

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003

02/0176/FL: PROPOSED REPLACEMENT OF 12.5 METRES MAST WITH 25 METRES MAST TO SUPPORT EXISTING TELECOMMUNICATIONS APPARATUS AND ADDITIONAL 2 NO. ANTENNAS AND 1 MICROWAVE DISH AND ADDITIONAL EQUIPMENT CABIN AT BASE, BOGHEAD FARM, BY LUGAR, CUMNOCK

APPLICATION BY BT CELLNET LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the replacement of an existing 12.5 metres high telecommunications mast with a 25 metres high, square based mast. The proposed new mast will accommodate the two existing antennas together with a further two antennas and one microwave dish. The existing compound will be extended to accommodate the new mast and a series of 10 small equipment cabinets. The proposed compound will be enclosed by a timber post and rail fence.

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 in section 5 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 in 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 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 generally supportive of the application.

3.3 The proposed new mast will be double the size of the existing mast and will be highly prominent. However, in this instance, the new mast is being promoted to allow site sharing with another operator and this will negate the requirement for a second site within this locality. Given that the site is not

within a Sensitive Landscape Area, does not impinge on any recognised area of nature conservation interest and set in the context of the adjacent mining landscape, it is considered that on balance the application should be approved.

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 there will be no significant breach of Council 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 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 off the south east side of the A70 Cumnock – Muirkirk road at Boghead Farm, and is located to the rear of the existing farm steading adjacent to a small tree shelterbelt. The site comprises an existing telecommunications compound with an existing mast and equipment cabin. Access to the site is gained through Boghead Farm itself. Although located adjacent to agricultural land, the site lies in close proximity to the Gasswater opencast coal site.

2.2 **Proposed Development:** Full planning permission is sought for the replacement of an existing 12.5 metres high telecommunications mast with a 25 metres high, square based mast. The proposed new mast will accommodate the two existing antennas together with a further two antennas and one microwave dish. The existing compound will be extended to accommodate the new mast and a series of 10 small equipment cabinets. The proposed compound will be enclosed by a timber post and rail fence.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Lugar and Logan Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

3.2 The Coal Authority has no adverse comments to make on the proposed development.

Noted.

4. REPRESENTATIONS

4.1 None.

5. ASSESSMENT AGAINST THE 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 Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, there are no specific policies relating to telecommunication developments. The proposal, however, 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 new mast would be double the size of the existing structure. While the existing structure is sensitively sited and is screened by existing farm buildings and tree cover, the proposed 25 metre high mast will be significantly more prominent and visually intrusive. Nonetheless the proposed development is essentially the upgrading of an existing telecommunications facility.

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) (2002), 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) 2002, (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 proposed new mast is located in an area relatively remote from any community. The new mast will be located adjacent to the A70 road, a primary route in East Ayrshire. It is noted that the application site does not impinge on any statutory or non-statutory sites of nature conservation interest, nor is it located in a Sensitive Landscape Area.

- (ii) the possibility of shared operational facilities;

The proposed new mast is being promoted to allow sharing of the site with another operator, thereby negating the need for an additional separate facility in the area.

- (iii) the availability of suitable alternative sites.

The proposal involves the upgrading of an existing facility. The upgrading of the site is required to fill a gap in area coverage in this locality. It is considered that there are no other suitable alternative sites which would provide adequate gap coverage. The upgrading of this site has negated the need to provide a separate telecommunications site in proximity to the existing site.

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 Boghead Farmhouse, the owner of which has an interest in the proposed development. There are no other 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.

Plans outlining the greatest intensity of emissions have not been submitted as part of the application. Due to the location of the mast within the rural area and the fact that it lies some considerable distance from the nearest dwellings (other than the farmhouse), 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 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.

Noted. The existing mast and site compound were erected under previous permitted development rights but nonetheless the development was sensitively sited and reasonably well screened by the existing farm buildings and tree cover in the area. The proposed new mast will be significantly more prominent in the rural landscape in which it is to be located, although the new ground based equipment cabins and extended compound will still be well screened.

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 main line of vision from a road.

There are no scenic viewpoints or major visitor attractions within the vicinity of the proposed development. The proposed new mast would be highly visible from the A70 road. However, the sharing of a single site requires to be considered against the visual impact of two, albeit smaller sites located adjacent to this road.

Consultation Replies

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

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 in section 5 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 in 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 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 generally supportive of the application.

8.3 The proposed new mast will be double the size of the existing mast and will be highly prominent. However, in this instance, the new mast is being promoted to allow site sharing with another operator and this will negate the requirement for a second site within this locality. Given that the site is not within a Sensitive Landscape Area, does not impinge on any recognised area of nature conservation interest and set in the context of the adjacent mining landscape, it is considered that on balance the application should be approved.

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 will not require to be referred to the Development Services Committee because there will be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control
02 February 2003
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted Cumnock and Auchinleck Local Plan (1992).
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan, Finalised Version with Modifications (2002).
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

Location **Boghead Farm
By Lugar**

Nature of Proposal: Proposed replacement of 12.5 metres mast with 25 metres mast to support existing telecommunications apparatus and additional 2 no. antennas and 1 microwave dish and additional equipment cabin at base

Name and Address of Applicant: **BT Cellnet Ltd.
C/o Agent**

Name and Address of Agent **James Barr Consultants
226 West George Street
GLASGOW G2 2LN**

DPO's Ref: Hugh Melvin]
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.

**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.**