

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 SEPTEMBER 2003

**03/0477/FL : PROPOSED INSTALLATION OF 15M LATTICE TOWER WITH
2.6M HEADFRAME TO SUPPORT 2 MICROWAVE DISHES AND
3 ANTENNAE, GROUND BASE EQUIPMENT CABIN AND ALL
SURROUNDED BY A STOCK PROOF FENCE AT DOWNIESTON FARM,
PATNA**

APPLICATION BY AIRWAVE MM02 LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought for the installation of a 15m high lattice tower mast with ground equipment which would be secured by a stock proof fence up to 1200mm. The overall height of the structure including the antenna on top of the mast structure will be 17.6m.

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 at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these matters have been addressed and are not of sufficient weight to merit refusal of the application.

3.2 The proposed mast is to enable better coverage within the area for Airwave which is a digital mobile radio communication service for the police and potentially other emergency services. A supporting statement was submitted with the planning application and it has been demonstrated that there are no other masts in the vicinity which would be appropriate for the purposes of mast sharing.

3.3 It is not considered that the proposed mast will have an unduly prominent impact upon the landscape and it is not in close proximity to any occupied premises on which it may impinge. There have been no technical or third party concerns raised.

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 would not be 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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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 as the proposal relates to telecommunications development.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in the Rural Diversification Area just outside the settlement of Patna. It is situated approximately 180 metres east of the A713 on agricultural land pertaining to the unit known as Downieston Farm. Although located on a west facing slope the mast and equipment would actually be on level ground immediately adjacent to sheepfolds. There is an existing vehicular access track from the A713 that provides access to the site.

2.2 To the east of the site is an electricity pylon and a telegraph pole lies just north of this. There are a few trees located along the access track but the site itself is exposed in the landscape which has been designated as a Sensitive Landscape Area.

2.3 **Proposed Development:** Permission is sought for the installation of a 15m high lattice tower mast with ground equipment which would be secured by a stock proof fence up to 1200mm. The overall height of the structure including the antenna on top of the mast structure will be 17.6m.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objections to the proposed development and have not recommended any conditions.

Noted.

3.2 Scottish Power has no objection to the proposal.

Noted.

3.3 The Coal Authority has advised that the developer should seek technical advice prior to any works commencing on site.

Noted.

3.4 Scottish Environment Protection Agency has no objections in principle to the proposed development, however care should be taken during the construction to prevent pollution of any nearby watercourse.

Noted. A condition to secure this measure can be attached to any planning consent granted.

3.5 Patna Community Council has been consulted but no response had been received at the time of writing the report.

Noted

4. REPRESENTATIONS

4.1 This application has not attracted any third party letters of representation.

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 considered as well as the availability of suitable alternative sites. All redundant installations are to be removed and the sites restored to their former condition.

Albeit that the telecommunications mast is to be sited in a Sensitive Landscape Area it is situated in such a way that it will not be particularly prominent from the public road. It will be visible but its position on a plateau angled away from the road help to reduce its impact on the landscape. It is considered that the proposed mast complies with this policy.

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.

There are no residential or other such occupied premises in the immediate vicinity of the proposed mast. The nearest dwelling is approximately 190 metres away from the site and hence this policy is complied with.

5.4 Policy ENV13 advises that within the rural area and especially in the Sensitive Landscape Character area development is in keeping with the area and has minimal visual impact.

Albeit that the mast may be visible from the public road on the approach into Patna from the west it is not considered that it will be unduly prominent and therefore it will not be unacceptable in terms of its visual impact upon the landscape. It therefore does not contravene this policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation replies 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.

It is considered that the visual impact of the proposed development will not be significant subject to conditions to ensure appropriate colouring of the ground-based cabinet, antennae, and mast extension.

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 accepted that the installation of Airwave equipment in the general locality is required in the interests of social benefit. Whilst the application site is located next to the main line of vision from the A713 public road, it is not considered to be unduly prominent.

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. A mast that breaks the skyline or is sited on a prominent ridge is generally not desirable as it creates a visual focus which draws the eye away from the natural landscape.

Albeit that the telecommunications mast is to be sited in a Sensitive Landscape Area it is situated in such a way that it will not be

particularly prominent from the public road. It will be visible but its position on a plateau angled away from the road helps to reduce its impact on the landscape. It is considered that the proposed mast complies with this policy. A supporting statement was submitted with the planning application and it has been demonstrated that there are no other masts in the vicinity which would be appropriate for the purposes of mast sharing.

Planning History

6.7 This application has been made following the withdrawal of one made earlier this year (Ref: 03/0267/FL). This application was withdrawn as the operator did not wish to proceed at that time.

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 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 at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these matters have been addressed and are not of sufficient weight to merit refusal of the application.

8.2 The proposed mast is to enable better coverage within the area for Airwave which is a digital mobile radio communication service for the police and potentially other emergency services. A supporting statement was submitted with the planning application and it has been demonstrated that there are no other masts in the vicinity which would be appropriate for the purposes of mast sharing.

8.3 It is not considered that the proposed mast will have an unduly prominent impact upon the landscape and it is not in close proximity to any occupied premises on which it may impinge. There have been no technical or third party concerns raised.

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 would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

28 August 2003
NM/NM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Adopted Ayrshire joint Structure Plan
7. National Planning Policy Guideline 19: Radio Telecommunications.
8. Planning Advice Note 62: Radio Telecommunications.

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: 03/0477/FL

Location	Downieston Farm PATNA KA6 7ET
Nature of Proposal:	Proposed installation of 15m lattice tower with 2.6m head frame to support microwave dishes and 3 antennae, ground base equipment cabin and all surrounded by a stock proof fence
Name and Address of Applicant:	Airwave MM02 Ltd Craig House Mason Street MOTHERWELL ML1 1YE
Name and Address of Agent	Patrick Farfan Asscoiates Unit 7 Adelphi Centre 12 Commerical Road GLASGOW G5 0PQ

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

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

1. Prior to the commencement of development the developer shall submit to, and have approved by the Planning Authority a written specification for the colour to be used to paint the tower, dishes, antenna and equipment cabin.

REASON – In the interests of visual amenity.

2. Within two months of the equipment hereby approved becoming disused, the mast and all ancillary equipment shall be completely removed from the site and the land reinstated to its former condition to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

3. The construction of this installation shall be undertaken in such a manner as to ensure that there is no pollution of any nearby watercourse.

REASON – In the interests of maintaining the quality of neighbouring watercourses.

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