

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 30 AUGUST 2002

**02/0415/FL: PROPOSED INSTALLATION OF 22.5 METRE HIGH
TELECOMMUNICATIONS MONOPOLE ACCOMMODATING 3 NO. ANTENNAS,
1 NO. TRANSMISSION DISH, A GROUND BASED EQUIPMENT CABINET, 1.4
METRE HIGH TIMBER FENCING AND ANCILLARY DEVELOPMENT
AT WEST MOSSIDE FARM, KIRKLANDSIDE, KILMARNOCK, KA1 5LH
FOR HUTCHISON 3G UK LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a 22.5 metre high monopole mast which will accommodate 3 antennas, 1 transmission dish and a ground based equipment cabinet. The development also includes a ground based equipment cabinet 1.3 metres high by 0.79 metres wide by 0.4 metres deep. The site is proposed to be enclosed by a 1.4 metre high timber fence.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no applicable policies contained within the Adopted Kilmarnock Local Plan or Approved Ayrshire Joint Structure Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 Until such time as the East Ayrshire Local Plan 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 NPPG19 and PAN62. It is considered that these documents are supportive of the application.

3.3 The proposed mast and associated compound and equipment would be sited so as to minimise their impact on the amenity of the area.

3.4 In terms of the letters of objection, radiofrequency radiation emission levels from the proposed mast are not material considerations in the determination of the

application. Such emissions are properly controlled by separate legislation. There is not considered to be any substance to any perception of harm arising from the construction of this mast.

CONTRARY DECISION NOTICE

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 would not be a significant breach of 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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02/0415/FL: PROPOSED INSTALLATION OF 22.5 METRE HIGH TELECOMMUNICATIONS MONOPOLE ACCOMMODATING 3 NO. ANTENNAS, 1 NO. TRANSMISSION DISH, A GROUND BASED EQUIPMENT CABINET, 1.4 METRE HIGH TIMBER FENCING AND ANCILLARY DEVELOPMENT AT WEST MOSSIDE FARM, KIRKLANDSIDE, KILMARNOCK, KA1 5LH FOR HUTCHISON 3G UK 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 and because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site measures 8 metres by 8 metres and is located to the north of the 10 acre agricultural field immediately to the south of Kirklandside Hospital, Hurlford. The site is partially screened to the north by a bank of trees.

2.2 **Proposed Development:** Full planning consent is sought for a 22.5 metre high monopole mast which will accommodate 3 antennas, 1 transmission dish and a ground based equipment cabinet. The development also includes a ground based equipment cabinet 1.3 metres high by 0.79 metres wide by 0.4 metres deep. The site is proposed to be enclosed by a 1.4 metre high timber fence.

3. CONSULTATIONS AND ISSUES RAISED

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

Recent Government guidance in NPPG19 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 East Ayrshire Council's Roads and Transportation Division have indicated that they have no objection to the proposed application.

Noted.

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

Noted.

3.4 Transco have indicated that measures may be required to protect or direct Transco plant to enable the proposal to be carried out safely.

A note can be attached to any grant of planning consent addressing this matter.

4. REPRESENTATIONS

Three letters of objection have been received in relation to this application.

4.1 "The mast will be in direct line of the view from the back window of the adjacent property in Dallars Row and as such would have a detrimental effect on the visual amenity of the area."

"The mast might not be visible from the A77 because of the trees south of Kirklandside, but they may not be subject of TPO so they could disappear."

The design and location of the mast are valid planning considerations however the location and design of this mast are in accordance with the National Planning Policy Guidelines. The trees located immediately to the north of the site are not protected by a tree preservation order, however there are no proposals as part of this application to remove any trees.

4.2 "According to the map submitted the mast would be only 40-45m from Kirklandside Hospital and a similar distance from a farm. It would contravene Policy CS3 of the Finalised District Plan."

The Primary Care Trust who run the adjacent hospital have objected on the grounds of "the possible deleterious effects on frail, elderly patients resident in Kirklandside Hospital and the concerns regarding the public perception of this type of development in such close proximity to a long stay health care facility."

Emissions of radiofrequency radiation from the proposed mast are not a material consideration in the determination of the application. Such issues are, according to the Government statement of policy on the matter (NPPG19), more properly addressed under other legislation. However, the perception of a health risk can be argued to be a material consideration even if there is no recognised health risk. In this instance and in accordance with the NPPG, the design and location of the mast have been carefully considered so as to minimise its impact. The application is accompanied by certification of compliance with the ICNIRP standards and consequently it is considered that the weight that should be attached to the perception of harm resulting from the mast should be minimal.

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 Adopted Kilmarnock Local Plan and the Approved Ayrshire Joint structure Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application. The policies within the Structure Plan address issues at a more strategic level than that applicable in this instance. Consequently, 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), and consultation replies.

