

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 NOVEMBER 2001

**01/0673/FL: PROPOSED CONSTRUCTION OF TELECOMMUNICATIONS
BASE STATION AND ERECTION OF 20 METRE HIGH MAST AT
STEVENSTON FARM, AUCHINLECK**

APPLICATION BY ORANGE PCS. LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the installation of a 20 metre high, telecommunications lattice tower with 6 No. antennae, 4 No. dishes and 10 No. equipment cabins, within a fenced compound. The fenced compound would be 17 metres by 17 metres and would consist of a 1.8 metre high palisade fence topped with 3 strands of barbed wire. The site would be accessed from Stevenston Farm which is located 280 metres to the south of the site. A temporary access track would be formed utilised, during the construction period, and thereafter removed.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONTRARY DECISION

3.1 Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control for reasons of public health, then the application will require to be referred to the Development Services Committee.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

4.2 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. Both these and the other material considerations are supportive of the application

4.3 The proposed mast and associated compound and equipment would be sited within an existing wooded area and would not be detrimental to the character of the rural area in which it would be located.

4.4 In terms of the letter of objection, it is considered that the proposed siting of the mast would not result in unacceptable visual intrusion within the rural area. It would be integrated into the landscape by locating it within an existing group of trees. Furthermore, the site is not within a prominent location, nor is it of unspoiled character.

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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation due to the nature of the proposed development and as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within an existing plantation which is located 125 metres south of Barony Road, approximately 1 kilometre north east of Ochiltree. The site is bound to the north and east by existing trees and to the south and west by agricultural land. The nearest dwellinghouse is located 127 metres to the north west of the site. The site presently consists of a number of trees and shrubs.

3. **Proposed Development:** Full planning permission is sought for the installation of a 20 metre high, telecommunications lattice tower with 6 No. antennae, 4 No. dishes and 10 No. equipment cabins, within a fenced compound. The fenced compound would be 17 metres by 17 metres and would consist of a 1.8 metre high palisade fence topped with 3 strands of barbed wire. The site would be accessed from Stevenston Farm which is located 280 metres to the south of the site. A temporary access track would be formed utilised, during the construction period, and thereafter removed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council objects to the planning application on the grounds that it is contrary to the following policies contained within the Approved Ayrshire Joint Structure Plan:

(i) Policy E1(E): The quality of Ayrshire's landscape and its distinctive local characteristics shall be maintained and enhanced. In providing for new development, particular care shall be taken to conserve those features that

contribute to local distinctiveness including skylines, hill features and prominent views.

The proposed mast would be located within an established woodland. The existing trees within this woodland, which are approximately 8 metres in height, would partially screen the 20 metre high mast. The trees to the north of the plantation, adjacent to Barony Road, are 16 metres in height. Existing trees and shrubs would also provide some screening of the compound. The mast would however be visible from Main Street, Ochiltree, from the B7036 from Ochiltree to Auchinleck and the A70 from Ochiltree to Cumnock. It is considered that the proposed mast would not detract from principal views or skylines. Other high structures such as the Egger Barony site and the Barony Colliery "A Frame" are already visible from these points. The mast would not therefore be visually intrusive within the landscape in which it would be located. The visual impact of the mast could however be reduced by imposing conditions on any planning consent with regard to the colour of the mast and compound and requiring the submission of details of all trees to be felled (in order to ensure that this is restricted to a minimum). Additional replacement tree planting can also be required.

(ii) Policy G2(A): The three Ayrshire Councils shall actively seek to improve the urban and rural environment of Ayrshire, and, subject to other policies in the structure plan, shall not be supportive of development proposals which have significant adverse effects by means of unacceptable visual damage or intrusion.

See paragraph 3.1(I) above.

(iii) Policy ADS5: The three Ayrshire Councils shall adhere to the guiding principle of protecting the countryside for its own sake.

See paragraph 3.1(I) above.

3.2 The Coal Authority, Scottish Power and the Scottish Environment Protection Agency have no adverse comments to make on the proposed development.

Noted.

3.3 Scottish Natural Heritage advise that there are natural heritage interests of some importance in this location which could be affected by the development, but this proposal is not considered to be significantly threatening to those interests. SNH therefore has no objection to this development proposal. They note however that the Stevenston Plantation, within which the proposed development is to be located, is recorded in the inventory of Ancient and Long-established Woodlands as being long-established woodland of plantation origin. SNH would therefore hope that the

removal of trees will be minimised as far as possible. In terms of the visual impacts of the development, the woodland may afford reasonable screening, provided the trees are of sufficient height.

The submitted plans state that a total of 25 trees/shrubs would require to be removed in order to accommodate the development. A condition requiring the submission of a detailed plan outlining all trees to be removed and detailing replacement planting can be attached to any planning consent.

