

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002 01/0649/FL: INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT, ERECTION OF 15 METRES MAST AND THE FORMATION OF OFF ROAD LAYBY/PARKING SPACE AT NORTH WATERLAND FARM, LUGTON BY ORANGE PCS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a 15 metre high lattice type tower featuring 6 no. antennas and 4 transmission dishes. This would be located within a compound surrounded by a 1.8 metre high fence topped with barbed wire. The proposal has been amended to include a lay by/parking space off the A735.

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, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no applicable policies contained within the Adopted Stewarton Local Plan or the 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 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 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. The lay by/parking space would be located so as to enable, without prejudice to road safety, access by foot to the application site.

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 would 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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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 the A735 Dunlop to Lugton Road where it comprises two parts; one accommodating a lay by parking space the other the proposed equipment. The equipment and main compound would be located some 80 metres from the road in a corner of a field raised above the road level and flanked to the south by intermittent hedging and to the east by a sizeable wood. The A735 at this point is bounded by a 1.2 metre hedge and ditch.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a 15 metre high lattice type tower featuring 6 no. antennas and 4 transmission dishes. This would be located within a compound surrounded by a 1.8 metre high fence topped with barbed wire. The proposal has been amended to include a lay by/parking space off the A735.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have indicated that the lay by/parking space is acceptable and should be provided prior to the telecom equipment becoming operational.

Noted. These comments can be accommodated through the use of a condition attached to any consent granted.

3.2 East Ayrshire Council Environmental Health and Waste Management Division have not replied at the time of writing this report.

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 Declaration confirming that the proposed development will be within the established international guidelines.

3.3 Dunlop and Lugton Community Council has not responded at the time of writing this report.

Noted.

3.4 The Scottish Environment Protection Agency has no objection provided no concrete or washings enter the nearby drainage ditch.

These concerns can be addressed by the use of a condition.

3.5 Scottish Water has no comment however if the developer is aware of or discovers any public sewers/water mains affected by the application they should notify Scottish Water.

These concerns can be addressed by attaching a note to any consent granted.

3.6 The Coal Authority offers no comments which would prejudice determination of the application.

Noted.

4. REPRESENTATIONS

4.1 There are no representations.

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 Stewarton 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 and 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 Modifications0 (2001), National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62) and the 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 EALP contains the following telecommunications policies which predate the recent government guidance contained within NPPG 19 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 some 80 metres from the public road in a rural area where it will be visible against a backdrop of the existing wood. The trees therein are some 10-12 metres in height. In these circumstances it is considered that the impact of the mast will be acceptable.

- (ii) the possibility of shared operational facilities;

The applicants have indicated that there are no existing masts in the area which may be shared.

- (iii) the availability of suitable alternative sites;

The applicant's agent has advised that an alternative location was sought. However, this was not at a height capable of covering the target area.

6.5 Policy CS 3 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 more than 200 metres distant from the site, a domestic residence.

(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-ionizing Radiation Protection (ICNIRP).

National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG 19 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 against a backdrop of existing trees and some 80 metres from the public road. It is considered that the lattice mast and its associated compound are acceptable at this location.

6.7 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 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 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 system. The application is accompanied by a ICNIRP declaration.

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 mast and compound would be located some 80 metres from the public road and against a backdrop of existing trees. Although of the lattice type, in these circumstances, the proposal is considered acceptable.

Consultation Replies

6.10 The consultation replies are not such as to indicate that the application should be refused. References to conditions/notes can be incorporated into any planning consent.

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 Stewarton Local Plan or the 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 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 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. The lay by/parking space would be located so as to enable, without prejudice to road safety, access by foot to the application site.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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 would 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 May 2002 (DM/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Adopted Stewarton Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. East Ayrshire Local Plan, (Finalised Version with Modifications) (2001).
7. National Planning Policy Guideline 19: Radio Telecommunications.
8. Planning Advice Note 62: Radio Telecommunications.

Anyone wishing to inspect the above papers, please contact Dave Morris on (01563) 576753.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0649/FL

Site of Proposal: North Waterland Farm
LUGTON

Nature of Proposal: Installation of telecommunications
equipment, erection of 15 metres
mast and the formation of off road
layby/parking space

Name & Address of Applicant: Orange PCS
Masterton Way
Tannochside Park
UDDINGSTON G51 5PT

Name & Address of Agent: J Church
Church & Co
C/o Orange PCS

DPOs Reference: DM/SA

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

(1) The proposed development shall be carried out in accordance with the application form received on the 13th March 2002, the site location, compound layout and north west elevation plans received on 29th August 2001.

REASON To ensure that development is carried out in accordance with the approved details.

(2) 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.

(3) During the course of constructing this facility, no concrete, washings or other materials shall enter any adjacent ditches.

REASON To prevent any pollution which may arise to the detriment of the surrounding area.

(4) Prior to the telecom equipment becoming operational, the lay by/ parking space shall be completed to the satisfaction of the Roads and Transportation Division.

REASON In the interests of road safety.

NOTE TO APPLICANTS

1. If the applicant is aware of or discovers any public sewers or water mains affected by the development, they should contact Scottish Water at 35 Glenburn Road, Prestwick.

**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