

FALKIRK COUNCIL

Subject: INSTALLATION OF 3 NO. 3G ANTENNAS, EQUIPMENT CABINET, EXTENDED COMPOUND AND ANCILLARY DEVELOPMENT AT TELEPHONE EXCHANGE, BORROWSTOUN CRESCENT, BO'NESS EH51 0PN FOR ARQIVA SERVICES LTD – P/08/0995/FUL

Meeting: PLANNING COMMITTEE

Date: 4 November 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Kevin Brown (Planning Officer), ext 4701

UPDATE REPORT FOLLOWING ADVICE FROM THE HEALTH PROTECTION AGENCY

1. This application has been considered at meetings of the Planning Committee on a number of occasions since 25 February 2009 including a visit to the application site on 19 March 2009. Copies of the previous reports are appended (annex 2). Members lastly agreed to continue consideration of the proposal to allow the concerns in relation to cumulative emissions details to be put to the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the Scottish Government.
2. Letters were sent out to ICNIRP and the Scottish Government on 19 May 2009 and a response was received from the Scottish Government on 12 June 2009. A response was received from ICNIRP on 31 July. A copy of these letters is attached for consideration (annex 1). Within the ICNIRP response it is pointed out that, although actual exposure is dependent on a variety of factors, a number of base stations next to each other is not expected to significantly increase the total exposure. This response also recommended that contact be made with our national health protection authority (HPA) for further details and advice. A letter was sent to the Health Protection Agency on 6 August 2009 and a response was received on 12 October 2009. A copy of this is also attached for consideration (annex 1).
3. Members will see from this latest response that previous advice from Scottish Government and ICNIRP is further supported by the Health Protection Agency. The advice is clear that the combined effect of multiple signals is still expected to be well within the required guidelines at locations accessible to the general public. The Scottish Government response notes that, whilst the Scottish Government recognize the need for further research, evaluation of the most recent research findings is continuing and at present they see no reason to alter their current guidance and policies on this issue. With this information in mind, it is not considered relevant to alter the recommendation.

4. RECOMMENDATION

4.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- 1. The development to which this permission relates must be begun within three years of the date of this permission.**
- 2. In the event that any of the equipment hereby approved, or installed subsequently, becomes obsolete or redundant it shall be removed not later than 6 months from the point that it becomes obsolete or redundant**

Reasons:

- 1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- 2. To minimise the impact on visual amenity.**

Informative(s):

- (1) Should any made ground or suspect material be encountered during any site works, the Planning Applicant shall inform the Planning Authority immediately, as there will be a requirement for the Planning Applicant to undertake an appropriate environmental risk assessment in relation to contaminated land issues. The environmental risk assessment should be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:**
 - 1. The nature, extent and type (s) of contamination within the site.**
 - 2. Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.**
 - 3. Measures to deal with contamination during construction works.**
 - 4. Condition of the site on completion of decontamination measures.**
 - 5. Details of monitoring programme following site redemption.**

Pp

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For Director of Development Services

Date: 27 October 2009

ANNEX 1 – CORRESPONDENCE

Directorate for the Built Environment
Planning Modernisation and Co-ordination Division

T: 0131-244 7752 F: 0131-244 7083
E: Chris.Sinclair2@scotland.gsi.gov.uk

Ian Dryden
Development Manager
Falkirk Council
Development Services
Abbotsford House
David's Loan
Falkirk
FK2 7YZ



Your ref: COR/2009/0324/LG/KB/ES
Our ref: 2009/0013541OR
10 June 2009

Dear Mr Dryden

Thank you for your letter of 19 May 2009 regarding telecommunications development, health impacts and material considerations.

The Scottish Government's current planning policy on radio telecommunications and emissions remains as set out in National Planning Policy Guideline (NPPG) 19: Radio Telecommunications, which concludes that it is not necessary for planning authorities to treat radio frequency emissions as material planning considerations.

In September 2007, the Mobile Telecommunications and Health Research programme (MTHR), which was set up in 2001 in the wake of the Stewart Report, published its first report which includes the results of the 23 studies that had been completed. The report summarizes the findings of these studies by stating that 'None of the research supported by the Programme and published so far demonstrates that biological or health effects are produced by exposures from mobile phones.'

The Scottish Government's Health Directorate's current position on the health risks from radiofrequency radiation emitted by mobile phone base stations is, therefore, that they find no compelling evidence to challenge the continuing validity of the conclusion of the Independent Expert Group on Mobile Phones that there is no general risk to the health of people living nearby.

The Scottish Government does recognise though, that mobile phone research is ongoing; and as the findings of this research continue to emerge, the Radiation Protection Division of the Health Protection Agency will continue to provide authoritative and ongoing evaluation and advice. Any change in the Scottish Government's position would be informed by that advice.

