

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 12 SEPTEMBER 2003**

**03/0502/FL: PROPOSED REPLACEMENT OF EXISTING TOWER WITH 17.9 METRE TOWER SUPPORTING EXISTING ANTENNAE, INSTALLATION OF 3 BOOM MOUNTED ANTENNAE, 2 TRANSMISSION DISHES TOGETHER WITH COMPOUND EXTENSION, EQUIPMENT CABIN AND ANCILLARY EQUIPMENT AT MOSSDALE FARM, DALMELLINGTON**

**APPLICATION BY O2 (UK) LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a 17.9 metre high lattice telecommunications mast to support a top-mounted head frame accommodating 3 number co-linear antennae. The maximum height of the structure proposed would be 23 metres above ground level. It is also proposed to install 2 number transmission dishes, each 600mm wide, 15.9 metres above ground level, 2 number transmission dishes each 2400mm wide 17.9 metres above ground level, and 1 number GPS antenna at 3.4 metres above ground level. It is also proposed to extend the existing compound and install a new equipment cabinet and a small meter cabinet in painted metal. The colour of the proposed mast and ancillary equipment cabinets has not been specified. The proposed compound extension would be bound by 1.2 metre high stock-proof fencing to match the existing compound boundary treatment.

1.2 The applicant has indicated that the existing 12.5 metre high telecommunications mast will be removed as part of the proposed development.

1.3 The proposed development is required as part of the Airwave Service across the Police Force areas in Scotland. The Airwave Service is the new digital radio communications network designed to meet the needs of the Police and other public safety organisations in the 21<sup>st</sup> century.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.**

### **3. CONCLUSIONS**

3.1 As indicated in section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to justify the approval of the application.

3.2 The proposed mast site is located within a designated Sensitive Landscape Character Area and is in close proximity to the A713 public road. At its highest point, the new tower would be nearly double the height of the existing mast. The scale of the proposed new tower is sufficient to eclipse the established impact of the existing tower and equipment on site. Additionally, the site is located within an area of open landscape character containing a limited number of other tall and prominent structures. It is considered that the prominence of the site and the height of the proposed mast would give rise to visual impact sufficient to materially detract from the visual amenity of an identified Sensitive Landscape Character Area.

3.3 Whilst it is accepted that the Airwave network is of social benefit to the area and equipment of some description in the locality is necessary, it is not accepted that the applicant has thoroughly investigated the viability of installing equipment in a less prominent location. It is suggested that the applicant considers less prominent sites more fully which would also serve operational requirements as an alternative to the proposed site.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved 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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**03/0502/FL: PROPOSED REPLACEMENT OF EXISTING TOWER WITH 17.9 METRE TOWER SUPPORTING EXISTING ANTENNAE, INSTALLATION OF 3 BOOM MOUNTED ANTENNAE, 2 TRANSMISSION DISHES TOGETHER WITH COMPOUND EXTENSION, EQUIPMENT CABIN AND ANCILLARY EQUIPMENT AT MOSSDALE FARM, DALMELLINGTON**

**APPLICATION BY O2 (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, and the fact that the application is recommended for refusal.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located approximately 2 kilometres south-east of Dalmellington, in close proximity to the A713 public road. An existing 12.5 metre high galvanised metal monopole mast is located at the site which forms a natural rise to the north of Mosssdale Farm. This mast was erected without the need for planning permission prior to changes to planning legislation coming into effect in August 2001. The site is used as open agricultural grazing land and is currently served by an access track through a field which links into Mosssdale Farm.

2.2 Current development on the site comprises an existing 12.5 metre high telecommunications mast, associated equipment, and a single ground-mounted equipment cabinet enclosed by a 1.2 metre high stock-proof fence in timber.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a 17.9 metre high lattice telecommunications mast to support a top-mounted head frame accommodating 3 number co-linear antennae. The maximum height of the structure proposed would be 23 metres above ground level. It is also proposed to install 2 number transmission dishes, each 600mm wide, 15.9 metres above ground level, 2 number transmission dishes each 2400mm wide 17.9 metres above ground level, and 1 number GPS antenna at

3.4 metres above ground level. It is also proposed to extend the existing compound and install a new equipment cabinet and a small meter cabinet in painted metal. The colour of the proposed mast and ancillary equipment cabinets has not been specified. The proposed compound extension would be bound by 1.2 metre high stock-proof fencing to match the existing compound boundary treatment.

2.4 The applicant has indicated that the existing 12.5 metre high telecommunications mast will be removed as part of the proposed development.

2.5 The proposed development is required as part of the Airwave Service across the Police Force areas in Scotland. The Airwave Service is the new digital radio communications network designed to meet the needs of the Police and other public safety organisations in the 21<sup>st</sup> century.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Dalmellington 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 No letters of representation have been received with regard to the proposed development.

