

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 MARCH 2005

**04/0882/FL: PROPOSED INSTALLATION OF AN 18M HIGH
TELECOMMUNICATIONS LATTICE TOWER TO ACCOMMODATE 6 NO.
ANTENNAS, 1 NO. 0.6M TRANSMISSION DISH AND ASSOCIATED
ANCILLARY DEVELOPMENT
AT LAND WEST OF ASSLOSS FARM, ASSLOSS ROAD, KILMARNOCK
BY MONO CONSULTANTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of an 18.0m high slim line Telecommunications Lattice Tower to accommodate 6 No. antennae, 1 no. 0.6 metre Transmission Dish and associated ancillary development.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of this report, the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 The significant number of signatories to the petition opposing the development is noted. The concerns about detriment to the countryside have been carefully assessed but given the location of the mast against a backdrop of trees and its slim line construction it is considered to be visually acceptable. It is inappropriate to refuse such an application on the basis of public health risk, there being other agencies charged with that responsibility. The applicants have submitted a ICNIRP declaration.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee.

Alan Neish

Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the west of Assloss Road adjacent to Clark's Wood, to the north of Kilmarnock. The application site is surrounded by agricultural land and has a back drop of mature trees.

2.2 **Proposed Development:** Full planning consent is sought for the erection of an 18.0m high slim line Telecommunications Lattice Tower to accommodate 6 No. antennae, 1 no. 0.6 metre Transmission Dish and associated ancillary development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division and East Ayrshire Environmental Health Division have been consulted and have offered no objections.

Noted. Environmental Health note that installation should be in accordance with National Radiological Protection Board Guidelines and a declaration of conformity with the guidelines of the International Commission on Non-Ionising Radiation has been

lodged. The Roads Division seek clarification of access during maintenance.

3.2 SEPA have not responded to their consultation at the time of writing this report.

Noted.

3.3 Scottish Wildlife Trust has offered no objections to the proposed development, but do ask for liaison with the Dean Park Ranger Service regarding wildlife.

Noted, however the mast is proposed outwith the adjacent wood and the period of maximum disturbance will be short lived during the construction phase.

4. REPRESENTATIONS

There are three letters of objection to the proposed development and a petition with 233 signatories opposing the proposal. The objections are detailed as follows:-

4.1 The mast would be unsightly to look out at and I am concerned about the devastation to the rural environment in which I live as I feel this would be a most inappropriate site as it is an access road into Dean Castle Country Park.

Noted. However it is not considered that the installation of the mast would have a significant enough impact on the surrounding area to warrant refusal in this instance. The mast will be set against a backdrop of mature trees which will provide screening when viewing the mast from the west and the trees will also help obscure the structure when viewing the mast from the east.

4.2 My main objection is a simple one of health. I am recovering from Cancer at the moment and certainly do not want to be put to any further risk from the possible radiation effects of yet another mast.

Recent Government guidance in the form of NPPG 19 states that the planning system should not be used to secure objectives that are properly achieved under other legislation. Emissions of radio frequency radiation are controlled and regulated through the appropriate legislation by the DTI and the Radio-communications Agency. The Scottish Executive concludes that it is not necessary for Planning Authorities to treat RF emissions as a material consideration in the determination of planning applications.

4.3 We have been approached by the parents of children who come regularly for riding lessons, to the effect that due to the proximity of the mast, they are concerned about the possible danger to their children's health. As you will appreciate, if these parents do not allow their children to come to the riding centre for lessons, this would have a very serious effect on the future viability of the business.

See section 4.2 above. In addition, the applicants have submitted a declaration of conformity with the ICNIRP public exposure guidelines. This states that the equipment meets the terms of current internationally agreed guidance with regard to public exposure to electromagnetic fields.

4.4 Visual impact on the countryside of both the electrical cabinet compound and the phone tower (which will protrude 5.5 metres above the surrounding woodland) which will obscure views for a considerable distance.