4. REPRESENTATIONS

4.1 One letter of representation, from Ochiltree Community Council has been received. This is summarised in Section 3.1 above.

5. DEVELOPMENT PLAN STATUS

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 (1999) and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 79 which states that the Council will ensure that any development in the countryside will be in keeping with and reflect the nature of the rural area in which it is located, in terms of materials used, design, siting, size, scale and finish of the development.

The proposed mast would be integrated into the landscape by locating it within an existing group of trees. In this respect the siting of the mast is considered acceptable. The site is not a prominent location, nor is it of unspoilt character. The proposed development would therefore comply with above policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2001), National Planning Policy Guideline 19: Radio Telecommunications (NPPG19), Planning Advice Note 62: Radio Telecommunications. Consultation replies and representations.

East Ayrshire Local Plan (Finalised Version with Modifications)

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.

6.3 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 mast, which would be located within the rural area, would be sensitively located within an established woodland. These existing trees would minimise the level of visual intrusion within the rural area.

- (ii) the possibility of shared operational facilities;

The applicant's agent has advised that the industry database was checked for nearby alternative existing masts but none were found within the search area. There is an existing BT Cellnet mast at Watson Farm to the west of Ochiltree, however it is outwith the search area and not capable of covering the target area. It was investigated some time ago by Orange's network planning engineer responsible for this cell and discounted for this reason.

- (iii) the availability of suitable alternative sites.

The applicant's agent has advised that the site has been chosen to mask the compound and tower as much as possible within a wooded area and minimise the visual impact. They have also stated that several other locations within the area were investigated. These were not chosen for reasons of visual impact, and poor signal strength.

6.4 Policy CS3 states, 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 continuously occupied property is a dwellinghouse located 127 metres to the north west of the site.

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

Plans outlining the greatest intensity of emissions have not been submitted as part of the application. Due to the proposed location of the mast, within the rural area and some considerable distance from the nearest dwellings, these plans were not requested by the Planning Division. In addition, the applicants have submitted a declaration of conformity with the exposure guidelines of the International Commission on Non-Ionising Radiation Protection.

National Planning Policy Guideline 19 ; Radio Telecommunications

6.5 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regards 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 integrated into the rural landscape by siting it within a group of trees.

6.6 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 radiofrequency (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 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

6.7 PAN62 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 telecommunication 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 mainline of vision from a road.

There are no scenic viewpoints or major visitor attractions within the vicinity of the proposed development. Furthermore, the mast would not be unduly obtrusive when viewed from the nearest public roads and the village of Ochiltree.

Consultation Replies

6.8 The consultation replies do not indicate that the application should be resisted.

Representations

6.9 The terms of a letter of objection are detailed Section 3 above. This highlights concerns with regard to visual intrusion and impact of the proposed mast on the rural landscape.

The mast, which would be located within the rural area, would be sensitively located within an established woodland. Furthermore it would be compliant with the EALP and the Council's Interim Policy on Telecommunications Developments; (although at the time of writing this policy is under review by the Council).

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 is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. 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. Both these and the other material considerations are supportive of the application.

8.3 The proposed mast and associated compound and equipment would be sited within an existing wooded area and would not be detrimental to the character of the rural area in which it would be located.

8.4 In terms of the letter of objection, it is considered that the proposed siting of the mast would not result in unacceptable visual intrusion within the rural area. It would be integrated into the landscape by locating it within an existing group of trees. Furthermore, the site is not within a prominent location, nor is it of unspoiled character.

9. RECOMMENDATIONS

9.It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

Alan Neish
Head of Planning and Building Control
7 November 2001
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of Representation.
5. Adopted Cumnock and Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan.
9. National Planning Policy Guideline 19: Radio Telecommunications
10. Planing Advice Note 62: Radio Telecommunications.

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Application no: 01/0673/FL

Location	Stevenston Farm Auchinleck
Nature of Proposal:	Proposed construction of telecommunications base station and erection of 20 metre high mast
Name and Address of Applicant:	Orange PCS Ltd Unit 2 Masterton Way Tannochside Business Park Uddingston Glasgow
Name and Address of Agent	John Church Church & Co. c/o Orange

DPO's Ref: Vivien Emery]
PPO's Ref; []

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

1. 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.

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

2. The colour of all the elements including the support structure, associated equipment housing cabinets, antennas and cabling shall be approved by the planning authority prior to their construction and shall not be altered thereafter unless agreed in writing.

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

3. The mast shall be structurally capable of being shared by additional radio telecommunication equipment.

REASON: To enable potential mast sharing.

4. The trees to be felled shall be restricted to the minimum necessary to accommodate the development, and prior to the commencement of development, details of all these trees together with a scheme of replacement tree planting to be carried out during the next planting season after implementation of the development, shall be submitted to and approved by the Planning Authority.

REASON: In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

AGENDA

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**