### **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 and the Adopted East Ayrshire Local Plan (2003).

## East Ayrshire Local Plan

5.2 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 mast site is located within a designated Sensitive Landscape Character Area and is in close proximity to the A713 public road. At its highest point, the new tower would be nearly double the height of the existing mast. The scale of the proposed new tower would result in significant detrimental impact on the rural landscape well beyond the established impact of the existing tower and equipment on site. Additionally, the site is located within an area of open landscape character containing a limited number of other tall and prominent structures. It is considered that the prominence of the site and the height of the proposed mast would give rise to visual impact sufficient to materially detract from the visual amenity of an identified Sensitive Landscape Character Area.***

- (ii) the possibility of shared operational facilities; and

***The proposed development utilises the site of an existing telecommunications mast and would result in the new mast being shared by operators (O2 and Airwave). However, the proposed development would, if implemented, result in a structure substantially taller than the existing 12.5 metre high monopole mast on the site. It should be also be borne in mind that when the existing mast was erected, planning permission was not required. The fact that there is an existing tower on site is not considered to be of sufficient weight to justify a sympathetic view of the proposal given the substantial difference between the relative heights of the existing mast and the proposed mast and head frame.***

- (iii) the availability of suitable alternative sites.

***The applicant has submitted supplementary information which indicates that five other potential application sites were considered and rejected. The selected site was chosen on the basis that the site would give the best operational coverage out of the six considered. Whilst it is accepted that the Airwave network is of social benefit to the area and equipment of some description in the locality is necessary, it is not accepted that the applicant has thoroughly***

***investigated the viability of installing equipment in a less prominent location.***

5.3 Policy CS3 states that, in formulating their development proposals, telecommunications operators will be requested:

(i) to locate installations wherever possible, at least 100 metres from continuously occupied premises in educational, health service or residential use;

***There are no continuously occupied or 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.

***The applicant has not indicated the direction of the greatest intensity of emissions from the proposed development. Nevertheless, the applicant has submitted a declaration of conformity with the exposure guidelines of the International Commission on Non-Ionising Radiation Protection. NPPG 19, paragraph 53, states that the Scottish Executive considers that is not necessary for planning authorities to treat RF emissions as a material consideration in the determination of applications for planning permission.***

5.4 Policy ENV 11 states that within the Sensitive Landscape Areas identified on the Local Plan maps, 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.

***As indicated above, it is considered that the proposed development will give rise to unacceptable visual intrusion within a Sensitive Landscape Character Area. Whilst it is accepted that the Airwave network is of social benefit to the area and equipment of some description in the locality is necessary, it is not accepted that the applicant has thoroughly investigated the viability of installing equipment in a less prominent location.***

## **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.

***The removal of the existing telecommunications mast and the erection of a larger new mast would serve to substantially increase the visual impact of the mast site. The site is elevated above the level of the valley floor, located on a rise in the landscape, and is prominent within the wider landscape. It is considered that the visual impact of the proposed development would not be acceptable at this site within the designated Sensitive Landscape Character Area. It is suggested that the applicant considers less prominent sites more fully which would also serve operational requirements as an alternative to the proposed site.***

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. Nevertheless, the application site is prominently located next to the main line of vision from the A713 public road. The location of the site atop a natural rise within an area of open landscape further serves to heighten visual impact within this designated Sensitive Landscape Character Area.***

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.

***The removal of the existing telecommunications mast and the erection of a larger new mast would serve to substantially increase the visual impact of the mast site. The site is elevated above the level of the valley floor, located on a rise in the landscape, and is prominent within the wider landscape. It is considered that the visual impact of the proposed development would not be acceptable within designated the Sensitive Landscape Character Area, particularly where other more visually acceptable sites area available in the locality.***

### Planning History

6.7 The original mast, and antennae was erected without the need for planning permission prior to changes in planning legislation which came into effect in August 2001.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial of 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 not 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 refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to justify the approval of the application.

8.2 The proposed mast site is located within a designated Sensitive Landscape Character Area and is in close proximity to the A713 public road. At its highest point, the new tower would be nearly double the height of the existing mast. The scale of the proposed new tower is sufficient to eclipse the established impact of the existing tower and equipment on site. Additionally, the site is located within an area of open landscape character containing a limited number of other tall and prominent structures. It is considered that the prominence of the site and the height of the proposed mast would give rise to visual impact sufficient to materially detract from the visual amenity of an identified Sensitive Landscape Character Area.

8.3 Whilst it is accepted that the Airwave network is of social benefit to the area and equipment of some description in the locality is necessary, it is not accepted that the applicant has thoroughly investigated the viability of installing equipment in a less prominent location. It is suggested that the applicant considers less prominent sites more fully which would also serve operational requirements as an alternative to the proposed site.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved 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**

26 August 2003  
RD/RD  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Supporting Statements submitted on behalf of applicant.
3. Statutory Notices and Certificates.
4. 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.

Anyone wishing to inspect the above background papers should contact Mr Robert Duncan on 01563 576769.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0502/FL

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Location	Mossdale Farm, Dalmellington, KA6 7QD
Nature of Proposal:	Proposed replacement of existing tower with 17.9 metre 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 and Steele, 125 Buchanan Street, Glasgow, G1 2JF

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DPO's Ref: Robert Duncan  
PPO's Ref: Hugh Melvin

The above FULL application should be refused for the following reason:

1. The development proposed, by reason of its siting, height, and design, would constitute an unduly prominent and visually conspicuous feature within a designated Sensitive Landscape Character Area to the detriment of visual amenity. The proposed development is therefore contrary to the provisions of the East Ayrshire Local Plan Policy CS2, National Planning Policy Guideline 19: Telecommunications Development, and Planning Advice Note 62: Radio Telecommunications.

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