

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 APRIL 2003**

**03/0031/FL: PROPOSED INSTALLATION OF 12M LATTICE TOWER WITH 2.6M HEADFRAME SUPPORTING 3 4-STACK DIPOLE ANTENNAE AND 2 MICROWAVE DISHES AND IN ADDITION EQUIPMENT CABIN ALL SURROUNDED BY A STOCKPROOF AND CHAINLINK FENCE AT MIDLAND FARM, FENWICK BY AIRWAVE MM02 LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 **Proposed Development:** Full planning consent is sought for the erection of a 12 metre lattice tower with 2.6 metre headframe supporting 3 4-stack dipole antennae and 2 microwave dishes with, in addition, an equipment cabin all surrounded by a stockproof and chainlink fence. Access to the mast is through the Craft Centre yard.

1.2 The mast is intended for use by the police as part of a new secure digital emergency radio service. This replaces individual police radio networks with one national system accessible by all police forces and by other emergency services.

#### **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 in Section 5 of the report, the application 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 both NPPG 19 and PAN 62 are supportive of the application.

3.3 The proposed mast and associated compound and equipment has been sited so as to minimise their impact on the visual amenity of the rural area and the wider skyline. The appearance of the compound area itself would benefit from additional planting, achieved by means of a condition.

### **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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### **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 and is subject to an objection.

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

2.1 **Site Description:** The application site is located 400metres to the east of Fenwick, immediately adjacent to Midland Farm and Craft Centre through which access would be taken from the Fenwick to Waterside Road .

2.2 **Proposed Development:** Full planning consent is sought for the erection of a 12 metre lattice tower with 2.6 metre headframe supporting 3 4-stack dipole antennae and 2 microwave dishes with, in addition, an equipment cabin all surrounded by a stockproof and chainlink fence. Access to the mast is through the Craft Centre yard.

2.3 The mast is intended for use by the police as part of a new secure digital emergency radio service. This replaces individual police radio networks with one national system accessible by all police forces and by other emergency services.

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

3.1 East Ayrshire Council Environmental Health have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 Fenwick Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### 4. REPRESENTATIONS

There is one letter of objection and the grounds of objection are detailed below. The applicants have responded to these points, their comments on siting and technical matters are also included below. Applicants are required to demonstrate that they have given consideration to alternative sites and minimising impacts as part of the site selection process.

4.1 The applicants have not made a compelling case for siting a mast at this location; given its intended use by the police it would not cover the critical areas of Galston Road end or Meiklewood Interchange.

***The applicants indicate the residential areas and roads in the vicinity of Fenwick as critical to the police. This proposal offers maximum coverage in these areas as well as an acceptable level of coverage at Galston Road end and at Meiklewood Interchange.***

4.2 Two alternatives only were examined at Little Fenwick. A mast sharing opportunity at a site near Ladeside, west of the Galston Road was not considered.

***The Ladeside site does not provide the required coverage over south Fenwick and a further site would be required, adding to proliferation. In addition the Ladeside site would interfere with the operation of the existing North Drumboy site.***

4.3 Other alternative sites at the Roads Department depot at Gardrum, within trees at Moss Wood near Meikle Moss side south west of Fenwick or to the west of the A77 would still give adequate coverage in a less intrusive manner.

***Neither the suggested Moss Wood nor the Gardrum site would provide the required police coverage. Other sites within Fenwick were considered, (BT exchange, McFadzean Motor Engineering included), but these were rejected on the basis of visual amenity and proximity to residential properties. At Moss Wood, the site level would have required a mast some 15 metres higher than proposed here. The land to the west of the A77 is also at a lower level, again requiring a higher mast at a location where natural screening is limited.***

4.4 Including “headstock” the structure would be 14.2 metres high and visible above adjacent trees.

***The elevated location of the site has in fact enabled a mast which is lower than the majority erected for this purpose in Ayrshire. Lowering the headframe below the tree line would prevent coverage to the east. There are mature trees to the east of the proposed mast forming a backdrop to the bulk of the structure.***

***This is considered to ameliorate the impact of the mast to a sufficient degree.***

4.5 Existing clutter at the farm is no reason to introduce further clutter. Compliance with screening conditions on the consent for the woodland burial and pet cemetery site at Midland Farm should be pursued before countenancing any further clutter. The existing Midland Farm has been accepted as visually intrusive.