Noted. It is not considered that the installation of the mast would have a significant enough impact on the surrounding area to warrant refusal in this instance. The mast will be set against a backdrop of mature trees which will provide screening when viewing the mast from the west and the trees will also help obscure the structure when viewing the mast from the east.

4.5 The construction of this installation will continue to cause inconvenience to large agricultural machinery having to negotiate around them.

Noted. Any construction phase will be of a temporary nature.

4.6 The construction of the installation will cause disturbance to my farming business, livestock, field drainage etc.

Noted. However it is not considered that any disturbance caused would be sufficient to warrant refusal in this case.

4.7 As there are already two masts within 500 metres of the proposed location, we feel a third, located in a rural setting, would be extremely detrimental to the countryside and a possible health hazard for the surrounding residents.

The applicants have stated in their supporting information that they considered 5 alternative locations, including an existing mast at Glasgow Road. They concluded that use of an existing mast at Glasgow Road would require that structure to be heightened by 5 metres and that other suitable sites were either too close to residential property or due for re-development.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

Adopted Ayrshire Joint Structure Plan

5.2 There are no policies within the Structure Plan relevant to the determination of this planning application.

Adopted East Ayrshire Local Plan

5.3 Policy CS2 of the Adopted EALP is relevant and sets out criteria against which applications for telecommunications developments should be assessed including their visual impact, the possibility of shared operational facilities and available alternative sites.

It is not considered that the installation of the mast would have a significant enough impact on the amenity of the surrounding area to warrant refusal in this instance. The mast will be set against a backdrop of mature trees which will provide screening when viewing the mast from the west. The trees will also form a backdrop which will help obscure the structure when viewing the mast from the east.

5.4 Policy CS3 of the Adopted EALP is also relevant and refers to the need for telecommunications operators to take account of radiation emissions in their planning submissions and to be at least 100 metres from continually occupied premises in educational or residential use.

The proposal would be in excess of 100 metres from any continuously occupied premises, however, it should be noted that the content of Policy CS3 has been superseded by the provisions of NPPG 19: Radio Telecommunications. Under Paragraph 53 of this guidance, which took effect after Policy CS3 had been agreed by the Council, the planning system should not be used to secure objectives that are more properly achieved under other legislation, including those referring specifically to the potential effects of radiation emissions on public health. The applicant has also provided sufficient justification explaining why site-sharing and alternative locations were not feasible options in this case.

5.5 Policy ENV10 provides that development likely to adversely affect nature conservation sites, including Provisional Wildlife Sites will be resisted.

The mast is proposed in the Dean Estate Country Park Provisional Wildlife Site. Whilst the area is notable for its woodlands, It is not considered that the installation of the mast would have a significant enough impact on the amenity of the surrounding area to warrant refusal in this instance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received that are addressed in Section 3 of this report and the objections addressed at Section 4 of this report, NPPG 19: Radio Telecommunications and PAN 62 Radio Telecommunications.

Consultation Responses and Representations Received

6.2 It is not considered that any aspects of the consultation responses or letters of objection received have raised any issues that would warrant the refusal of this application. The applicant has taken into account NPPG 19 and PAN 62 in terms of the siting and design of the equipment. The concerns in relation to health have been addressed by the submission of the ICNIRP certification.

National Planning Policy Guideline 19: Radio Telecommunications

6.3 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regard to new ground based masts the guideline states that the siting and design of ground based masts must have regard to the landscape or townscape and make use of existing features to minimise any adverse visual affects. More environmentally sensitive solutions can be achieved through greater use of smaller and less visually intrusive equipment with less conspicuous fittings. All the components of the proposed development should be considered together, and sited and designed to minimise visual impact. This should include the antennae, any supporting structure, equipment housing, cable runs, fencing, planting, landscaping, access power supply and land lines. Sensitive siting and design can play a part in allaying public concerns.

