

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 07 NOVEMBER 2003

**03/0674/FL: PROPOSED INSTALLATION OF 40 No. DIPOLE ANTENNA AT
130.9 TO 145.0M, 1 No. GPS ANTENNA AND 1 No. 1.2M DISH AT 60M
AT NTL DARVEL GREENFIELD NEWMILNS
BY NTL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is the installation of 40 Dipole Antenna between 130.9 to 145.0m on an existing mast. It is proposed that there will be 4 tiers of DAB Dipole antennae in two positions at a height of 132.4m on the north elevation fitted to the existing DAB Steelwork. It is also proposed that there will be 8 tiers of DAB Dipole antennae in four positions at a height of 132.4m on the west elevation fitted to an existing DAB steelwork. A GPS Antenna will also be fixed to the wall of the NTL building on the west elevation. And a 1.2m dish will be fixed to the north elevation of the mast at a height of 60m.

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 proposed development is considered to accord with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 It is considered that the visual impact of the proposed development will be minimal due to the colouring of the mast and the positioning of the site. The consultations received have offered no objections and the representations received are not of sufficient weight to justify refusal.

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 the Development Services Committee as it would not constitute 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 this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is situated at the NTL Darvel greenfield site south of the A71 Galston to Darvel road.

2.2 **Proposed Development:** The proposed development is the installation of 40 Dipole Antenna between 130.9 to 145.0m on an existing mast. It is proposed that there will be 4 tiers of DAB Dipole antennae in two positions at a height of 132.4m on the north elevation fitted to the existing DAB Steelwork. It is also proposed that there will be 8 tiers of DAB Dipole antennae in four positions at a height of 132.4m on the west elevation fitted to an existing DAB steelwork. A GPS Antenna will also be fixed to the wall of the NTL building on the west elevation. And a 1.2m dish will be fixed to the north elevation of the mast at a height of 60m.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Ministry of Defence had no comments to make on this application.

Noted.

3.2 The National Air Traffic Services had no comments to make on this application.

Noted.

3.3 The Civil Aviation Authority had not responded to their consultation at the time of drafting this report

Noted.

3.4 Newmilns and Greenholm Community Council had not responded to their consultation at the time of drafting this report

Noted.

4. REPRESENTATIONS

Two letters of objection have been received in respect of the proposed development. The grounds of objection are as follows:-

4.1 Your notification of the proposals have not been made to me in full (only for a dish). Contrary to the details in the application which states that the application has been made in full and declared to me. I found out by accident that the application was notified in the press on the 8th August 2003 which leaves insufficient time for a full objection to be tabled.

The intention of this point is unclear however the individual has managed to lodge timeous comments.

4 4.2 The power to be transmitted has not been noted in any of the documentation that we have been able to look at.

See response in section 4.4

4.3 I am aware that the communication company and the government have guidelines that places a duty on the companies to inform local communities of their intensions regarding masts etc – this has not been done.

It is considered that the notification carried out in respect of the application has been in accordance with the provision laid out in the Town and Country Planning Acts.

4.4 There are great public fears about the frequency of these masts/dishes interfering with human health. I would like to be informed by an independent expert to find out if there is any health risk.

The applicant has submitted a certificate declaring that the proposed development is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), as

expressed in the EU Council Recommendation of 12th July 1999 “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”. In addition, paragraph 53 of National Planning Policy Guideline 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.

4.5 The visual nature of these additions to the mast will make a highly visible mast even more unsightly.

It is not considered that the proposed alterations will substantially increase the visual impact of the existing mast to an extent sufficient to warrant refusal of the application.

4.6 Public health campaigners claim that children exposed to pulsed radiation can suffer increased stress levels. I would need the council to assure me this is not so.

See response in section 4.4

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

East Ayrshire Local Plan

5.2 Policy CS2 states that the Council will consider all telecommunications 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 certain criteria as follows:

- (i) the visual impact of the proposal in the townscape and environment;

It is not considered that the proposed alterations will substantially increase the visual impact of the existing mast to an extent sufficient to warrant refusal of the application.

5.3 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 educational health service or residential use; and

There are no continuously occupied or sensitive properties within 100 metres of the application site.

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

The applicant has indicated that the greatest intensity of emissions would emit from the site in a westerly direction. The applicant has submitted a declaration of conformity with the exposure guidelines of the International Commission on Non-Ionising Radiation Protection. NPPG 19, paragraph 53, states that the Scottish Executive considers that it is not necessary for planning authorities to treat RF emissions as a material planning consideration.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Consultation Responses, Representations, National Planning Policy Guideline 19: Radio Telecommunications, and Planning Advice Note 62: Radio Telecommunications.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The issues raised by the objectors have been assessed in Section 4 above and are considered to be of insufficient weight to justify the refusal of the application in this instance.

National Planning Policy Guideline 19: Radio Telecommunications

6.4 NPPG 19 outlines Scottish Executive Policy on telecommunications development. Within this guidance it is advised that equipment should be designed and positioned as sensitively as possible, though technical constraints may limit possibilities.

It is not considered that the proposed alterations will substantially increase the visual impact of the existing mast to an extent to warrant refusal of the application.

6.5 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 19 also 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.

Planning Advice Note 62: Radio Telecommunications

6.6 Planning Advice Note 62 states that access to telecommunications services in rural Scotland is important for business, educational and social use. The landscape quality of rural areas can however be easily damaged by insensitive telecommunications installations. The impact is often heightened because equipment can be seen over long distances. It is best practice to avoid prominent locations visible from visitor attractions, scenic viewpoints, or the main line of vision from a road.

It is not considered that the proposed alterations will substantially increase the visual impact of the existing mast to an extent sufficient to warrant refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining 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 proposed development is considered to accord with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 It is considered that the visual impact of the proposed development will be minimal due to the colouring of the mast and the positioning of the site. The consultations received have offered no objections and the representations received are not of sufficient weight to justify refusal.

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 will not require to be referred to the Development Services Committee as it would not constitute a significant departure from policy.

Alan Neish
Head of Planning and Building Control

28 October 2003 (EMcL/SA)
FV/AN

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Council Design Guidance (2001).
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Eddie McLennaghan on 01563 576787.

Implementation Officer: Dave Morris

030674FL-NTLDarvelGreenfieldNewmilnsSA
EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0674/FL

Site of Proposal:	NTL Darvel Greenfield NEWMILNS
Nature of Proposal:	Proposed installation of 40 No. Dipole Antenna at 130.9 to 145.0m, 1 No GPS Antenna and 1 No 1/2m Dish at 60.0m
Name & Address of Applicant:	NTL Crawley Court WINCHESTER Hants SO21 2QA
Name & Address of Agent:	Mr N Tutton NTL Crawley Court WINCHESTER Hants SO21 2QA

DPOs Reference: EMcL/SA

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

(1) In the event that the equipment becomes obsolete or redundant, it shall be removed from the existing mast within 3 months of it becoming obsolete or redundant.

REASON To ensure that the existing mast is not burdened with unnecessary equipment and in the interests of visual amenity.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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