

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 02 AUGUST 2002**

**02/0237/FL: PROPOSED INSTALLATION OF A 17.9 METRE LATTICE TOWER, OVERALL HEIGHT INCLUDING POLICE ANTENNAE 20.7 METRES, 9 ANTENNAE, 2 MICROWAVE DISHES AND ASSOCIATED EQUIPMENT CABIN ADJACENT TO TOWER, ADDITIONAL 3 POLICE ANTENNAE & EQUIPMENT CABIN  
AT MAGBIEHILL FARM, DUNLOP ROAD, STEWARTON  
BY BT CELLNET/MM02**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The applicant's proposed 17.9 metre lattice tower will extend to some 20.7 metres in height including the re-located Police antennae. It is proposed to locate 2 microwave dishes on the structure together with a frame which will be able to accommodate future installations. There will also be a replacement cabin for the Police antennae measuring 6.25 square metres in area and 2.8 metres in height and a BT Cellnet cabin of 9.4 square metres and 2.8 metres in height. The compound will be enclosed by a post, wire and rail fence of 1.1 metres in height.

It is intended to remove the existing Police tower on completion of the proposed development.

#### **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.

### **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 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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AT MAGBIEHILL FARM, DUNLOP ROAD, STEWARTON  
BY BT CELLNET/MM02**

### **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 to be considered by the Local Planning Committee under the scheme of delegation as it is an application for telecommunications development.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises land at Magbiehill Farm to the north of Stewarton. The site lies some 170 metres north of the farm steading and extends to some 120 square metres in area. The site is surrounded by farmland and currently comprises an existing 18.4 metres high lattice Police tower.

2.2 **Proposed Development:** The applicant's proposed 17.9 metre lattice tower will extend to some 20.7 metres in height including the re-located Police antennae. It is proposed to locate 2 microwave dishes on the structure together with a frame which will be able to accommodate future installations. There will also be a replacement cabin for the Police antennae measuring 6.25 square metres in area and 2.8 metres in height and a BT Cellnet cabin of 9.4 square metres and 2.8 metres in height. The compound will be enclosed by a post, wire and rail fence of 1.1 metres in height.

It is intended to remove the existing Police tower on completion of the proposed development.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Environmental Health and Waste Management Division has no objection in principle subject to total emissions from the station being within current ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure.

***Noted. The applicant has provided this certification.***

3.2 Scottish Environment Protection Agency has no objections to make.

***Noted.***

3.3 The Roads and Transportation Division has no objections to make.

***Noted.***

3.4 The Coal Authority have not identified any instability issues that would affect the determination of this application.

***Noted.***

3.5 Stewarton and District Community Council have not responded to the consultation at the time of writing this report.

***Noted.***

### **4. REPRESENTATIONS**

4.1 No letters of representation have been received.

### **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 Modifications) (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;

***The proposed mast will replace an existing structure and be of very similar appearance. The overall height will be 20.7m. The site is not screened by any vegetation however given the replacement nature of the structure it is not considered that the new mast will be detrimental to the surrounding environment. The applicant's agent has also advised that the mast can be painted to a colour which meets the Council's requirements in order to lessen any visual impact.***

- (ii) the possibility of shared operational facilities;

***The applicant's agent has advised that the existing installation is unable to house any other operators and therefore the applicant is working with the Police to help update the existing equipment enabling the Police, the applicant and other operators to mast share.***

- (iii) the availability of suitable alternative sites;

***The present proposal is the alternative location as to install a second tower (in addition to the Police mast) would, in a very open area, cause further visual impact.***

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 continually occupied property is the farm steading on whose land the site is located. This property is positioned some 180 metres from the proposed installation.***

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

***The applicant's agents have provided this information.***

#### National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regard to new ground based 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 land surrounding the site is very open and there are no real opportunities to introduce screening. It is however considered that the lattice mast and associated compound are acceptable owing to their replacement of an existing structure. The site is almost 500 metres from a public road which helps lessen the visual impact.***

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 process.***

#### 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 500 metres from the public road and comprises a replacement structure. 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.

## **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**

24 July 2002  
(FMF/MMM)

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 Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

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## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0237/FL

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|                              |                                                                                                                                                                                                                                              |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site of Proposal:            | Land at Magbiehill Farm<br>Dunlop Road<br>STEWARTON                                                                                                                                                                                          |
| Nature of Proposal:          | Proposed Installation of a 17.9 Metre Lattice Tower, Overall Height including Police Antennae 20.7 Metres, 9 Antennae, 2 microwave Dishes and Associated Equipment Cabin Adjacent to Tower, Additional 3 Police Antennae and Equipment Cabin |
| Name & Address of Applicant: | BT Cellnet/MM02<br>260 Bath Road<br>SLOUGH SI1 4DX                                                                                                                                                                                           |
| Name & Address of Agent:     | Laurie Neave<br>111 George Street<br>EDINBURGH EH2 4JN                                                                                                                                                                                       |

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DPOs Reference: FMF/MMM

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

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 visual and environmental quality of the surrounding area.

2. Notwithstanding the plans hereby approved the existing Police tower adjacent to the site shall be removed from site prior to the new mast becoming operational.

REASON In the interests of the visual and environmental quality of the surrounding area.

3. Details of the colour of the mast and equipment shall be submitted to and approved by the Planning Authority prior to the erection of the mast on site.

REASON In the interests of the visual and 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.**

**AGENDA**