The proposed mast will be set against a backdrop of mature trees which will provide screening when viewing the mast from the west The mature trees will also help obscure the structure when viewing the mast from the east.

6.4 Paragraph 53 of the NPPG 19 states that the planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radio frequency (RF) radiation are controlled and regulated under the appropriate legislation by the DTI and the Radio-communications Agency. The Health and Safety Executive also have responsibilities. With these mechanisms in place, the Scottish Executive concludes that it is not necessary for planning authorities to treat RF emissions as a material consideration.

Noted. The NPPG confirms that this approach and policy will be applied in the determination of any appeals arising from the refusal of telecommunications apparatus on the basis of RF emissions.

6.5 NPPG 19 requires that all applications for planning permission involving antennae must be accompanied by a declaration that the equipment is designed in compliance with the appropriate ICNIRP guidelines. The NPPG further states that reassurance should be drawn from the fact that the RF outputs from mobile phone base stations are set at the minimum levels commensurate with effective service provision. The technical conditions under which base stations operate are also specified in the operator's Wireless Telegraphy licence.

Noted. Health concerns are thus safeguarded by means other than through the planning process.

Planning Advice Note 62: Radio Telecommunications

6.6 PAN 62 offers advice on good practice when dealing with Radio Telecommunications development. It emphasises that development must be undertaken in a manner that keeps environmental impact to a minimum. It states that siting and design can reduce visual intrusion and help allay public concerns. Equipment housing can be painted to blend in with its background disguised as street furniture that complements the urban landscape. The contrast of ground based masts is likely to be minimised in locations that already contain engineered forms and structures.

The proposed mast will be set against a backdrop of mature trees which will provide screening when viewing the mast from the west. The mature trees will also help obscure the structure when viewing the mast from the east.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of this report, the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 The significant number of signatories to the petition opposing the development is noted. The concerns about detriment to the countryside have been carefully assessed but given the location of the mast against a backdrop of trees and its slim line construction it is considered to be visually acceptable. It is inappropriate to refuse such an application on the basis of public health risk, there being other agencies charged with that responsibility. The applicants have submitted a ICNIRP declaration.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not represent a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

09 MARCH 2005
(EMcL/IMB/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.

3. Consultations.
4. Letters and Petition of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Eddie McLennaghan on 01563 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 04/0882/FL

Site of Proposal: Land West of Assloss Farm
Assloss Road
KILMARNOCK

Nature of Proposal: Proposed Installation of an 18.0 m. High
Telecommunications Lattice Tower
to Accommodate 6 No. Antennae, 1 No. 0.6m.
Transmission Dish as Well as Associated
Ancillary Development

Name & Address of Applicant: Vodafone UK Ltd
48 St Vincent Street
GLASGOW G2 5TS

Name & Address of Agent: Mono Consultants Ltd
48 St Vincent Street
GLASGOW G2 5TS

DPOs Reference: EMcL/IMB

The above FULL application should be granted subject to the following conditions:-

1. In the event that equipment becomes obsolete or redundant it must be removed and the site reinstated to the satisfaction of the Planning Authority within 12 months.

REASON To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

2. No symbols, signs, logos, or other lettering shall be displayed on any part of the structure, antennae, equipment housing or fencing without the prior written

approval of the Planning Authority, except small signage necessary for operational reasons.

REASON To minimise the level of visual intrusion and protect the quality and character of the site as far as practicable.

3. Upon installation the mast shall be coloured light grey, the equipment and housing cabinets shall be coloured olive green and thereafter they shall be maintained as such to the satisfaction of the Planning Authority.

REASON To minimise the level of visual intrusion and protect the quality and character of the site as far as practicable.

4. Prior to the commencement of development the applicants shall submit details to, and receive approval in writing from, the Planning Authority of the means of providing access both during construction and for subsequent maintenance. Access shall thereafter be undertaken in accordance with such details as are approved.

REASON In order to protect the quality and character of the area.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**