

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 OCTOBER 2003

**03/0636/FL: PROPOSED INSTALLATION OF 20 METRE LATTICE TOWER
PLUS 3.1 METRE HEADFRAME TO SUPPORT 3 ANTENNAE AND
2 MICROWAVE DISHES, GROUND BASED EQUIPMENT CABIN AND
STOCKPROOF FENCING.
AT PEACOCKBANK FARM, STEWARTON
BY AIRWAVE MMO2 LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is the installation of a 20 Metre Lattice tower plus 3.1m headframe to support 3 antenna and 2 microwave dishes, ground based equipment cabin and stockproof fencing. The 20m high lattice tower will be painted olive green with a ground based cabin which is 7.34m square in area and 2.79m in height. The compound is surrounded by a 1m high stockproof fence which encompasses an area of 48m square.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the conditions 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 within Peacockbank Farm to the south west of Stewarton next to the B769 Irvine road. It is located approximately 180m from Peacockbank Farm which is the nearest continually occupied property. The site is located within an area of 18m-20m high trees providing screening for the site.

2.2 **Proposed Development:** The proposed development is the installation of a 20 Metre Lattice tower plus 3.1m headframe to support 3 antenna and 2 microwave dishes, ground based equipment cabin and stockproof fencing. The 20m high lattice tower will be painted olive green with a ground based cabin which is 7.34m square in area and 2.79m in height. The compound is surrounded by a 1m high stockproof fence which encompasses an area of 48m square.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health and Waste Management Division has no objection in principle subject to total emissions from the station being within current ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure.

Noted. The applicant has provided certification to the effect that emissions will be in compliance with ICNIRP guidelines.

3.2 The Coal Authority has not identified any instability issues that would affect the determination of this application.

Noted.

3.3 East Ayrshire Council Roads and Transportation Division has no objections to make subject to conditions, to provide a service layby at the public road access point.

Noted.

3.4 Stewarton and District Community Council has no objections to make in respect of the siting. They have however advised of concerns with regard to health issues related to radiation pulses from Tetra installations.

Noted, this aspect is on occasions an area of concern when dealing with telecommunications applications. In general terms the Council has adopted a precautionary approach seeking sites divorced from areas of population where possible or sufficiently far from individual residential and other sensitive properties.

Additionally the application is accompanied by a Certificate confirming that the emission levels from the installation conform to ICNIRP guidelines (see section 5.3 below).

4. REPRESENTATIONS

One letter of objection was received in respect of the proposed development. The grounds of objection are as follows:-

4.1 The proposed development is within yards of our march boundary and will be looming over the farm steading at High Castleton Farm.

High Castleton Farm is approximately 300m from the site. This distance combined with the character of the site does not in the view of this Division result in the impact claimed.

4.2 Information on how dangerous are the rays from these installations is still mixed. However, they will bounce down quite a considerable way from the site, especially where it is already at a high elevation, this being built less than half a mile from Stewarton above a fairly densely populated housing scheme at David Dale. There is also Lainshaw Primary School situated at that end of the village.

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.

4.3 Our personal worries are over our stock which will be grazing yards from the installation. We have a dairy herd so are producing milk for human consumption. The field adjacent is used for young stock and in calf heifers. The effects of Tetra rays on the unborn be it human or animal remain inconclusive.

See response to paragraph 4.2

4.4 On the cosmetic front the site will be very visible from the Kilmarnock road particularly from Wardhead and Lochridge House corners where there are already many accidents. During the summer the site will be partly obscured by leaf growth, but in wintertime it will be clearly visible from all sides.

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. Although there will be some visual impact on the area the impact is not considered to be sufficient to warrant refusal. It should also be noted that the East Ayrshire Roads and Transportation Division were consulted as part of this application and offered no indication of an issue of road safety.

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 the following criteria:

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

The visual impact of the proposed development will be minimal due to the colouring of the mast and the positioning of the site. Although there will be some visual impact on the area the impact is not considered to be sufficient to warrant refusal.

- (ii) the possibility of shared operational facilities; and

The applicant has outlined that the chosen site is required so that the required coverage can be achieved for police and other public safety organisations.

- (iii) the availability of alternate sites.

The applicant conducted a feasibility study for alternative sites and concluded that the proposed option is most suitable in terms of operational requirements.

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 northerly 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 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. Although there will be some visual impact on the area the impact is not considered to be sufficient to warrant refusal.

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.

Note. 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 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.

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 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

24 September 2003

(EMcL/MMM/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Representations.
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

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0636/FL

Site of Proposal: Peacockbank Farm
STEWARTON

Nature of Proposal: Proposed Installation of 20m Lattice Tower plus 3.1m Headframe to Support 3 Antennae and 3 Microwave Dishes, Ground Based Equipment Cabin and Stockproof Fencing

Name & Address of Applicant: Airwave MMO2 Ltd
Craig House
Mason Street
MOTHERWELL ML1 1YE

Name & Address of Agent: Alison MacIntyre
Patrick Farfan Associates Ltd
Unit 7
Adelphi Centre
12 Commercial Road
GLASGOW G5 0PQ

DPOs Reference: /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 and plans submitted on 9 July 2003 except where revised by the amended plans received on 28 July 2003.

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

2. In the event that equipment becomes obsolete or redundant it shall be removed and the site reinstated to the satisfaction of the Planning Authority within three months of such equipment becoming obsolete or redundant.

REASON In the interests of visual amenity and to ensure the reinstatement of the site to a satisfactory standard.

3. The proposed ground-based cabin shall be finished with an olive green finish unless otherwise agreed in writing with the Planning Authority prior to construction works commencing on site.

REASON To minimise the level of visual intrusion in the rural landscape.

4. No symbols, signs, logos or other lettering shall be displayed on any part of the antennae equipment housing or cabinet without the prior written approval of the Planning Authority, except small signage necessary for operational reasons.

REASON To minimise the level of visual intrusion and protect the quality and character of the rural area as far as practicable.

5. The existing field access point shall be improved to form a layby (constructed to adoptable standards) prior to the commencement of work on site. Details of said improvement work shall be submitted for the approval of the Planning Authority and thereafter implemented in accordance with those details as approved.

REASON In the interests of road safety.

**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.**