

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 MARCH 2002

**02/0033/FL: PROPOSED INSTALLATION OF 8 NO. DAB ANTENNA AT NTL
DARVEL, GREENFIELDS, DARVEL BY NTL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the installation of 8 no. Dab antenna (at a height of 97.4m). The provision of this equipment would allow NTL to provide Digital Audio Broadcasting (DAB) to the NATS Brown Carrick area.

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 at Section 5 of the report, there are no relevant policies in the Adopted Local Plan and given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, greater weight should be attached to the material considerations.

3.2 There are material considerations, relevant to this application as indicated in Section 6 of the report and these are supportive of the proposal. The proposed development is consistent with the policies of the EALP. However, greater weight should be attached to recent Government guidance and advice in NPPG 19 and PAN 62 in relation to radio telecommunications. The proposed development will conform to ICNIRP guidance. Although there will be an increase in the equipment on the existing mast this will not have an adverse effect on the visual quality of the immediate area. The applicant has indicated that the proposed development will enable improved telecommunication network coverage, quality and capacity in this locality.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Building Control

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 and Building Control

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 a telecommunications development.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is an existing 153m tall television mast and compound located 270m west of Greenfield smallholdings at the Cleckle Burn to the south of Darvel. The mast is referred to locally as the Darvel transmitter and is located 0.5 of a mile to the south of the town of Darvel.

2.2 **Proposed Development:** Full planning consent is sought for the installation of 8 no. Dab antenna (at a height of 97.4m). The provision of this equipment would allow NTL to provide Digital Audio Broadcasting (DAB) to the NATS Brown Carrick area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health and Waste Management Section have no objection subject to confirmation that the total emissions from the installation will satisfy all current safety guidelines.

Recent Government Guidance in NPPG 19 confirms that it is not necessary for Planning Authorities to treat radio frequency (RF) emissions as a material planning consideration. It does however state that to demonstrate that known health effects have been properly addressed, certification must accompany applications for planning permission affirming compliance with the standards of the International Commission on Non-Ionising Radiation Protection

(ICNIRP). The applicant has submitted a signed Certificate of Conformity confirming that the proposed development will be within the established international guidelines.

3.2 Newmilns and Greenholm Community Council have not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received regarding the proposed development.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 19971 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 Structure Plan and Ayr County Development Plan 1953.

5.2 Notwithstanding the age of the Adopted Development Plan, the proposal would fall to be considered against this Plan. The proposed telecommunication mast is located in a rural area. There are no policies within the Ayr Country Development Plan relating to Telecommunications apparatus.

The present proposal does not involve any rural development. however. the provision of a small amount of additional equipment to the existing mast and compound of a telecommunications mast in a rural area is considered to be compatible with the area and would not conflict with the above development plan. There are no policies within the Plan regarding telecommunications apparatus.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP), NPPG 19: Radio Telecommunications, PAN 62: Radio Telecommunications, the statutory consultations and the Planning History.

6.2 The Adopted Local Plan is considerably out of date and contains no applicable policies. It is therefore considered that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered a prime material consideration. -.

East Ayrshire Local Plan Finalised Version with Modifications

6.3 Policies CS2 and CS3 are relevant and seek to ensure that telecommunication developments have minimal environmental impact. Policy C2 states that the Council will consider all telecommunication proposals in the light of their particular operational requirements within the framework provided by Circular 25/1985. In all cases, care will be taken to ensure that all telecommunication developments are sensitively sited. The Council will require the immediate removal of all telecommunications installations which are operationally redundant and the restoration of sites to their original condition and will assess each application against the following criteria:

- (i) the visual impact of the proposal on townscape and environment;
- (ii) the possibility of shared operational facilities; and
- (iii) the availability of suitable alternative sites.

6.4 Policy CS3 states that operators will be encouraged to share masts and other operational facilities with other operators. The Policy further states that operators will be requested:-

- (i) to locate installations, wherever possible, at least 100 metres from continuously occupied premises in educational, health service or residential use; and
- (ii) to indicate on their submitted plans, area where there would be the greatest intensity of emissions.

It is not considered that the additional equipment will be detrimental to the surrounding area. The site is not located within 100 metres of any continuously occupied properties. It is not considered necessary to seek an alternative site as it is proposed to locate the equipment on an existing telecommunication/television development. A condition could be attached to any grant of planning consent requiring the immediate removal of apparatus if the site becomes redundant. The applicant has also confirmed that the emission levels will conform with International Commission on Non Ionising Radiation Protection (ICNIRP) guidelines. Therefore the proposal complies with the EALP.

6.5 The EALP contains telecommunications policies which predate the recent Government guidance contained within NPPG 19 and Planning Advice Note 62 in regard to telecommunications apparatus. It will be necessary to review these policies following adoption of the local plan and therefore greater weight should be attached to the guidance/advice contained within NPPG 19 and PAN 62.

