

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 MARCH 2002

**01/0824/FL: PROPOSED ERECTION OF TRAINING/OPERATIONAL
COMMUNICATIONS MAST AND EQUIPMENT CABIN AT MAYFIELD, GALSTON
ROAD, HURLFORD BY UA COMMS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a 25 m high lattice frame mast which will feature 3 no. dual band 2.33 m antennas. All the equipment will be located within the top 5 m of the mast. The mast will be enclosed by a 1.8 m high palisade fence. Located within the compound will be a BT Cellnet JMTS equipment cabin (3.7 m x 2.5 m x 2.8 m).

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of this 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 telecommunications. The proposed development will conform to ICNIRP guidance. Although it is acknowledged that the mast will be visible it should be noted that the proposal is located in an existing industrial area. The applicant has indicated that the proposed development will enable improved telecommunication network coverage and allow the applicant's engineers to be trained in telecommunications installations.

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 as it will not be a significant departure from 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 .

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: - 22 MARCH 2002

01/0824/FL: PROPOSED ERECTION OF TRAINING/OPERATIONAL COMMUNICATIONS MAST AND EQUIPMENT CABIN AT MAYFIELD, GALSTON ROAD, HURLFORD BY UA COMMS LTD

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.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the east of Hurlford on the A71. The mast will be situated to the east of an industrial site approximately 105 metres from the A71. Due to the natural contours of the land the proposed mast location sits approximately 2.5 m below the A71 road level.

2.2 **Proposed Development:** Full planning consent is sought for a 25 m high lattice frame mast which will feature 3 no. dual band 2.33 m antennas. All the equipment will be located within the top 5 m of the mast. The mast will be enclosed by a 1.8 m high palisade fence. Located within the compound will be a BT Cellnet JMTS equipment cabin (3.7 m x 2.5 m x 2.8 m).

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

Noted.

4. REPRESENTATIONS

4.1 There are no letters of objection to this application, however the applicant has submitted a justification for the mast indicating that in addition to the mast being used for a telecom operator, the structure is to be used as a training aid for UA Comms staff.

4.2 "It is necessary to locate the tower in this position as there is a suitable building adjacent to the tower position which is currently leased by UA Comms. We require a building in close proximity to the tower wherein equipment can be located and where antenna feeders can be terminated and tested. This is an integral part of the training element.

The tower will be located within the environs of the buildings and area currently leased by us. Facilities such as stores training rooms and personnel areas are currently available.

The area is part of an industrial estate and the actual location of the training tower is on a redundant part of the complex.

Our company is expanding its activities in the telecom infrastructure industry. For the last five years we have been the main contractors for BT Cellnet's rollout programme in Northern Ireland. The opportunity now exists to extend these works to the rest of the UK, in particular throughout Scotland. This work will be organised and controlled from Hurlford.

As part of this expansion programme, we have applied under another planning application to extend the office accommodation at the same site. It is envisaged that an additional 20 staff will be required to operate from our Hurlford base.

It is crucial to the services we offer the National Telecom operators that the engineering staff of the company are fully trained and conversant with current health and safety practices and antenna rigging/commissioning requirements of all cellular operators.

As the market adopts new technologies, 2.5G/3G systems, our personnel must be trained to install the networks and keep UA Comms as a major supplier to this industry. This tower is integral to providing this expertise".

The applicant indicates that the tower has dual uses; one of providing the structure for the telecommunications facilities and the other as a training tower to enable UA Comms, a Hurlford based company, to ensure that its engineers are fully trained in the appropriate skills for installation of telecommunication equipment thus enabling the company to remain competitive in the market place.

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 plans are the Ayrshire Joint Structure Plan 1999 and the Adopted Kilmarnock Local Plan 1985.

5.2 There are no specific policies within the Adopted Local Plan or the Joint Structure 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 (NPPG19), Planning Advice Note 62: Radio Telecommunications (PAN62).

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 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 telecommunications 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;

It is proposed to site the mast within an industrial area. The mast would be visible from the main road and the hedge located to the east would have limited screening effect.

- (ii) the possibility of shared operational facilities;

The applicant's agent has advised that due to the size of the mast there would be future opportunity for other operators to utilise the mast.

- (iii) the availability of suitable alternative site.

The applicant has advised that the site has been chosen because of its location which will reinforce the network in circumstances where currently there is sub-standard coverage. In addition the mast will be utilised for training purposes by UA Comms whose premises are located adjacent to the site. 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 the International Commission on Non-ionising Radiation Protection (ICNIRP) guidelines. It is therefore considered that the proposal complies with the EALP.

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;

The nearest continuously occupied properties are 145 metres away from the proposed mast.

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

Plans outlining the beam of greatest intensity have been submitted as part of the application. These show that the radio frequency levels of the proposed mast would be a small percentage of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP).

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 mast is proposed in an industrial area in excess of 100 metres from the public road.

6.7 Emissions of radio frequency (RF) radiation are controlled by the Department of Trade and Industry, the Radio Communications 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 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 .

Planning Advice Note 62: Radio Telecommunications

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 of 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 structure; and
- Erecting a new ground based mast.

The proposed development is consistent with the advice contained in PAN 62. The proposal is located on an existing industrial estate and has the dual uses of providing for both telecommunications operators and as a training tower for UA Comms. Its impact on the surrounding area is not considered to be detrimental to visual amenity.

The Statutory Consultations

6.9 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 in Section 5 of this 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 telecommunications. The proposed development will conform to ICNIRP guidance. Although it is acknowledged that the mast will be visible it should be noted that the proposal is located in an existing industrial area. The applicant has indicated that the proposed development will enable improved telecommunication network coverage and allow the applicant's engineers to be trained in telecommunications installations.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition 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 and Building Control, the application will not require to be referred to the Development Services Committee as it will not be a significant departure from Policy.

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 Replies.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Adopted Kilmarnock Local Plan.
6. NPPG 19: Radio Telecommunications.
7. PAN 62: Radio Telecommunications.
8. Approved Ayrshire Joint Structure Plan.
9. Representations.
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

01/0824/FL

Site of Proposal: Mayfield
Galston Road
HURLFORD

Nature of Proposal: Proposed Erection of Training/Operational
Communications Mast and Equipment Cabin

Name & Address of Applicant: UA Comms Ltd
Mayfield
Galston Road
Hurlford
KILMARNOCK KA1 SEX

Name & Address of Agent: W I Munro
Chartered Architects
1 Seaford Street
KILMARNOCK KA1 2BZ

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 the environmental quality of the surrounding 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.**