

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2001

**00/0702/FL: EXTENSION OF EXISTING TELECOMMUNICATION TOWER,
INSTALLATION OF ANTENNA AND ASSOCIATED RADIO EQUIPMENT
CABIN AT GROUND LEVEL AT NTL TRANSMITTER STATION, SOUTH
GLASSOCK FARM, FENWICK BY NTL (ON BEHALF OF DOLPHIN
TELECOMMUNICATIONS LTD)**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is now proposed to extend the existing tower to a height of 22.5m, relocate 3 of the existing antennae, onto the extended mast, with the addition of a further 2 polar antennae. An additional control cabinet will be constructed to support the addition to the mast and antennae's. The compound will also be extended to accommodate the new control box. The adjacent uses remain the farm of South Glassock and associated agricultural land to the south and east.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated in Section 5 above, the application is not considered to be contrary to the development plan. Therefore given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 it would be appropriate to approve the application unless material consideration indicate otherwise.

3.2 As indicated in Section 6 above there are other material considerations relevant to this application .

...

3.3 Having taken account of current Government Advice, the planning history and resultant existing situation on site and the scale of additional works brought forward as a consequence of this application, 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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00/0702/FL: EXTENSION OF EXISTING TELECOMMUNICATION TOWER, INSTALLATION OF ANTENNA AND ASSOCIATED RADIO EQUIPMENT CABIN T GROUND LEVEL AT NTL TRANSMITTER STATION, SOUTH GLASSOCK FARM, FENWICK BY NTL (ON BEHALF OF DOLPHIN TELECOMMUNICATIONS LTD)

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 for consent which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of an objection.

2. APPLICATION DETAILS

2.1 Site Description: The application site comprises land adjacent to South Glassock Farm, approximately 450 metres south of the A77 Trunk Road and the Galston Road junction. There is an existing compound on site with a telecommunication tower approximately 15m high (constructed without the requirement for planning consent).

2.2 Proposed Development: It is now proposed to extend the existing tower to a height of 22.5m, relocate 3 of the existing antennae, onto the extended mast, with the addition of a further 2 polar antennae. An additional control cabinet will be constructed to support the addition to the mast and antennae's. The compound will also be extended to accommodate the new control box. The adjacent uses remain the farm of South Glassock and associated agricultural land to the south and east.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Protective Services (Environmental Health) have advised that they have no objection to the proposal.

Noted.

3.2 Given the site location three Community Councils were consulted on the proposal and furnished with a plan identifying the site as follows: Fenwick, Moscow & Waterside and Stewarton and District Community Council.

At the time of writing this report only Stewarton and District Community Council have responded confirming that they have no objection to the proposal.

3.3 The National Radiological Protection Board Scotland -While the Board confirmed that they are not in a position to offer formal comment on applications involving telecommunication operators, they advised that their advice on basic restrictions of exposure to electromagnetic radiation in the frequency range within which mobile telephone systems operate, is generally complied with by the individual companies. Additionally they advise that:

The report of the Independent Expert Group on Mobile Phones (IEGMP) *Mobile Phones and Health* was published in May 2000. The IEGMP recommends that "as a precautionary approach, the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the NRPB guidelines". This was also the approach recommended by EU Council of Health Ministers on 12 July 1999. The ICNIRP guidelines feature a two-tier system with limits of exposure for the general public that are five times lower than for occupational exposure. The Federation of *the* Electronics Industry has commented that the majority of existing base stations already meet these guidelines and all new base stations will be built to this standard.

Noted.

4. REPRESENTATIONS RECEIVED

(One letter of objection has been submitted in response to this application, and a further letter of support from the applicant)

4.1 The objection raises the former refusal of a 25m high mast at the same site (EAC Ref No. 97/0084/FL) and contends that the addition to this mast will further add to the existing visual intrusion of the mast arrangements presently on site. The objector has also attached a copy of the objection letter lodged in respect of that earlier application. That objection again concentrated on the visual impact of that proposed mast and the application was refused. (See Para 6.4 below).

Noted. However the same operators subsequently erected a 15m high mast under their permitted development rights, thus establishing a certain level of visual impact. It is against the background of there having been a mast on site that the Committee should assess the proposal. It will be possible if the Committee are of a mind to approve the application to secure additional screening to the ground facility initially by means of a condition.

4.2 The applicants have responded to the matters raised by confirming that sharing a mast results in a heightening of the structure to give the required 1 m separation distance from different operators systems. If the separation distance is not gained then interference occurs, accordingly the height is attributable to three operators using the same mast.