***On balance it is considered that the proposal will be acceptable in visual terms, particularly so because the location is one where there is existing development activity and the mast would be screened to a large extent. It is not considered that there would be excessive clutter arising from the proposal. The implementation of conditions applied to other consents does not prevent consideration of this proposal on its own merits.***

4.6 The mast would be not 130 metres from the nearest occupied residential premises but 40 metres from Midland Farm house which is termed residential whether occupied or not.

***The steading of Midland Farm lies within 100 metres of the mast. Policy CS3 of the East Ayrshire Local Plan Finalised Version with Modifications requests that masts be at least 100 metres from such continuously occupied premises. The proposal does not comply with that policy however, the Council has agreed that it will give greater weight in these matters to the advice contained in NPPG 19 and PAN 62; discussed below. These documents confirm that health issues are not valid planning considerations. In that context and given the Declaration of Conformity with ICNIRP Public Exposure Guidelines, the location of the mast is satisfactory.***

4.7 The existing mast at Lower Fenwick may already provide mmO2 facilities, so this proposal would in part duplicate coverage. If so, the applicants should be directed to sites covering black spots on the A77.

***This is a mobile phone installation with no Airwave mmO2 equipment. There would be no duplication and it would provide limited coverage as well as a mast higher than that currently in place.***

4.8 The coverage map even with this proposal does not encompass Eaglesham Road end. Will a further mast be required there leading to proliferation of mast equipment in this rural area?

***The coverage of Eaglesham Road end is provided by North Drumboy.***

## 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 purpose of this application the development plan comprises the Adopted Stewarton Local Plan (1986) and the Approved Ayrshire Joint Structure Plan. The Adopted Local Plan was prepared with the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. There are however no relevant policies and therefore greater weight should be placed on the 'other material considerations' as identified in Section 6 of this report.

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62), the consultation responses and the letter of objection which are detailed in Sections 3 and 4 of the report.

### East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Stewarton Local Plan is considerably out of date and it is therefore appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration.

6.3 Policy CS2 is relevant and states that all telecommunications proposals will be considered in the light of their particular operational requirements within the framework provided by NPPG 19. In all cases, care will be taken to ensure that all telecommunications developments are sensitively sited and each application will be assessed against the following criteria:-

- i) the visual impact of the proposal on townscape and environment

***The mast is of lattice construction but will be read visually for the most part, together with the compound, against a background of mature trees. The mast is relatively low for its type although for operational reasons the headframe will be visible above the trees. On balance it is considered that it will have a minimal visual impact.***

- ii) the possibility of shared operational facilities; and

***The applicants have given consideration to mast sharing, however the proposed location allows for the extent of coverage required by the police whilst minimising visual impacts.***

- iii) the availability of suitable alternative sites

***The applicants have given considerable consideration to alternative sites, however the proposed location is the only one allowing for the extent of coverage required by the police whilst minimising visual impacts.***

6.4 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 steading of Midland Farm lies within 100 metres of the mast. This policy requires that masts be at least 100 metres from such continuously occupied premises. The proposal does not comply with the policy however, the Council has agreed that it will give greater weight in these matters to the advice contained in NPPG 19 and PAN 62; discussed below. These documents confirm that health issues are not valid planning considerations. In that context and given the Declaration of Conformity with ICNIRP Public Exposure Guidelines, the location of the mast is satisfactory.***

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

***The applicant has submitted a ICNIRP declaration which meets the requirements of NPPG 19 and has indicated the direction of greatest intensity of emissions.***

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

6.5 NPPG 19 outlines Scottish Executive Policy on telecommunications development. Paragraph 39 states that the siting and design of telecommunications development are key issues to be addressed through the planning system. More environmentally sensitive solutions can be achieved through greater use of smaller and less visually intrusive equipment with less conspicuous fittings. All the components of the proposed development should be considered together, and sited and designed to minimise visual impact. This should include the antennae, any supporting structure, equipment housing, cable runs, fencing, planting, landscaping, access, power supply and land lines. Sensitive siting and design can play a part in allaying public concerns.

