

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 MARCH 2002

**01/0622/FL: PROPOSED ERECTION OF 20 METRE HIGH TELECOM
TOWER AT INCHBEAN FARM, KILMARNOCK FOR PINNACLE TOWERS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a 20 metre high lattice tower of galvanised steel, grey in colour with two associated equipment cabins, dark green in colour and approximately 2.7m x 3.4m x 3.1 m in size. The proposed tower compound will be enclosed by a 2.2m high chain link fence.

1.2 The applicants are not telecommunications operators, rather it is their intention to provide structure upon which operators can erect their apparatus.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, there are no policies contained within the Kilmarnock Adopted Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in Section 6 of the report, there are material considerations relevant to this application.

3.2 Until such time as the EALP is adopted and in view of the more recent guidance issued by the Scottish Executive, the material considerations to which the greatest weight should currently be applied are NPPG 19 and PAN 62. It is considered that the PAN 62 and the other material considerations are not supportive of the application.

3.3 The proposed mast and associated compound and equipment would be inappropriately located with regard to the access to the roads network. The Roads Division advise that there would be a road safety hazard in respect of inadequate sightlines at the junction with the public road. The proposal would also be detrimental to the visual amenity and character of the area due to the cumulative impact of two masts within the immediate area.

CONTRARY DECISION

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee as in terms of road safety the proposal would be contrary to Council policy.

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 the 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 and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site of 0.031 hectares is located between Inchbean Farm and Crossbush to the southern side of the A77 adjacent to and south of Kilmarnock. The proposed site is located beside an existing 15 metre high telecommunications mast on the C53. The site is accessed via a farm access track from the C53. The site is in a prominent location with aspects to both the north and south of the A77.

2.2 **Proposed Development:** Full planning consent is sought for a 20 metre high lattice tower of galvanised steel, grey in colour with two associated equipment cabins, dark green in colour and approximately 2.7m x 3.4m x 3.1 m in size. The proposed tower compound will be enclosed by a 2.2m high chain link fence.

2.3 The applicants are not telecommunications operations rather it is their intention to provide structures upon which operators can eject their apparatus.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have objected to the application on the grounds that the proposed access road to the mast compound joins the public road at a location which is unsafe. The existing access to the mast site is via a field gate obscured by adjacent hedges and at a position close to a bend making the provision of a standard sightline (X=2.5 metres and Y=120 metres) impossible.

The applicant has indicated that they are not in ownership of the land required to achieve the relevant sightlines. They have indicated that they would withdraw the application if the fee was returned. However this is not possible and therefore the applicant has requested that the application .be determined.

3.2 East Ayrshire Council Environmental Health and Waste Management Division 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.

3.3 Hurlford and Crookedholm Community Council have not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There are no objections other than from the Roads Division. However, a supporting statement has been provided by the applicant, who indicates that "a multi user mast here would allow telecom operators to improve their coverage along the A77, A71 and surrounding towns and villages, without being overly obtrusive to the urban area around Kilmarnock. They have already identified BT Cellnet as a potential tenant, due to a need being identified to improve their RF coverage in this particular area, and are in the process of discussing this site with other operators regarding their potential usage of this site. A multi user telecom mast at this location should alleviate the need for a further proliferation of single user masts in the immediate vicinity."

The installation of a multi user mast may reduce the proliferation of single user masts in the immediate vicinity by allowing other operators to utilise the original mast. However, it has been noted in other circumstances that a 20m mast is of insufficient height to allow a significant number of mobile phone operators to utilise the mast due to the technical requirement of vertical separation distance between different mobile phone operators equipment on a mast.

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 of the Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application and as such greater weight should be attached to the other material considerations referred to below.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62), Planning History and Representations.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The EALP contains the following telecommunications policies which predate the recent government guidance contained within NPPG19 and PAN 62. It will eventually be necessary to review these policies following adoption of the Local Plan. Nevertheless, their content should be considered as follows.

6.4 Policy CS2 states that the Council will consider all telecommunication proposals in the light of their particular operational requirements. In all cases, care will be taken to ensure that all telecommunications developments are sensitively sited and the Council will assess each application against the following criteria:

- (i) the visual impact of the proposal on townscape and environment;

It is proposed to site the mast within a rural area approx 140m metres from dwellinghouses. It is considered that the mast would be highly visible from the A 77 since the small wood of trees located to the north west would provide only a limited screening effect.