Noted. In this instance, it is considered that the proposed extension can be supported. The level of visual impact is less than would have been the case had mast sharing not been adopted.

4.3 Additionally, the applicants confirm that the proposal is in accordance with the spirit of prevention of proliferation of new apparatus and masts if there are feasible existing sites within the area. The existing site at South Glassock meet the operators requirements and brings benefits to the area in increased coverage to local areas. They have also confirmed that they would be willing to undertake a landscaping scheme to soften the impact of the works.

Noted.

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 Joint Ayrshire 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 is no immediately applicable policy against which to test the proposal. Consequently the proposal is not contrary to the Development Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Finalised East Ayrshire Local Plan, Government Advice, the report of the Independent Expert Group on Mobile Phones (the Stewart Report) May 2000, Interim Council Policy, Planning History, Representations and Impact on amenity of area. -

6.1 Finalised Eat Ayrshire Local Plan

The Adopted Local Plan as stated above is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version (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, as item (iii) prescribes, other sites were considered and discounted for reasons of an operational or visual impact nature.

Item (i) is therefore the most contentious. The applicants on behalf of the specific operator 'Dolphin' have in pursuing this application avoided the necessity of perhaps erecting a new telecommunication mast which could be constructed to a height of 15m without the requirement for planning permission. It is therefore considered that given that there is an existing mast on site, its heightening is more

acceptable given that additional screening can be secured and controlled.

Accordingly on balance it is considered that the proposal can be supported against the 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. It is considered that items (i) and (ii) above are of less significance given the location of the site and item (iii) has been embraced by this proposal.

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 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.

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 as an augmentation to an existing facility, the only occupied premises are those, associated with the farm, who, as landowners, had control over the entire principle of the existing situation on site and any new developments. There are no other properties in the identified group within 100m of the site.

6.5 Planning History

As stated above the existing arrangement on site was constructed under permitted development rights after the refusal of a 25m high mast (EAC REF 97/0084/FL). The matter of the decision to refuse the initial application (the operator was Mercury) is now public record, the reason for refusal being as follows:

"The proposed development would constitute an unduly prominent and conspicuous feature in the area by virtue of its height and its location in an area devoid of either tall and prominent structures and its location in close proximity to the heavily trafficked A77 and proposed route of the M77."

Circumstances have now changed significantly, there being a mast currently on site. It is considered, on balance and, given the above, that an increased 7m in height and additional apparatus will increase the visual impact of the site but not excessively so.

6.6 Representations.

As stated above a letter of objection has been submitted criticising the augmentation works on visual amenity terms as well as the rationale behind the application.

The visual amenity aspects are dealt with elsewhere in this report and the operators position in respect of other options have been explained in a letter from the applicant.

6.7 Impact on the Amenity of the Area

It is acknowledged that there will be an additional impact in this respect. However, as mentioned above it is considered that the works to an existing facility are more preferable to the option of a new 15m mast being constructed in close proximity to the current application site. The choice is therefore relatively straightforward and on balance it is considered that this application although not without disadvantages is a preferred solution. (See Paragraph 6.1 above).

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As is indicated in Section 5 above, the application is not considered to be contrary to the development plan. Therefore given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 it would be appropriate to approve the application unless material consideration indicate otherwise.

8.2 As indicated in Section 6 above there are other material considerations relevant to this application.

8.3 Having taken account of current Government Advice, the planning history and resultant existing situation on site and the scale of additional works brought forward as a consequence of this application, it is considered that on balance the proposal can be supported.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

14 February 2001

(IW/MS/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Previous Application: 97/0084/FL.
6. Adopted Stewarton Local Plan.
7. East Ayrshire Council Local Plan (Finalised Version).
8. Circular 25/1985: Telecommunication Development.

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

Implementation Officer: Dave Morris

00702FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0702/FL

Site of Proposal: NTL Transmission Station
South Glassock Farm
FENWICK

Natural of Proposal: Proposed Extension of Existing
Telecommunications Tower, Installation of
Antenna and Associated Radio Equipment in a
Cabin at Ground Level

Name & Address of Applicant: NTL
Crawley Court
WINCHESTER
Hants S021 2QA

Name & Address of Agent:

DPOs Reference: IW/MMM

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

1. Prior to the installation of the works hereby approved, proposals for the screening of the mast and a timetable for its implementation and management, shall be submitted to and approved by the Planning Authority .The screening proposals shall thereafter be carried out in accordance with the agreed timetable.

REASON In the interests of visual amenity.

**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