

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 08 AUGUST 2003

03/0386/FL: PROPOSED INSTALLATION OF 5 METRES UPGRADE SECTION, RE-LOCATION OF EXISTING APPARATUS AND DEVELOPMENT AT THE EXISTING 15 METRES TELECOMMUNICATIONS MAST, RESULTING IN OVERALL HEIGHT OF 20 METRES AT LANFINE HOUSE, LANFINE ESTATE, NEWMILNS BY ORANGE PCS LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicants propose to extend the existing tower by 5 metres to an overall height of 20 metres and re-locate the existing equipment. No additional equipment is proposed and existing apparatus comprises 6 sector antennae and 2 transmission dishes. The works are required as the current height of the apparatus is now inadequate for operational purposes due to interference from surrounding trees.

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. The policies of the EALP have been adopted by the Council and are generally supportive of the proposals.

3.2 The material considerations detailed in Section 6 of this report are also relevant. It is considered that both NPPG 19 and PAN 62 are supportive of the application.

3.3 The proposed apparatus and associated equipment would be sited so as to minimise their impact on the amenity of the area utilising an existing site.

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 this report is to present for determination, an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is an application for telecommunications development.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to an existing mast within the Lanfine Estate to the south east of Newmilns. The site is located within a conifer wooded area and lies within an area of great landscape value. The site is accessed via a track from an unclassified road at Priestland.

2.2 **Proposed Development:** The applicants propose to extend the existing tower by 5 metres to an overall height of 20 metres and re-locate the existing equipment. No additional equipment is proposed and existing apparatus comprises 6 sector antennae and 2 transmission dishes. The works are required as the current height of the apparatus is now inadequate for operational purposes due to interference from surrounding trees.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division have no objections to the proposed development.

Noted.

3.2 The Council's Environmental Health and Waste Management Division have no objections in principle subject to emissions from the mast being within current ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure.

A declaration of conformity with ICNIRP exposure guidelines has been submitted as part of the application.

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 East Ayrshire Local Plan and the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.2 The EALP contains the following telecommunications policies which predate the recent Government Guidance contained within NPPG 19 and PAN 62.

5.3 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 development would take place on an existing structure and it is not considered that the additional works are to the extent that will be detrimental to the surrounding environment. The site is also extensively screened by conifer trees.

- (ii) the possibility of shared operational facilities.

The existing apparatus on the tower is utilised by the applicants. The existing mast has been identified as being the preferred location for the apparatus and in effect comprises mast sharing.

- (iii) the availability of suitable alternative sites.

The identified site utilises an existing structure and therefore is facilitating mast sharing. Given the relatively minor nature of the proposal, it is not considered necessary to require the applicant to identify suitable alternatives.

5.4 Policy CS3 states that, in formulating their development proposals, telecommunications operators will be requested:

- (i) to locate installations, wherever possible, at least 100 metres from continuously occupied premises in education, health service or residential use; and

The nearest continually occupied property is the residential property of Kieland. It is approximately 320 metres from the installation site.

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

The applicant's agents have submitted this information. It is considered that the proposal is acceptable in this regard.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62) and the consultation replies.

National Planning Policy Guideline 19: Radio Telecommunications

6.2 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 well screened. It is also considered that the proposals are acceptable owing to their limited nature and their introduction onto an existing structure. The site is very isolated which helps lessen the visual impact.

6.3 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.

6.4 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

6.5 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 works would be located about 330 metres from the public road and comprise additions to an existing structure. The proposal seeks to extend the height of the overall mast by some 5 metres and will still be substantially screened by surrounding woodland.

Consultation Replies

6.6 The consultation replies are not such as to indicate that the application should be refused.

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. The policies of the EALP have been adopted by the Council and are generally supportive of the proposals.

8.2 The material considerations detailed in Section 6 of this report are also relevant. It is considered that both NPPG 19 and PAN 62 are supportive of the application.

8.3 The proposed apparatus and associated equipment would be sited so as to minimise their impact on the amenity of the area utilising an existing site.

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

30 July 2003
(FMF/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. National Planning Policy Guideline 19: Radio Telecommunications.
7. Planning Advice Note 62: Radio Telecommunications.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0386/FL

Site of Proposal: Lanfine House
Lanfine Estate
NEWMILNS

Nature of Proposal: Proposed Installation of a 5 Metre Upgrade
Section, Re-location of Existing Apparatus and
Development at the Existing 15 Metre
Telecommunications Mast, Resulting Overall
Height 20 Metres

Name & Address of Applicant: Orange PCS Ltd
Per Agent

Name & Address of Agent: Mono Consultants Ltd
226 West George Street
GLASGOW
G2 2LN

DPOs Reference: FMF/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 11 April 2003 and the amended plans received by the Planning Authority on 24 July 2003.

REASON To ensure that development is carried out in accordance with the approved details.

2. 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.

**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.**