National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG 19 urges good communication between Planning Authorities and operators who should discuss network rollout plans with the Authorities. Through policies and discussion the design and siting of apparatus should have minimal environmental impact. It outlines the type of locations more suitable for larger ground based masts such as industrial and commercial areas. Sensitive siting and design of mobile phone base stations can play a part in allaying public concerns. Operators should provide with their applications evidence that consideration has been given to siting and design options and this may be a material consideration. It is expected that operators will make all reasonable efforts to select sites which minimise public concerns.

The supporting statement includes a signed Certificate of Conformity confirming that emissions from the proposed development are within the established international guidelines. Calculations undertaken by the operator indicate that emissions associated with the proposed development will be well below the level permitted by ICNIRP.

6.7 Emissions of radio frequency (RF) radiation are controlled by the Department of Trade and Industry, the Radiocommunications Agency and the Health and Safety Executive. The Independent Expert Group on Mobile Phones (IEGMP) recommended a precautionary approach to the development of mobile phone technologies concluding that although there was no general risk to the health of people living near to base stations there could be "indirect adverse effects on their well being in some cases". The NPPG confirms that "it is not necessary for Planning Authorities to treat RF emissions as a material consideration". However, to demonstrate that known health effects have been properly addressed, certification must accompany applications for planning permission confirming compliance with ICNIRP guidelines.

The proposed development is consistent with the guidance contained in NPPG 19 as it is located on an existing mast site. The existing site allows for mast sharing by other operators. The applicant has indicated in their supporting statement that the surrounding area is deficient in radio coverage and therefore unsatisfactory for customers. They have undertaken an assessment of potential sites within the search area and concluded that the application site was preferable.

Planning Advice Note 62: Radio Communications

6.8 Planning Advice Note 62 offers advice on good practice when dealing with Radio Telecommunications development. It emphasises that development must be undertaken in a manner that keeps the environmental impact to a minimum. Equipment should become an accepted and unobtrusive feature in urban and rural areas. Sensitive siting and design can reduce visual intrusion and play a part in allaying public concerns. PAN 62 encourages a series of options to lessen their impact:-

- Installing small scale equipment;
- Concealing or disguising equipment;
- Mast sharing;
- Site sharing;
- Installing on existing buildings or other structures; and
- Erecting a new ground based mast.

The proposed development is consistent with the advice contained in PAN 62. The proposal is located on a very sizeable structure already in the rural area and therefore its impact on the surrounding area is not considered to be detrimental to visual amenity.

Planning History

6.9 Since the inception of East Ayrshire Council, the following applications have been determined at this site:-

01/0666/FL was approved for the installation of 2 No. Dab Antenna and 2 No. 1.8M diameter satellite dishes and 1 No 1.2M dish at 33.8M on the existing mast.

97/009/FL was approved for the erection of unmanned digital terrestrial television equipment building with 2 No 3.7m diameter dishes and using existing aerials on the existing mast.

97/0354/FL was approved for the erection of 2 No 3.7m diameter dishes and 32 No UMF broadband panels at a mean height of 110m on the existing mast.

Prior to 1996, Kilmarnock and Loudoun District Council approved several applications for this site in relation to additions to the mast.

The Statutory Consultations

6.10 The statutory consultations have been considered in Section 3 of this report and they have not raised any adverse comments regarding the proposed development.

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 at Section 5 of the report, there are no relevant policies in the Adopted Local Plan and given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, greater weight should be attached to the material considerations.

8.2 There are material considerations, relevant to this application as indicated in Section 6 of the report and these are supportive of the proposal. The proposed development is consistent with the policies of the EALP. However, greater weight should be attached to recent Government guidance and advice in NPPG 19 and PAN 62 in relation to radio telecommunications. The proposed development will conform to ICNIRP guidance. Although there will be an increase in the equipment on the existing mast this will not have an adverse effect on the visual quality of the immediate area. The applicant has indicated that the proposed development will enable improved telecommunication network coverage, quality and capacity in this locality .

9. RECOMMENDATION

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

CONTRARY DECISION

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

Alan Neish
Head of Planning and Building Control

12 March 2002
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates. 3. Consultation responses.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Ayr County Development Plan.
6. Previous Planning Applications: 97/009/FL, 97/0354FL, 01/0666/FL
7. NPPG 19: Radio Telecommunications.
8. Pan 62: Radio Telecommunications.
9. Approved Ayrshire Joint Structure Plan.
10. Approved Strathclyde Structure Plan

Anyone wishing to inspect the above papers please contact Craig lies on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0033/FL

Site of Proposal: NTL Darvel
Greenfields
NEWMILNS

Nature of Proposal: Proposed Installation of 8 No. DAB Panel
Antenna at 97.4m

Name & Address of Applicant: NTL
Crawley Court
WINCHESTER
Hants SO21 2QA

Name & Address of Agent: N Tutton
NTL
Crawley Court
WINCHESTER
Hants SO212QA

DPOs Reference: CSI/MMM

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

(1) Within one month of the telecommunications apparatus becoming operationally redundant in terms of the applicant's commercial requirements, all the apparatus shall be removed and the site restored to a scheme approved by the Planning Authority.

REASON In the interests of environmental quality of the surrounding area.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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