

Response ID ANON-PNF2-9E3Q-R

Submitted to **The Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland – Consultation on Phase 1 Proposals**

Submitted on 2020-11-11 17:24:54

Digital Telecommunications Infrastructure

1 Do you agree with an increase in permitted height for new ground based masts to 30 metres outside designated areas, subject to the existing prior approval regime on siting and appearance?

Not Answered

If you disagree please explain why:

2 Do you agree that existing ground based masts should be able to be increased in height up to 30 metres (i.e. the same maximum height as for new masts proposed in Q.1 above) and that the increase should be limited to no more than 50% of the height of the original mast (whichever is the lower)?

Not Answered

If you disagree, please explain why:

3 Do you agree that we should allow existing masts which are above 30 metres in height to be increased to up to 50 metres in height?

Not Answered

If you disagree, please explain why:

4 Do you agree that we should allow existing masts which are greater than 50 metres in height to be increased by up to 20% of the height of the original mast?

Not Answered

If you disagree, please explain why:

5 Do you agree that we should allow an increase in the width of existing masts by up to 2 metres or, if greater, one half of the width of the original mast (i.e. the increase is on the widest part of the mast and including any equipment)?

Not Answered

If you disagree, please explain why:

6 Do you agree that any height or width increase within a designated area should be subject to prior notification/prior approval in order that visual impacts can be assessed?

Not Answered

If you disagree, please explain why:

7 Do you agree that we should increase the maximum distance that replacement masts may be from their original location from 6m to 10m, outside designated areas?

Not Answered

If you disagree, please explain why:

8 Do you agree that in the case of replacement masts, in designated areas the current 6m distance from the original location should be retained?

Not Answered

If you disagree, please explain why:

9 We propose to retain the current approach to notify the relevant safeguarding body for masts. Do you agree?

Not Answered

If you disagree, please explain why:

10 Do you agree that the PDR for antenna systems on buildings outside designated areas should be as set out in Table 3 in the consultation paper?

Not Answered

If you disagree, please explain why:

11 Do you agree with extending PDR for antenna systems on buildings to all or some of the designated areas to which restrictions on PDR for such infrastructure currently applies?

Not Answered

Please indicate which designations should have extended PDR and why, or, if you disagree, please explain why:

12 What controls should apply in designated areas for antenna systems on buildings and should there be any differentiation between area type (e.g. size and number limits, prior notification/ prior approval or greater restrictions in designations such as conservation areas and world heritage sites, to avoid any detrimental impact on the built environment in terms of any potential visual clutter etc)?

Please explain your answer:

13 Do you agree that we should extend PDR to small cell systems on dwellinghouses (rather than just for small antennas)?

Not Answered

If you disagree, please explain why:

14 What limitations and restrictions should apply to small cell systems on dwellinghouses (e.g. smaller units, fewer in number than small antennas under PDR)?

Please explain your answer:

15 In conservation areas, what limits or requirements should apply to small cell systems on dwellinghouses and other buildings (e.g. prior notification/ prior approval to assess the visual impacts or smaller/lower limits, different provisions for dwellinghouses compared to other buildings)?

Please explain your answer:

16 Do you agree that extending PDR for small cell systems as proposed and the proposed changes to PDR for new ground based cabinets in designated areas would meet the requirements of Article 57 of EU Directive 2018/1972?

Not Answered

If you disagree, please explain why:

17 Are there any other potential amendments, comments or observations you wish to make in relation to potential changes to PDR, that you consider necessary, to be compliant with the requirements of Article 57 of EU Directive 2018/1972?

Not Answered

Answer:

18 Do you agree that we should extend existing PDR in designated areas to allow for new equipment housing up to 2.5 cubic metres volume?

Not Answered

If you disagree, please explain why:

19 Should this be subject to prior notification/prior approval on the siting and appearance to mitigate visual impacts?

Not Answered

If you disagree, please explain why:

20 If this were to be introduced do you agree that we should differentiate between types of designated areas by, for example, having smaller size limits in conservation areas than in National Parks?

Not Answered

If you disagree, please explain why and give your views on what limits should apply in which areas:

21 Do you agree that we should extend PDR for new equipment housing on buildings in designated areas, with a limit on size of up to 2.5 cubic metres volume?

Not Answered

If you disagree, please explain why:

22 Should this be subject to prior notification/ prior approval requirements on the siting and appearance to mitigate visual impacts?

Not Answered

If you disagree, please explain why:

23 Do you agree that PDR for other apparatus should be extended in designated areas, beyond the basic 'like for like' alteration or replacement that currently applies?

Not Answered

If you disagree, please explain why:

24 Should any new PDR for other apparatus in designated areas have specific limits and restrictions regarding size and visual intrusion?

Not Answered

Please explain your answer, and, if you agree, please indicate what sorts of limits and restrictions should apply and why. If you disagree, please explain why. :

25 Do you agree that PDR for new development of other apparatus on buildings in designated areas should be subject to prior notification/prior approval to mitigate visual impacts?

Not Answered

If you disagree, please explain why:

26 In which designated areas do you consider that PDR for underground development could be extended?

Please explain your answer, particularly with regard to those designated areas where PDR for underground development could not be extended:

Because the vast majority of buried heritage assets are not located within designated areas, we do not rule out the possibility that extensions to PDR for underground development in designated areas may be reasonable.

