

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 MARCH 2002

**01/0772/FL: PROPOSED CONSTRUCTION OF A 14.45 M HIGH
TELECOMMUNICATIONS TOWER WITH ACCOMPANYING ELECTRICAL
EQUIPMENT WITHIN A 12 M X 8 M COMPOUND ENCLOSED BY A
1.8 M HIGH CHAINLINK FENCE
AT RALSTONHILL FARM, KILMARNOCK
BY ONE 2 ONE PERSONAL COMMUNICATIONS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a 12.5 metre high telecommunications mast with three cross polar antennas and two dishes giving a combined height of 14.45 metres high. The mast is enclosed by a 12 metre by 8 metre compound bounded by a 1.8 metre high chainlink fence topped by 3 strands of barbed wire. Contained within the compound is an equipment cabin measuring 1.5 metres by 3.5 metres by 3 metres high.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition 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 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 material considerations are supportive of the application.

3.3 It is considered that the proposed mast and associated compound and equipment would not have a significant detrimental impact on the visual amenity and character of the area by virtue of the use of the natural landscape and existing trees.

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 will not require to be referred to Development Services Committee as it will not be a significant departure from 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 relates to telecommunications development.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the east of the A77 carriageway adjacent to the footbridge from Milton Road, Kilmarnock, which crosses the A77. The site is located over 105 metres away from the residential properties at Milton Road and 400 metres south west of Ralstonhill Farm. The site is 96 square metres in area.

2.2 **Proposed Development:** Full planning consent is sought for a 12.5 metre high telecommunications mast with three cross polar antennas and two dishes giving a combined height of 14.45 metres high. The mast is enclosed by a 12 metre by 8 metre compound bounded by a 1.8 metre high chainlink fence topped by 3 strands of barbed wire. Contained within the compound is an equipment cabin measuring 1.5 metres by 3.5 metres by 3 metres high.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have no observations regarding this application.

Noted.

3.2 East Ayrshire Council Environmental Health and Waste Management have made no representation regarding this application.

Noted. 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, (ICNRP). The applicant has submitted a signed Certificate of Conformity confirming that the proposed development will be within the established international guidelines.

3.2 Hurlford and Crookedholm Community Council have made no representation on this application.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received regarding this application.

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 of the Adopted Kilmarnock Local Plan (1986) and the approved Ayrshire Joint Structure Plan.

5.2 There are no specific policies within the Kilmarnock Adopted Local Plan relevant to the determination of this application. Neither are there such policies in the Ayrshire Joint Structure Plan. 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 (NPPG19) and Planning Advice Note 62: Radio telecommunications (PAN62).

The Interim Policy of the Council on Telecommunication Developments has now been withdrawn.

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 relevant policies are contained in the Community and Service Infrastructure Section.

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 NPPG19 and PAN62. 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 locate the mast within an agricultural field in an area which is located significantly higher than the A77 transport route and screened from the nearest house in Kilmarnock by large conifer trees on Milton Road.

- (ii) the possibility of shared operational facilities.

The applicant's agent has advised that no other sites within the immediate area were available for mast sharing and therefore the proposal meets the requirements of policy.

- (iii) the availability of suitable alternative sites.

The applicant's agent has advised that the site has been chosen because of its location which will reinforce the network in circumstances where currently there is substandard coverage and there are no other available sites in the area.

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

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

The nearest continuously occupied properties are 105 metres away and therefore the meets the terms of the policy.

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

Plans outlining the beam of greatest intensity have been submitted as part of the application. These show that the radio frequency levels of the proposed mast would be a small percentage of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protections (ICNIRP).

National Planning Policy Guidelines 19: Radio Telecommunications

6.6 NPPG 19 outlines the Scottish Executive Policy on telecommunications development. With regard to new ground base 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 mast would be located within an agricultural field. Screening of the entire mast is not possible however the compound is screened by the existing field hedge.

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.

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.

The applicant has provided the appropriate certification to confirm that the installation meets the requirements of ICNIRP. However, it should be noted that 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 applicant has taken account of PAN 62 in the location and overall height of the mast.

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 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 material considerations are supportive of the application.

8.3 It is considered that the proposed mast and associated compound and equipment would not have a significant detrimental impact on the visual amenity and character of the area by virtue of the use of the natural landscape and existing trees.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition 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 will not require to be referred to Development Services Committee as it will not be a significant departure from Policy.

Alan Neish
Head of Planning and Building Control

19 February 2002
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted Kilmarnock Local Plan.
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire 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
010772FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0772/FL

Site of Proposal:	Ralstonhill Farm KILMARNOCK
Nature of Proposal:	Proposed Construction of a 14.45 m High telecommunications Tower with Accompanying Electrical Equipment Within a 12 m x 8 m Compound Enclosed by a 1.8 m High Chainlink Fence
Name & Address of Applicant:	One 2 One Personal Communications Ltd Imperial Place Maxwood Rood BOREHAMWOOD Hertfordshire WD6 1EA
Name & Address of Agent:	APT Marconi 1 Houston Street Kinning Park GLASGOW G5 8RS

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