The cumulative visual impact of the proposed mast in addition to the existing 15 metre mast would have a detrimental impact on the visual amenity of the area.

- (ii) the possibility of shared operational facilities .

The applicant has advised that the proposed tower would provide the opportunity for more than one operator to utilise the tower thus reducing the need for a proliferation of single user masts. However, the proposed tower is considered to be of insufficient height to allow a significant number of users. (See para 4.1).

- (iii) the availability of suitable alternative sites

The applicant has advised that the site has been chosen because of its location adjacent to the major traffic route.

6.5 Policy CS3 states that, in formulating their development proposals, telecommunications operators will be requested:

- (i) to locate installations, wherever possible, at least 100m from continuously occupied premises in education, health service or residential use; and

The nearest continuously occupied properties are approx 140m metres away.

- (ii) to indicate on their submitted plans, areas where there would be the greatest intensity of emissions.

The applicant has certified that any operators making use of their mast would require to ensure that their equipment complied with the ICNIRP guidelines.

National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regard to new ground base masts the guidelines state 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.

The mast would be located within a rural area located adjacent to an existing 15m mast and would be only partially screened to the north by existing trees. It is considered that the lattice mast proposed is not therefore acceptable within this area in terms of its visual impact.

6.7 Paragraph 53 of 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.

6.8 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 safeguarded by means other than through the planning system.

Planning Advice Note 62: Radio Telecommunications

6.9 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. It offers a series of options in this respect.

The proposed development fails to take full account of the advice in PAN 62 by virtue of the cumulative impact of the two masts in such a prominent location which will consequently be detrimental to the visual amenity of the surrounding area.

Planning History

6.10 The proposal is adjacent to an existing telecommunications mast of 15 metres in height. This mast was erected within the permitted development rights formerly accorded to telecommunications developments.

Representations

6.11 The letter of support from the applicant stresses the fact that this mast will allow mast sharing by operators other than the erection of single user

masts by said operations. The site was chosen due to its location and partial screening by existing woods.

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 policies contained within the Kilmarnock Adopted Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in Section 6 of the report, there are material considerations relevant to this application.

8.2 Until such time as the EALP is adopted and in view of the more recent guidance issued by the Scottish Executive, the material considerations to which the greatest weight should currently be applied are NPPG 19 and PAN 62. It is considered that the PAN 62 and the other material considerations are not supportive of the application.

8.3 The proposed mast and associated compound and equipment would be inappropriately located with regard to the access to the roads network. The Roads Division advise that there would be a road safety hazard in respect of inadequate sightlines at the junction with the public road. The proposal would also be detrimental to the visual amenity and character of the area due to the cumulative impact of two masts within the immediate area.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee as in terms of road safety the proposal would be contrary to Council policy.

Alan Neish
Head of Planning and Building Control

12 March 2002 (CI/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
 2. Statutory Notices/Certificates. 3. Consultation responses. 4. Representations.
 5. Adopted Kilmarnock Local Plan.
 6. Approved Ayrshire Joint Structure Plan (1999).
 7. East Ayrshire Local Plan, Finalised Version with Modifications (2001). 8. Approved Strathclyde Structure Plan.
 9. National Planning Policy Guidelines 19: Radio Telecommunications. 10. Planning Advice Note 62: Radio Telecommunications.
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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0622/FL

Site of Proposal: Inchbean Farm
KILMARNOCK

Nature of Proposal: Proposed change of use from farmland to
Erection of a 20 metre Telecom Tower,
Equipment Cabins and Associated
Infrastructure

Name & Address of Applicant: Pinnacle Towers Ltd
First Floor
Wiltshire Court
Farnsby Street
SWINDON SN1 5AN

Name & Address of Agent:

DPOs Reference: CI/SA

The above FULL application should be refused on the following grounds:

- (1) The proposed development would be detrimental to road safety by reason of the inadequate vehicular sightline at the junction of the site access road with the public road.
- (2) The cumulative visual impact of a secondary larger telecommunication mast at this location would have a detrimental impact on the visual amenity of the surrounding area and would accordingly be contrary to Policy CS2 of the East Ayrshire Local Plan Finalised Version with Modifications.
- (3) The design and the location of the telecom tower are contrary to the guidance offered in NPPG 19 in that the structure would be a visually intrusive feature in its own right and in conjunction with the adjacent, existing mast.

**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.**