

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001**

**01/0102/FL: PROPOSED TELECOMMUNICATIONS INSTALLATION COMPRISING  
A 22.5 METRE HIGH SLIMLINE LATTICE TOWER, ELECTRICAL EQUIPMENT,  
CABIN AND COMPOUND  
AT TENT KNOWE, MOOR ROAD, EAGLESHAM  
BY ONE 2 ONE PERSONAL COMMUNICATION**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect a new, 22.5m high telecommunication tower and compound approximately 100m into the field. The antennae structures take the overall height to 24.45 metres. A new access track and service vehicle hardstanding will be constructed to serve the compound. The route for the access track and the formation of its compound is immediately adjacent to an existing field boundary which lies on the east side of an undulating area of land, the result being that the bulk of the compound and the lower end of the tower will be obscured from the direct westerly aspect. The proposal was advertised as a bad neighbour development due to its height being over 20m.

#### **2. RECOMMENDATION**

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

#### **3. SUMMARY OF ANALYSIS**

3.1 As is indicated in Section 5 of the report, there are no relevant policies in the Adopted Local Plan. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 it is considered appropriate determine the application having regard to the other material considerations.

3.2 As indicated in Section 6 of the report there are other material considerations relevant to this application. Having taken account of current Government Advice, interim policy and amenity issues, it is considered that on balance the proposal can be supported.

**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 an application which is required to be considered by the Local Planning Committee.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of land to the south of the Moor Road 800m east from the A77/Moor Road junction. Currently the land is moorland in character, with rough grass and forestry use to the east of the site.

2.2 **Proposed Development:** It is proposed to erect a new, 22.5m high telecommunication tower and compound approximately 100m into the field. The antennae structures take the overall height to 24.45 metres. A new access track and service vehicle hardstanding will be constructed to serve the compound. The route for the access track and the formation of its compound is immediately adjacent to an existing field boundary which lies on the east side of an undulating area of land, the result being that the bulk of the compound and the lower end of the tower will be obscured from the direct westerly aspect.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transport Division have confirmed that they have no objection to the proposed works advising that the roadside layby would require a construction consent from their office.

***Noted.***

3.2 The Coal Authority have advised that they do not anticipate any ground stability issues arising from the proposal.

***Noted.***

3.3 Fenwick Community Council have not responded at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

No letters of objection have been received in respect of the application. The applicants have submitted information in support of the application.

***Noted. The submission confirms that the location has been selected as a necessary link in their clients network. Given the topography of the site the standard 15m high tower which could be constructed without the benefit of planning permission would not be tall enough.***

#### **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 Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan which was prepared within the context of the then emerging Strathclyde Structure Plan.

***On assessing the details of this application against the terms of the Adopted Local Plan it has been concluded that there are no relevant policies and therefore greater weight should be attached to the "other" material considerations.***

#### **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

The other material considerations in the assessment of this application are as follows:

East Ayrshire Local Plan (Finalised Version with Modifications), Government Advice, the report of the Independent Expert Group on Mobile Phones (the Stewart Report) May 2000, Interim Council Policy and impact on amenity of area.

6.1 East Ayrshire Local Plan (Finalised Version with Modifications)

The Adopted Local Plan as stated above 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 a prime material consideration.

Policy CS2 of the EALP provides the following:

“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 and the Council 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.

The Council will require the immediate removal of all telecommunications installations which are operationally redundant and the restoration of sites to their original condition”.

***On assessing the proposal against the terms of this policy it is considered reasonable to conclude that the development does accord with item (ii). The applicants have also clarified in their submission that the location proposed is necessary for the implementation of their service in the area (item (iii)).***

***Item (i) is therefore the most contentious. The applicants agent has confirmed that the topography of the area has contributed to the required height and this issue also assists in screening elements of the proposal. Additionally, the area to the immediate east of the site is a forestry plantation which, in itself, will offer potential screening.***

***Furthermore, the site is not located in any sensitive Landscape Area or an area of recognised Nature Conservation interest.***

***Accordingly, on balance, it is considered that the proposal can be supported in terms of this policy.***

### Policy CS3

“In formulating their development proposals, telecommunications operators will be requested:-

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

Telecommunications operators will be encouraged to share masts and other operational facilities with other operators.”

