

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 07 MARCH 2003

**02/0854/FL: PROPOSED INSTALLATION OF 1 NO. ANTENNA ON EXISTING
MAST
AT LITTLE FENWICK FARM, FENWICK, KILMARNOCK
BY O2 (UK) LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicants propose to erect a Strathclyde Police Omni antenna which is shown as 3 metres high and would be placed on top of the existing lattice tower, increasing the overall height of the tower (including antenna) to 19 metres. The proposal includes an equipment cabinet to be located at the base of the tower of 0.4 square metres in area and 1.6 metres in height. The compound is currently enclosed by a 1.1 m high timber post and rail fence.

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. 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 these documents 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 comprises agricultural land at Little Fenwick Farm to the west of Fenwick accessed from the A77. The site lies some 110 metres north of the farm steading and extends to some 56 square metres in area. The site is surrounded by agricultural land and currently accommodates an existing 15 metre high lattice tower.

2.2 **Proposed Development:** The applicants propose to erect a Strathclyde Police Omni antenna which is shown as 3 metres high and would be placed on top of the existing lattice tower, increasing the overall height of the tower (including antenna) to 19 metres. The proposal includes an equipment cabinet to be located at the base of the tower of 0.4 square metres in area and 1.6 metres in height. The compound is currently enclosed by a 1.1 m high timber post and rail fence.

3. CONSULTATIONS AND ISSUES RAISED

3.1 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.

Noted. The applicant has submitted an ICNIRP declaration which confirms that the equipment meets these guidelines.

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

Noted.

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 Stewarton Local Plan and the Approved Ayrshire Joint Structure Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application and the policies within the Structure Plan address issues at a more strategic level than that applicable in this instance. 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) October 2002, National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62) and the consultation replies.

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 site is affected by Community and Service Infrastructure Policies.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The EALP contains the following telecommunications policies which predate 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.

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.

- (ii) the possibility of shared operational facilities.

The existing apparatus on the tower is utilised by the applicants. The scheme is part of a wider operation to provide Strathclyde Police with geographical coverage for that telecommunications system. 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.

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 continually occupied property is the farm steading of Little Fenwick. It is approximately 110 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 not at the time of writing provided this information. Given the distance of the proposed site from occupied premises and the quite separate controls exercised with regard to

emissions by other agencies, it is considered that the proposal is acceptable in this regard.

National Planning Policy Guideline 19: Radio Telecommunications

6.6 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 open and there are no real opportunities to introduce screening. It is however considered that the proposals are acceptable owing to their limited nature and their introduction onto an existing structure. The site is almost 110 metres from a public road which helps lessen the visual impact.

6.7 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.

6.8 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 thus safeguarded by means other than through the planning process.

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 works would be located about 110 metres from the public road and comprise an addition to an existing structure. The addition is an Omni antenna 3 metres high with only a diameter of 20mm.

Consultation Replies

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

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Therefore 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. 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 these documents 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

26 February 2003
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Adopted Stewarton Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. East Ayrshire Local Plan, (Finalised Version with Modifications) (2001).
7. National Planning Policy Guideline 19: Radio Telecommunications.
8. Planning Advice Note 62: Radio Telecommunications.

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

Implementation Officer: Dave Morris

020854FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0854/FL

Site of Proposal:	Little Fenwick Farm FENWICK
Nature of Proposal:	Proposed Installation of One No. Antenna on Existing Mast
Name & Address of Applicant:	O2(UK) Ltd C/o James Barr Consultants 226 West George Street GLASGOW G2 2LN
Name & Address of Agent:	James Barr Consultants 226 West George Street GLASGOW G2 2LN

DPOs Reference: FMF/MMM

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

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 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.**