

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 MAY 2002

**02/0105/FL: PROPOSED INSTALLATION OF 20 METRE HIGH TELECOM TOWER
AT BRAESIDE FARM, KILMARNOCK
FOR HUTCHISON 3G UK LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection for a 20 metre high timber effect mono pole and associated equipment cabin. The proposed mast compound will be enclosed by a 2.1 metre high chain link fence. The mast will support 2 no. antenna and 1 no. transmission dish. An earlier lattice type mast was amended to this form at the request of the Planning and Building Control Division.

2. RECOMMENDATION

2.1 It is recommended that the application be approved with the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, there are no policies contained within the Kilmarnock Adopted Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in 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 the PAN 62 and the other material considerations are supportive of the application.

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 because 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 of 100 square metres is located between Inchbean Farm and Crossbush to the southern side of the A77 adjacent to and south of Kilmarnock. The proposed site, which sits in a low-lying area, is shielded from the north by a large hawthorn hedge and several large trees and the ground rises steeply to the south. The proposed site is accessed via a field entrance from the access road to Braeside Farm, Kilmarnock, which is a no through road.

2.2 **Proposed Development:** Full planning consent is sought for the erection for a 20 metre high timber effect mono pole and associated equipment cabin. The proposed mast compound will be enclosed by a 2.1 metre high chain link fence. The mast will support 2 no. antenna and 1 no. transmission dish. An earlier lattice type mast was amended to this form at the request of the Planning and Building Control Division.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the application.

Noted.

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

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 Certificate of Conformity confirming that the proposed development will be within the established international guidelines.

3.3 Hurlford and Crookedholm Community Council has not responded at the time of writing this report.

Noted.

3.4 The Coal Authority has no objections to this application.

Noted.

4. REPRESENTATIONS

4.1 There are no letters of objection to this proposal.

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 Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application and as such 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 Representations.

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.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The EALP contains the following telecommunications policies which pre-date 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 within a rural area approximately 200 metres from dwellinghouses. It is considered that the mast would not be significantly visible from the A77 since the small wood of trees located to the north west would provide a screening effect.

- (ii) the possibility of shared operational facilities

The applicant has advised that the area has been thoroughly searched with a view to locating on existing facilities and it has been established that there are no such structures that can accommodate the required equipment levels without the need for redevelopment.

- (iii) the availability of suitable alternative sites

The applicant has advised that the site has been chosen because of its location adjacent to the major traffic route.

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 properties are approximately 200 metres away.

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

The applicant has certified that any operators making use of their mast would require to ensure that their equipment complied with the ICNIRP guidelines and has included a plan showing the beam of greatest intensity.

National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regard to new ground base masts the guidelines state that the siting and design of round 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 sited within a rural location and would be partially screened to the north by existing hedging and trees. It is considered that the timber effect mast proposed is acceptable within this area in terms of its visual impact.

6.7 Paragraph 53 of 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 Radio Communications 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. 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 safeguarded by means other than through the planning system.

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 development takes full account of the advice in PAN 62 by virtue of its construction and locational setting which will ensure that the proposed mast is not detrimental to the visual amenity of the surrounding area. The design of mast now proposed is in fact an amendment of the original lattice type submission.

Representations

6.11 There are no objections, however, a letter of support from the applicant stresses the fact that this mast will provide the necessary coverage while not having a detrimental impact on the environment. The site was chosen due to its location and partial screening by existing trees and shrub land.

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, there are no policies contained within the Kilmarnock Adopted Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in 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 the PAN 62 and the other material considerations are supportive of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved with the conditions indicated on the attached sheet.

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 because it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

23 April 2002
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted Kilmarnock Local Plan.
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Council Local Plan, Finalised Version with Modifications (2001).
7. Approved Strathclyde Structure Plan.
8. National Planning Policy Guidelines 19: Radio Telecommunications.
9. Planning Advice Note 62: Radio Telecommunications.

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

Implementation Officer: Dave Morris

020105FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0105/FL

Site of Proposal: Braeside Farm
KILMARNOCK

Nature of Proposal: Proposed Installation of a 20m High Timber Effect
Mono Pole Supporting 2 No. Antenna and One
Transmission Dish and Ancillary Development

Name & Address of Applicant: Hutchison 3G UK Ltd
C/o The fountain Business Centre
Ellis Street
COATBRIDGE ML5 3AA

Name & Address of Agent: Stappard Howes
The Fountain Business centre
Ellis Street
COATBRIDGE ML5 3AA

DPOs Reference: CSI/MMM

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 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