***Noted. The tower siting is approximately 200m from the nearest house. It is therefore considered that item (i) has been met. Item (ii) is considered to be of less significance given the location of the site.***

## 6.2 Government Advice

Circular 25/1985 provides the framework against which planning controls are exercised over telecommunications. This document is however rather out of date and the Scottish Executive is consulting on new guidance. The current guidance sets out the requirements for planning permission advising what works can be considered ‘permitted development’. The Circular emphasises that Government Policy is to facilitate and encourage the growth of telecommunications in the interests of a functioning modern economy. The Circular continues to advise that the planning system should encourage, and not place any unnecessary obstacles in the way of, development. Where planning permission is necessary, protection from visual damage and the effects of proliferation will continue to be important considerations in addition to the normal presumption in favour of allowing all planning applications unless there are sound and clear cut reasons for refusal. In terms of health and safety, the Circular states that the radiated power output of radio installations, including those using microwave frequencies is subject to stringent health and safety limits and these are well within internationally accepted standards. Other than in the most exceptional circumstances, there is no reason for Planning Authorities to take such issues into account.

***Noted.***

## 6.3 The Stewart Report

The Stewart Report investigated the relationship between Mobile Phones and Health, considering expert advice of a more up-to-date nature than that upon which the 1985 Circular was based. As well as making various recommendations concerning future planning controls it concluded that “the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines”. It nevertheless recommended a precautionary approach to the assessment of health risk; one embraced by this Council’s Interim Policy.

***Noted.***

#### 6.4 Interim Council Policy

The Council Policy includes the following:

Requesting operators to locate installations wherever possible at least 100 metres from continuously occupied properties in educational health service or residential use as a precautionary principle until the current official research on potential health risk has been completed.

***In this instance the nearest occupied premises are at Kingswell Farm approximately 200 metres from the tower site.***

#### 6.5 Impact on the Amenity of the Area

It is acknowledged that there will be a visual impact from the proposal. However as mentioned above there are other mitigating factors which render the proposal acceptable.

### **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council is determining the application.

### **8. CONCLUSION**

8.1 As is indicated in Section 5 above, there are no relevant policies in the Adopted Local Plan. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 it is considered appropriate to determine the application having regard to the other material considerations.

8.2 As indicated in Section 6 above there are other material considerations relevant to this application. Having taken account of current Government Advice, interim policy and amenity issues, it is considered that on balance the proposal can be supported.

## **9. RECOMMENDATION**

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

**Alan Neish  
Head of Planning and Building Control**

5 April 2001

(IW/MS)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Correspondence from/to the applicant.
5. Adopted Stewarton Local Plan.
6. East Ayrshire Council Local Plan (Finalised Version with modifications).
7. Circular 25/1985: Telecommunication Development.
8. Independent Expert Group on Mobile Phones (The Stewart Report).
9. Interim Council Policy: Telecommunications.

Anyone wishing to inspect the above papers please contact Ian Walker on (01563) 576769.

**Implementation Officer: Dave Morris**

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0102/FL

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Location	Tent Knowe Moor Road EAGLESHAM
Nature of Proposal	Proposed Telecommunications Installation Comprising of a 22.5m High Slim Lattice Tower, Electrical Equipment, Cabin & Compound
Name & Address of Applicant	One2One Personal Communications Imperial Place Maxwood Road BOREHAMWOOD Hertfordshire WD6 1EA
Name & Address of Agent	Colin Speirs APT Unit 64 Sir James Clark Building Abbeymill Business Centre PAISLEY PA1 1TJ

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

1. Prior to the commencement of work on site full details of the service vehicle hardstanding fronting the B764 shall be submitted to and approved by the planning authority.

REASON In the interests of visual amenity/road safety.

**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**