

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 8 FEBRUARY 2002

**01/0765/FL: PROPOSED ERECTION OF LATTICE TOWER, ANTENNAE,
CABIN AND COMPOUND FENCE AND FORMATION OF ACCESS TRACK
FOR TELECOMMUNICATIONS BASE STATION AT SCOTTISH
INDUSTRIAL RAILWAY CENTRE, DALMELLINGTON**

APPLICATION BY BT CELLNET

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the installation of a 15 metre high telecommunications lattice tower with 6 No. antennae, 2 No. dishes and 1 No. equipment cabin all within a fenced compound. The fenced compound would be 8 metres by 7.2 metres and would consist of a 1.8 metre high chainlink fence topped with 3 strands of barbed wire. It is proposed to form a 3 metre wide access track which would be 32 metres in length and would lead from an existing public road which terminates adjacent to the proposed site access.

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 It is considered that the proposed siting of the mast would not result in an unacceptable visual intrusion within the rural area. It would be sited

approximately 900 metres north of the A713, the main approach road to Damellington. It would also be sited some 300 metres from Burnton, the nearest settlement, and would only be visible from a small number of dwellings within Burnton.

CONTRARY DECISION NOTICE

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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01/0765/FL: PROPOSED ERECTION OF LATTICE TOWER, ANTENNAE, CABIN AND COMPOUND FENCE AND FORMATION OF ACCESS TRACK FOR TELECOMMUNICATIONS BASE STATION AT SCOTTISH INDUSTRIAL RAILWAY CENTRE, DALMELLINGTON

APPLICATION BY BT CELLNET

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 north west of Burnton, approximately 1 kilometre north west of Dalmellington. The Scottish Industrial Railway Centre is located approximately 110 metres westwards of the site. The brownfield site is located adjacent to Chalmerston opencast site and is surrounded by brownfield land.

2.2. **Proposed Development:** Full planning permission is sought for the installation of a 15 metre high telecommunications lattice tower with 6 No. antennae, 2 No. dishes and 1 No. equipment cabin all within a fenced compound. The fenced compound would be 8 metres by 7.2 metres and would consist of a 1.8 metre high chainlink fence topped with 3 strands of barbed wire. It is proposed to form a 3 metre wide access track which would be 32 metres in length and would lead from an existing public road which terminates adjacent to the proposed site access.

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 Power and West of Scotland Water have no adverse comments to make on the proposed development.

Noted.

3.3 West of Scotland Archaeology Service advise that the proposal does not raise any archaeological issue, despite the proximity of several sites of industrial archaeological interest.

Noted.

3.4 East Ayrshire Council Roads and Transportation Division has no objection subject to conditions. The public road adjacent to the site should be kept clean at all times during the construction of the development, and any damage to the public road as a result of the development should be made good at the applicants expense. Conditions regarding surface water and surfacing of the new access are also recommended.

Conditions with regard to the above can be imposed on any planning consent granted for the proposed development.

4. REPRESENTATIONS

4.1 No letters of representation have been received.

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 Policy56(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.

The site is not in a prominent location, nor is it of unspoilt character. It is not therefore considered that the proposed mast would result in an unacceptable visual intrusion within the area in which it would be sited. 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 (PAN62), the Interim Policy of the Council on Telecommunication Developments and consultation replies.

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 landscape to the north of Dalmellington is characterised by open scrubland/wetland with minimal tree cover. As a result, there are few existing features within this area which would provide screening of the proposed mast. The mast would however be located within a brownfield site, in close proximity to Chalmerston opencast site and old industrial buildings associated with earlier mineral workings (these now form part of the railway centre). Whilst the mast would not enhance the natural landscape, access to telecommunications services in rural areas are important for business, educational and social use.

6.4 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:

6.5 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 there are no features within the landscape that would provide screening of the proposed mast, the mast is located on brownfield land, some distance from main public roads and residential dwellings.

- (ii) the possibility of shared operational facilities;

The applicant's agent has advised that there are no existing telecommunication sites in the immediate vicinity. They have however advised that their clients agreement with the landowner does permit future site sharing of the proposed mast, subject to landlords consent.

- (iii) the availability of suitable alternative sites.

The applicant's agent has advised that another site was investigated but was not chosen due to poor signal strength.

6.6 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 110 metres to the south east of the site. The nearest settlement, Burnton, is over 300 metres south east 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, the submission of such plans was not considered to be necessary in this case. 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

6.7 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.

See Paragraph 6.3

6.8 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

6.9 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 mining, past and present and some distance from main public roads and residential properties, there would be no significant visual impact.

Consultation Replies

6.10 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 It is considered that the proposed siting of the mast would not result in an unacceptable visual intrusion within the rural area. It would be sited approximately 900 metres north of the A713, the main approach road to Damellington. It would also be sited some 300 metres from Burnton, the nearest settlement, and would only be visible from a small number of dwellings within Burnton.

9. RECOMMENDATION

9. 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
22 January 2002
VE/VE
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 Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Application no: 01/0765/FL

Location	Scottish Industrial Railway Centre Dalmellington
Nature of Proposal:	Proposed erection of lattice tower, antennae, cabin and compound fence and formation of access track for telecommunications base station
Name and Address of Applicant:	BT Cellnet 260 Bath Road Slough SL1 4DS
Name and Address of Agent	Walker Fraser Steele 125 Buchanan Street GLASGOW G1 2JF

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 public road adjacent to the site shall be kept clean at all times during construction of the development.

REASON: In the interests of road safety.

5. Any damage to the public road as result of the development shall be made good at the applicants expense.

REASON: In the interests of road safety.

6. The access road shall be bituminously surfaced for a minimum distance of 5 metres from the edge of the public road in order to prevent overcarry of loose material onto the public road.

REASON: In the interests of road safety.

7. No surface water shall be allowed to discharge from the site onto the public road.

REASON: In the interests of road safety.

AGENDA