

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 09 AUGUST 2002

**02/0335/FL: PROPOSED INSTALLATION OF TELECOMMUNICATIONS
EQUIPMENT AND ERECTION OF 15 METRE TOWER AT MOSSDALE
FARM, DALMELLINGTON**

APPLICATION BY ORANGE PCS. LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the installation of telecommunications equipment and erection of 15 metre high tower within the site. The 15 metres high tower and 23 square metres cabinet would be accommodated within a 17 metres by 16.6 metres fenced compound. The fenced compound would consist of a 1 metre high wooden post and mesh stockproof fence. As the site is of a slightly sloping nature, an area of infill under the compound would be required. The site would be accessed from a track which currently provides access to a number of under water reservoirs in the ownership of Scottish Water. Leading from this track, a 150 metres long temporary access track would require to be formed 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. CONCLUSIONS

3.1 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.

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

3.3 The proposed mast and associated compound and equipment would be sited against a backcloth of trees and would not be detrimental to the character of the rural area in which it would be located. Furthermore, the site is not within an area of unspoiled character.

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 departure from the East Ayrshire Local Plan.

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.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within an agricultural field used for grazing purposes, approximately 0.6 kilometre south of Dalmellington and 0.4 kilometre east of Bellsbank. The site is bound by a conifer plantation to the south and to the north east and west by agricultural land. The nearest dwellinghouses are located in Bellsbank, some 400 metres to the west of the site. The site is located on a hill which slopes southwards from Dalmellington. Within close proximity of the site there are a number of electricity pylons, electricity poles and a 15 high metre telecommunications monopole.

2.2 **Proposed Development:** Full planning permission is sought for the installation of telecommunications equipment and erection of 15 metre high tower within the site. The 15 metres high tower and 23 square metres cabinet would be accommodated within a 17 metres by 16.6 metres fenced compound. The fenced compound would consist of a 1 metre high wooden post and mesh stockproof fence. As the site is of a slightly sloping nature, an area of infill under the compound would be required. The site would be accessed from a track which currently provides access to a number of under water reservoirs in the ownership of Scottish Water. Leading from this track, a 150 metres long temporary access track would require to be formed during the construction period, and thereafter removed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 The Coal Authority, Scottish Water and West of Scotland Archaeology Service 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 threatening to those interests. They note that different alternatives have been considered and the selected location is likely to have the least potential impact. Scottish Natural Heritage therefore has no objection to this development proposal.

Noted.

3.4 The Scottish Wildlife Trust has commented that the proposed development falls within Dalmellington Town Common Provisional Wildlife Site. They would not object to the development provided the following precautions are taken:-

- (a) ground disturbance particularly by construction traffic is restricted as close as possible to the footprint of the plan
- (b) the existing access route is adhered to by construction and maintenance traffic
- (c) stock-piles of materials kept as close as possible to the footprint of the plan.

It is recommended that conditions could be attached to any grant of planning consent to meet the requirements of the Scottish Wildlife Trust.

4. REPRESENTATIONS

4.1 No letters of representation have been received with regard to the proposed application.

Noted.

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

Dalmellington/Patna/Dalrymple Local Plan (1989). 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 56(a) which states that in the countryside there will be a presumption against any housing, industrial or other developments which would have an adverse environmental impact or detrimental effect on the Regional Scenic Area.

Although the mast would be located on a hillside above Dalmellington, there are already a number of electricity pylons and poles located within close proximity to the site. Furthermore, the mast would be sited against a backdrop of conifer trees which are 15 metres in height and would therefore blend into the landscape in which it would be located.

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 (PAN62) and the consultation responses.

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) 2001, (EALP) should be considered as a prime material consideration.

6.3 The site is affected by Landscape and Rural Environment Policy ENV11 which states that within the Sensitive Landscape Character Area, the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The Council will not be supportive of development which would create unacceptable visual intrusion or irreparable damage within these areas and will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

The mast would be sited against a backcloth of trees which would reduce its visual impact. Furthermore it is not considered that the mast would be unduly visually prominent within the landscape as a number of engineered structures already exist within close proximity to the site. Whilst the mast would not enhance the natural landscape, access to telecommunications services in rural areas is important for business, educational and social use.

6.4 The site is located within the Dalmellington Town Common Listed Wildlife Site and is affected by Policy ENV10(iii) which states that development likely to adversely affect local nature reserves and listed wildlife sites of recognised nature conservation value will be resisted and sites of nature conservation value will be safeguarded whenever possible. Where development is approved for such sites, appropriate measures would be taken to conserve and manage, as far as possible, the sites biological or geological interest and to provide for replacement habitats or features where damage is unavoidable.

The Scottish Wildlife Trust advises that the proposal would be acceptable subject to conditions referred to in Paragraph 3.4 of the report.

6.5 The EALP contains telecommunications policies, which predate 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:

6.6 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;

Although the mast would be visible when viewed from the southern approach road to Dalmellington, it will not be a visually prominent feature.

- (ii) the possibility of shared operational facilities;

There is an existing 15 metre high Vodafone mast 140 metres north east of the site. The applicants agent advised that this mast was considered, but to ensure efficient coverage and avoid the need for further masts in the area, the orange antennae would have to be mounted at a height of 15 metres. This would have necessitated replacement of the mast with a new structure twenty metres high and with an associated increase in width. It was the applicant's view that a larger mast would have a more significant visual impact than an additional smaller mast.

There are no features within the landscape which provide screening of the existing vodafone mast. Furthermore, the vodafone mast is currently visible from the northbound approach road to Dalmellington, whilst the proposed mast would not. It is acknowledged that a 20 metres high replacement mast at the vodafone site would be visually prominent.

- (iii) the availability of suitable alternative sites.

An application by Orange for a new lattice type mast at Sillyhole, Dalmellington was submitted to the Planning Division at the end of last year. Following concerns raised by both the Planning Division and Scottish Natural Heritage with regard to the visual impact of the proposal, the application was subsequently withdrawn. The applicants agent then investigated a number of other sites within the locality, details of which have been provided. The site at Mossdale Farm was chosen by Orange as they considered it had the least visual impact on the local area and filled their coverage requirements. It is acknowledged, that from the sites investigated, Mossdale Farm is the best option.

6.7 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 properties are located at Bellsbank, over 400 metres from 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, the submission of such plans was not considered to be necessary in this case. However, 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

6.8 NPPG 19 outlines 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 integrated into the rural landscape by siting it against a backcloth of trees.

6.9 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

6.10 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.

It is considered the proposed development has taken account of advice outlined in PAN 62. Due to the proposed siting of the new 15 metre high mast, within a landscape which is dominated by other engineered structures such as electricity pylons and poles, and that the mast would be sited against a backcloth of 15 metre high trees, there would be no significant visual impact.

Consultation Replies

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

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 against a backcloth of trees and would not be detrimental to the character of the rural area in which it would be located. Furthermore, the site is not within an area of unspoiled character.

9. RECOMMENDATIONS

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 departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

17 July 2002
VE/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted Dalmellington, Patna & Dalrymple Local Plan (1989).
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 Guideline 19: Radio Telecommunications
9. Planning Advice Note 62: Radio Telecommunications.

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Application no: 02/0335/FL

Location	Mossdale Farm Dalmellington KA6 7QD
Nature of Proposal:	Proposed installation of telecommunications equipment and erection of 15 metre tower
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. All construction and other vehicles accessing the telecommunications tower and equipment shall use the site access route only identified on the approved plans.

REASON – To minimize disturbance on the adjacent Wildlife Site.

5. All materials stored on site shall be stored as close as possible to the proposed site of the tower and telecommunications equipment.

REASON – To minimize disturbance on the adjacent Wildlife Site.

**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.**

AGENDA