse effects on the area's landscape attributes, including the special qualities of the South Lewis, Harris and North Uist National Scenic Area and wildness characteristics of the Harris - Uig Hills Wild Land Area. The development therefore does not comply with OHLDP Policy NBH1 Landscape and NPF Policy 4 Natural Places parts 4c) and 4g).
- 13.7 In terms of communications and digital infrastructure the benefits are not outweighed by the significant landscape and visual amenity impacts. There is a clear absence of justification in relation to the allowances of Policy EI10: Communications Infrastructure of the Outer Hebrides Local Development Plan (OHLDP) and Policy 24: Digital Infrastructure of National Planning Framework 4 (NPF4) adds weight to this view.
- 13.8 Furthermore, no exceptional circumstances or imperative reasons of overriding public interest are considered to exist that would outweigh this harm and justify approval of the development.
- 13.9 In conclusion, the proposed development would not comply with OHLDP Policy DS1 – Settlement Strategy, OHLDP Policy NBH1 Landscape and NPF Policy 4 c) and 4g) Natural places or OHLDP Policy EI10 Communications Infrastructure or NPF Policy 24 Digital Communications and is considered contrary to the Development Plan. While there are clear benefits to digital infrastructure, these benefits do not over-ride the protection of important landscape qualities and this material consideration does not outweigh the assessment against the Development Plan. The recommendation is therefore one of refusal.
- 13.10 It is the case that under the terms of Scottish Development Department (SDD) Circular 9/1987 if the Comhairle as Planning Authority is minded to approve the application, contrary to the advice of NatureScot and the recommendation, it would be necessary to notify Scottish Ministers of this intention, given the outstanding objection from a Government Agency. This would provide the Scottish Ministers with a period of time to consider whether they wished to 'call-in' the application for determination.

## **RECOMMENDATION**

- 14.1 It is recommended that planning permission be refused for the reasons set out at Appendix 1 to this Report.