A range of design and camouflage techniques is available to help disguise or conceal masts, antennae, equipment housing and cable runs. There may also be opportunities for antenna to be a positive design feature.

***The proposed mast has been designed and located to minimise its impact on the surrounding rural landscape. It is of a height rather less than generally the case for its type. The compound and ground equipment is also set against the backdrop of existing planting. Therefore the proposed development complies with NPPG 19.***

6.6 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 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.***

6.7 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 an ICNIRP declaration.***

#### Planning Advice Note 62 Radio Telecommunications

6.8 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, such as concealing, disguising and site sharing. Complex structures or unnatural shapes in the landscape tend to draw the eye. A simple mast that minimises the amount of visual information will generally be perceived as more acceptable. Slimline monopoles appear as simple well proportioned installations and are often a good solution. Equipment housing can be painted to blend in with its

background and in rural areas, existing landscape features such as planting can provide screening. New planting can also help to screen equipment housing.

***The proposed mast has been sited and designed to reduce its visual intrusion on the immediate rural environment and the wider skyline. Additional planting can be required by condition to mitigate further the impacts of the compound.***

### Planning History

6.9 Planning Consent 02/0138/FL granted consent for the change of use of Agricultural land to Woodland Burial site with associated Pet Cemetery and parking. It was approved in May 2002 with conditions that included a requirement for boundary landscaping and a landscaping scheme addressing the boundary with the Midland Craft Centre.

## **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 in Section 5 of the report, the application 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 both NPPG 19 and PAN 62 are supportive of the application.

8.3 The proposed mast and associated compound and equipment has been sited so as to minimise their impact on the visual amenity of the rural area and the wider skyline. The appearance of the compound area itself would benefit from additional planting, achieved by means of a condition.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to 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 as it would not be a significant breach of policy.

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

24 March 2003  
(DVM/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Representation Received
5. Adopted Stewarton Local Plan.
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan Finalised Version with Modifications.
8. Approved Strathclyde Structure Plan.
9. National Planning Policy Guidelines 19: Radio Telecommunications.
10. Planning Advice Note 62: Radio Telecommunications.
11. Planning Application No: 02/0138/FL

Anyone wishing to inspect the above papers please contact David Morris on (01563) 576753

***Implementation Officer: David Morris***

## EAST AYRSHIRE COUNCIL

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

03/0031/FL

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Site of Proposal:	Midland Farm Fenwick
Nature of Proposal:	Proposed Installation of 12m Lattice Tower with 2.6m Headframe Supporting 3 4-stack Dipole Antennae and 2 Microwave Dishes and in Addition Equipment Cabin All Surrounded by a Stockproof and Chainlink Fence
Name & Address of Applicant:	Airwave MMO2 Ltd Craig House Mason Street MOTHERWELL ML1 1YE
Name & Address of Agent:	Patrick Farfan Associates Unit 7 Adelphi Centre 12 Commercial Road GLASGOW G5 0PQ

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DPOs Reference: DVM/MMM

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

1. Notwithstanding the approved plans, the lattice mast; fencing; the ground equipment and compounds shall be painted in a colour agreed by the Planning Authority prior to the mast being brought into use.

REASON In the interests of visual amenity.

2. Notwithstanding the approved plans, additional planting shall be planted along the western boundary of the site prior to the mast being brought into use. Details of the planting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and maintained thereafter.

REASON In the interests of visual and residential amenity.

3. Within one month of the telecommunications apparatus approved under this consent becoming operationally redundant in terms of 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.

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