However, there is a need to consider, with local planning authorities, whether specific areas of known high archaeological significance or potential should be subject to prior notification for underground development.

It is also likely that prior notification would be appropriate in the following designated areas: Setting of scheduled monuments & listed buildings, Conservation Areas, World Heritage Sites and buffer zones, and National Parks.

27 In those areas where PDR for underground development could be extended, what limitations, restrictions or requirements should apply (e.g. prior notification/ prior approval, a requirement for an archaeological assessment or specific limitations)?

Please explain your answer:

A process for prior notification for underground works would likely be a suitable and proportionate way to ensure that archaeological assessment could be requested for works being undertaken in sensitive areas. Note, as above, that areas of known archaeological significance (where there is a high potential for the discovery of buried heritage assets) will not be limited to designated areas.

28 Do you have any further comments to make which are specifically related to the potential changes to PDR for Digital Communications Infrastructure which have not been addressed in the questions above?

Not Answered

Additional comments:

Peatland Restoration

49 Do you agree with the general approach to PDR for peatland restoration, (i.e. wide ranging PDR given the likely oversight via Peatland Action and via the Peatland Code)?

Not Answered

If you do not agree, please explain why.:

50 Do you agree with the approach to PDR for peatland restoration that relies on a general understanding of what will constitute peatland?

Not Answered

If you do not agree, please explain why.:

51 Do you agree with this approach to a blanket PDR for 'peatland restoration'?

No

If you do not agree, please explain why.:

We believe that specific good practice guidance on peatland restoration and archaeology is required in order to promote proper management of risks of the historic environment in the course of peatland restoration works.

52 Do you agree that as peatland restoration projects will likely be subject to oversight from Peatland Action, or validation under the Peatland Code, there is no need for additional controls on related PDR in designated areas?

No

If you do not agree, please explain why.:

Peatland landscapes have the potential for high degrees of preservation of heritage assets which can be affected by development activities such as vehicular disturbance, cutting and moving peat, and fluctuations in water levels.

The Peatland Code does not include any relevant commitment to ensuring proper treatment of the historic environment. The Code may require projects to demonstrate that they have taken account of specific guidance, but there is no specific guidance on peatland restoration and archaeology exists.

We are reassured that NatureScot's Peatland Action project has been making efforts to ensure that undesignated heritage is understood and effectively protected, however, there is a commercial incentive for other actors to engage in peatland restoration and we are unsatisfied with the principle that good practice can be assumed by other parties undertaking works now or in the future – especially as numbers of applications are expected to rise.

We would also point out that it is not only designated areas where peatland restoration may need to take into account the historic environment. Many archaeological sites are unrecorded or as yet undiscovered and therefore not designated. This is especially true of many peatland landscapes where there is very little existing data on archaeological assets. A proportionate approach to predicting the likelihood that archaeological heritage assets will be encountered during works in such places must be considered even in the absence of designated assets/areas.

We recommend that additional mitigation measures for this proposed PDR would be necessary. We suggest;

- a prior approval process for any projects that do not come forward through Peatland Action.
- the production of good practice guidance (in collaboration with relevant stakeholders including local authority archaeological advisors and Historic Environment Scotland) which would be necessary consideration for those following the Peatland Code. It is possible that the Peatland Action project's existing good practice procedures may form a suitable basis for such guidance. We would also highlight other good practice guidelines, for example the Exmoor Mires project "The Past and The Peat" which may also provide models on which to draw.

53 Do you think there should be PDR for new temporary access tracks (private ways) which may be necessary to carry out peatland restoration projects?

Not Answered

Please explain your answer:

54 What sort of time limits and restoration requirements do you consider should apply to any PDR for temporary access tracks (private ways) for peatland restoration projects? Please explain your answer.

Please explain your answer:

55 If possible, should any PDR for temporary access tracks (private ways) for peatland restoration only apply to projects which have been approved for funds provided by the Scottish Government, through Peatland Action or other bodies?

Not Answered

Please explain your answer.:

56 Do you agree that the peatland restoration PDR should allow for the transfer of peat within the restoration site and for peat to be brought into the restoration site?

Not Answered

If you do not agree, please explain why.:

57 Do you agree that the peatland restoration PDR should not grant permission for the extraction of peat outside the restoration site or for removal of peat from the restoration site?

Not Answered

If you do not agree, please explain why.:

58 Are there any other forms of development which could be granted planning permission by the PDR for peatland restoration as proposed, which should be restricted or controlled?

Not Answered

Please explain your answer, setting out what sorts of development you consider should be restricted and why.:

59 Do you have any other views or points to make about the proposed PDR for peatland restoration?

Peatland restoration - any other views:

About you

74 What is your name?

Name:

Rob Lennox

75 What is your email address?

Email:

rob.lennox@archaeologists.net

76 Are you responding as an individual or an organisation?

Organisation

77 What is your organisation?

Organisation:

Chartered Institute for Archaeologists

78 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

79 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

80 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

81 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

A 2 week consultation window has made it very difficult to respond as fully as we would have liked. We understand and appreciate that this follow-up consultation forms part of a full and thorough process of consultation, however, a 4 week consultation would have been much better for us and would have allowed more time to formulate relevant, evidenced responses.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: