

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003

03/0505/FL: FULL PLANNING PERMISSION TO REPLACE EXISTING TOWER WITH 17.9M HIGH TOWER SUPPORTING EXISTING ANTENNAE, INSTALLATION OF 3 BOOM MOUNTED ANTENNAE, 2 TRANSMISSION DISHES TOGETHER WITH COMPOUND EXTENSION, EQUIPMENT CABIN AND ANCILLIARY EQUIPMENT AT BLACKSTON FARM/DYKES FARM, RIGG ROAD, CUMNOCK

APPLICATION BY 02 (UK) LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought to replace an existing lattice mast that stands at a height of 15 metres, including the antennae. The height of the proposed new mast is 17.9 metres and attachments would comprise of 3 antennae and 2 transmission dishes with the overall height being 21.25m. An equipment cabin and compound enclosure of mesh wire fencing is also proposed.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and are not of sufficient weight to merit refusal of the application.

3.2 The proposed mast is one which will replace an existing lattice tower. It will be greater in height and bear additional equipment. However, it will also provide all the necessary coverage the operator needs in the area. There is an

existing mast at the site for which an extension in height to 20 metres was approved in 1998 and it is this mast which is the most visible at present.

3.3 As already stated there are a few trees standing at a height of approximately 8 metres in the south east corner of the field. These trees do not provide a screen for the masts but they do help to reduce the impact which the masts have on the rural landscape. The mast will evidently be more visible than the one it is to replace but it is not considered that it will be any more prominent than what exists on the site and therefore will be of no greater detriment to the amenity of the area.

3.4 Telecommunication installations are considered to be necessary for the furtherance of communities, particularly those in the rural area. Albeit that the mast is one which will be visible from the public road and there is limited scope for screening it is not considered that this merits refusal on the basis that it is a replacement and will provide complete area coverage for the operator.

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 because it is not a significant departure from the development 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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APPLICATION BY 02 (UK) LTD

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 lies at the edge of a field immediately adjacent to and on the north side of the C23 Rigg Road near Cumnock in the Rural Protection Area. There are at present three masts at this location, one of which is the mast to be replaced. There is also a larger mast with 12 antennae and 3 dishes and this mast stands at a height of 20 metres. This mast is currently shared by two operators.

2.2 There are some mature tree species in close proximity to the site however they are not sufficient to provide a screen for the masts. Opposite the site is the vehicular entrance to a local farm and on the east side of this lie three dwellinghouses.

2.3 **Proposed Development:** Full permission is sought to replace an existing lattice mast that stands at a height of 15 metres, including the antennae. The height of the proposed new mast is 17.9 metres and attachments would comprise of 3 antennae and 2 transmission dishes with the overall height being 21.25m. An equipment cabin and compound enclosure of mesh wire fencing is also proposed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Environment Protection Agency has no objections to the proposed development although advises that care should be taken during the construction of the tower, cabin and other equipment to prevent pollution of any nearby watercourses.

Noted.

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

4. REPRESENTATIONS

4.1 None.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

East Ayrshire Local Plan

5.2 Policy CS2 advises that the Council will consider all telecommunication proposals in light of their particular operational requirements. All such developments must be sensitively sited and the possibility of shared facilities as well as the availability of suitable alternative sites. All redundant installations are to be removed and the sites restored to their former condition.

In considering the merits of the application the Division did make a written request for the operator to investigate the possibility of mast sharing. The proposal is however a replacement mast to upgrade that which exists in order that the necessary coverage for the Airwave service may be achieved. The agent has advised that if the antennae were to be located at a lower level a number of other new towers would then be required to provide similar coverage. Based upon the information submitted it is evident that this mast is indeed required for technical reasons to provide coverage for Airwave. It is therefore considered that it does meet the terms of the aforementioned Policy CS2.

5.3 Policy CS3 requires that, wherever possible, telecommunications installations should be at least 100 metres from continually occupied premises in educational, health service or residential use.

The proposed development is located approximately 50 metres from one of the houses across the road. However, the existence of three masts at this location would suggest that the location itself has been considered as an acceptable site for telecommunications installations. It is considered that this represents an acceptable technical breach of Policy CS3.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses, National Planning Policy Guideline 19: Radio Telecommunications, and Planning Advice Note 62: Radio Telecommunications.

Consultations Responses

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

National Planning Policy Guideline 19: Radio Telecommunications

6.3 NPPG 19 outlines Scottish Executive Policy on telecommunications development. Within this guidance, mast sharing is encouraged where it represents the best environmental solution. It is advised that additional equipment should be designed and positioned as sensitively as possible, though technical constraints may limit the possibilities.

The replacement of an existing mast within an 'established' telecommunications site is considered to accord with the guidelines. It is considered that any additional visual impact resulting from proposed development will be minimal subject to conditions to ensure appropriate colouring of the ground-based cabinet, antennae, and mast extension. See also response to section 5.2 of this report.

6.4 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. 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

6.5 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 any additional visual impact resulting from the proposed development will be minimal subject to conditions to ensure appropriate colouring of the ground-based cabinet, antennae, and mast extension.

6.6 PAN 62 states that, with regard to mast sharing, this option will often enable quicker and cheaper installation. Further, the guideline states that alternatives to mast sharing will be preferable where additional antennas would lead to undue clutter, detract from the aesthetics of the existing installation, or increase mast height to an unacceptable level.

In considering the merits of the application the Division did make a written request for the operator to investigate the possibility of mast sharing. The proposal is however a replacement mast to upgrade that which exists in order that the necessary coverage for the Airwave service may be achieved. The agent has advised that if the antennae were to be located at a lower level a number of other new towers would then be required to provide similar coverage.

Planning History

6.7 Planning permission for the extension in height of an existing mast and installation of ancillary equipment cabinets adjacent to the application site was approved on 22 June 1998 (Ref. No. 98/0202FL).

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

Noted.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and are not of sufficient weight to merit refusal of the application.

8.2 The proposed mast is one which will replace an existing lattice tower. It will be greater in height and bear additional equipment. However, it will also provide all the necessary coverage the operator needs in the area. There is an existing mast at the site for which an extension in height to 20 metres was approved in 1998 and it is this mast which is the most visible at present.

8.3 As already stated there are a few trees standing at a height of approximately 8 metres in the south east corner of the field. These trees do not provide a screen for the masts but they do help to reduce the impact which the masts have on the rural landscape. The mast will evidently be more visible than the one it is to replace but it is not considered that it will be any more prominent than what exists on the site and therefore will be of no greater detriment to the amenity of the area.

8.4 Telecommunication installations are considered to be necessary for the furtherance of communities, particularly those in the rural area. Albeit that the mast is one which will be visible from the public road and there is limited scope for screening it is not considered that this merits refusal on the basis that it is a replacement and will provide complete area coverage for the operator.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 because it is not a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

28 July 2003
NM/NM
FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. National Planning Policy Guideline 19: Radio Telecommunications.
8. Planning Advice Note 62: Radio Telecommunications.
9. Previous application 98/0202FL.

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0505/FL

Location	Blackston Farm/Dykes Farm Rigg Road CUMNOCK
Nature of Proposal:	Replace existing tower with 17.9m high tower supporting existing antennae, installation of 3 boom mounted antennae, 2 transmission dishes together with compound extension, equipment cabin and ancillary equipment
Name and Address of Applicant:	02 (UK) Ltd 260 Bath Road SLOUGH SL1 4DX
Name and Address of Agent	Walker Fraser & Steele 125 Buchanan Street GLASGOW G1 2JF

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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

1. Within one month of the initial commissioning of the proposed replacement mast, the existing mast shall be permanently removed from the site to the satisfaction of the Planning Authority.

REASON – To ensure that the area does not become overburdened with masts and in the interests of visual amenity.

2. Prior to the commencement of development the developer shall submit to and have approved by the Planning Authority in writing, details of the colour to be used to paint the mast, antennae, boom mounted antennae, transmission dishes, compound extension, equipment cabin and ancillary equipment and this shall be done prior to installation.

REASON – In the interests of visual amenity.

3. 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

4. No symbols, signs, logos, or other lettering shall be displayed on any part of the antennae, equipment housing or cabinets 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

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PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
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