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. The site is affected by Community and Service Infrastructure Policies.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The East Ayrshire Local Plan contains the following telecommunications policies which predate the recent government guidance contained within NPPG19 and PAN62. 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 telecommunications 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;

The mast would be only partially visible from the Bellfield Interchange road junction due to the number of trees located to the north of the proposed mast which therefore have a positive screening effect. The mast will be screened from the unclassified road to the south east of the site by the field hedges. The overall visual impact of the mast will be reduced when viewed from the south due to the bank of trees providing a camouflaging backdrop.

- (ii) the possibility of shared operational facilities;

The applicant's agent has advised that they investigated the possibility of mast sharing however this was unachievable in this area.

- (iii) the availability of suitable alternative sites;

The applicant's agent has advised that the site has been chosen because of its location which will reinforce the network in circumstances where currently there is a substandard coverage and there are no other available sites in the area.

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 property is Kirklandside Hospital which is approximately 50 metres away. However, the applicants have submitted certification confirming compliance with the ICNIRP standards regarding RF emissions. The applicant has indicated that the relocation of the mast to a distance of 100m away from the Hospital building would increase the visual impact of the mast on the surrounding environment and its current location meets the requirements of PAN62 and NPPG19 which present the most up to date available guidance to which the greatest weight should be applied.

- (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 radiofrequency public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) Guidelines.

National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG19 outlines Scottish Executive Policy on telecommunications development. With regards to new ground base 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.

The mast would be located within a predominantly rural area and would be partially screened to the north by existing trees. It is considered that the mast proposed is therefore acceptable within this area.

6.7 Paragraph 53 of NPPG19 states that the planning system should not be used to secure objectives that are properly achieved under other legislation. Emissions of radiofrequency (RF) radiation are controlled and regulated under the appropriate legislation by the DTI and the Radiocommunications 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 NPPG19 requires that all applications for planning permissions 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 system.

Planning Advice Note 62: Radio Telecommunications

6.9 PAN62 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 takes full account of the advice in PAN62 and consequently reduces the potential impact of the mast on the visual amenity of the surrounding areas.

Interim Council Policy on Telecommunications Development

6.10 The Council agreed and then updated its interim policy in June and September of 2000. The development does not comply with the terms of the Interim Policy in that it would be located within 100 metres of health service property.

At the Development Services Committee of 23 October 2001 it was agreed to withdraw this Policy and to give greater weight to the NPPG and to the PAN; NPPG19 confirms that although health issues are not valid planning considerations, it is appropriate for planning authorities to assess the visual merits of such development and in this instance there are no valid amenity concerns.

Representations

6.11 The terms of the letters of objection are detailed in Section 4 above. This highlights health concerns with regard to adjacent residences as well as issues of visual amenity.

As indicated in Section 6 above, health concerns are addressed separately by agencies other than the Planning Authority and are not material planning considerations. The mast is considered to be visually acceptable in this location and given compliance with the ICNIRP standards there is not considered to be any substance to any perception of harm arising from the erection of the mast.

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, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no applicable policies contained within the Adopted Kilmarnock Local Plan or Approved Ayrshire Joint Structure Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 Until such time as the East Ayrshire Local Plan 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 NPPG19 and PAN62. It is considered that these documents are supportive of the application.

8.3 The proposed mast and associated compound and equipment would be sited so as to minimise their impact on the amenity of the area.

8.4 In terms of the letters of objection, radiofrequency radiation emission levels from the proposed mast are not material considerations in the determination of the application. Such emissions are properly controlled by separate legislation. There is not considered to be any substance to any perception of harm arising from the construction of this mast.

9. RECOMMENDATION

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

CONTRARY DECISION NOTICE

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 would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

20 August 2002

(CSI/MS)

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 Guideline 19: Radio Telecommunications.
10. Planning Advice Note 62: Radio Telecommunications.

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

Implementation Officer: Dave Morris

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0415/FL

Location:	West Mosside Farm Kirklandside KILMARNOCK
Nature of Proposal:	Proposed Installation of 22.5 Metre High Telecommunications Monopole Accommodating 3 No. Antennas, 1 No. Transmission Dish, a Ground Based Equipment Cabinet, 1.4 Metre High Timber Fencing
Name & Address of Applicant:	Hutchison 3G UK Ltd c/o Agent
Name & Address of Agent:	Stappard Howes The Fountain Business Centre Ellis Street COATBRIDGE ML5 3AA

DPO's Ref: CSI

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 environmentally quality of the surrounding area.

Note:

The applicant should contact Transco to discuss the Health and Safety requirements of the proposed installation in relation to the adjacent Transco plant.

**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.**

AGENDA