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk

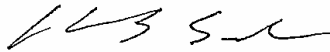


With regard to the levels of emissions, I include a link to the Ofcom web page on the audit of mast sites, which appears to indicate emissions are hundreds or thousands of times lower than the guideline levels produced by the International Commission on Non-Ionising Radiation Protection. <http://www.ofcom.org.uk/sitefinder/audits/>

As you know, we are taking a new approach to planning policy, combining Scottish Planning Policy Documents and remaining National Planning Policy Guidelines into a single concise document. NPPG 19 is part of this process. The consultative draft consolidated SPP (<http://www.scotland.gov.uk/Publications/2009/04/01132105/0>) was published on 1 April 2009 for a 12 week consultation, which will end on 24 June 2009.

I hope this is helpful

Yours sincerely



CHRIS SINCLAIR
Policy Officer

Planning and Transportation

Enquiries to : Ian Dryden

Direct Dial : 01324 504756

Fax : 01324 504747

e-mail : ian.dryden@falkirk.gov.uk

Our Ref : COR/2009/0334/ID/ES

Please quote in all correspondence

19 May 2009

G Ziegelberger

ICNIRP

C/o BFS

Ingolstaedter Landstri. 1

85764 Oberschliessheim

Germany

Dear Sirs

Town and Country Planning (Scotland) Acts

Telecommunications Development and Cumulative Effects

Application No. COR/2009/0334

I am writing to you at the request of Falkirk Council Planning Committee following consideration by them of a number of planning applications for new telecommunications base stations in the Falkirk Council area.

Scottish Government guidance and legislation in the form of National Planning Policy and Guidance 19 : Telecommunications Development advises that health impacts should not be assessed through the planning process in cases where the developer provides the relevant declaration of conformity with ICNIRP public exposure guidelines. In each of the cases currently being considered by Falkirk Council, this declaration has been provided and, as such, the applicants have not provided any further information in relation to emissions from each of the proposed base stations. This lack of information provided to Local authorities in regard to emissions from individual base stations has caused the Planning Committee concern in that they feel unable to fully assess potential health impacts at a local level.

Of particular concern to the Committee has been the potential for cumulative impacts caused by the siting of a number of base stations in a relatively small area. The Committee is seeking clarification as to whether the ICNIRP public exposure guidelines take account of this cumulative effect and would appreciate if you could offer any further advice or guidance on this matter.

I trust the above comments are of assistance but if you require any further information to assist you in your response, please contact the planning case officer, Kevin Brown on 01324 504701

Yours faithfully

Ian Dryden
Development Manager

Planning and Transportation

Enquiries to : Ian Dryden

Direct Dial : 01324 504756

Fax : 01324 504747

e-mail : ian.dryden@falkirk.gov.uk

Our Ref : COR/2009/0334/KB/Al

Please quote in all correspondence

19 June 2009

G Ziegelberger

ICNIRP

C/o BFS

Ingolstaedter Landstri. 1

85764 Oberschliessheim

Germany

Dear Sirs

Town and Country Planning (Scotland) Acts

Development Telecommunications Development and Cumulative Effects

Application No. COR/2009/0334

In refer to my letter dated 19 May 2009, regarding the above and note, I have not yet received a response.

I appreciate that this may be an unusual request, but I would be grateful for any guidance that you could offer on what has become an important issue for Falkirk Council as Planning Authority.

I have enclosed a copy of my previous letter for ease of reference and I would be grateful for an early reply.

Yours faithfully

Ian Dryden

Development Manager

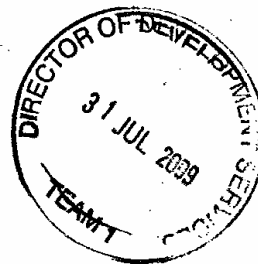
Enclosure

INTERNATIONAL COMMISSION ON NON-IONIZING RADIATION PROTECTION

Scientific Secretary, ICNIRP, Dr. G. Ziegelberger
Tel: +49 89 31603 2142 – Fax +49 89 31603 2155 – E-Mail: g.ziegelberger@icnirp.org

ICNIRP c/o BfS, O. Ziegelberger, Ingolstädter Landstr. 1, 85764 Oberschleissheim, Germany

Falkirk Council
Ian Dryden
Abbotsford House
David's Loan
Falkirk FK2 7YZ
United Kingdom



Oberschleissheim, 22 July 2009

COR/2009/0334 504747

Dear Ian Dryden,

Please note, that the ICNIRP guidelines from 98 also include guidance on simultaneous exposure to different sources. Exposures at similar frequency ranges are additive in their effects and formulae are provided, which ensure that the basic restrictions are met (see equation 9 and 10 for the frequency range of telecommunication base stations).

ICNIRP does not monitor compliance with its guidelines in the different countries. To my personal knowledge your country has adopted the ICNIRP guidelines and should, therefore, also provide some guidance on simultaneous exposure to several base stations in a relatively small area. Please contact your national radiation protection authority (HPA) for further details and advice.

It might be of help to add some experiences from Germany and neighbouring countries: several surveys have shown that the individual exposure due to a base station in the neighbourhood is usually well below 1% of the levels of international exposure guidelines (as a consequence of the relatively low emitting power levels). Although the actual exposure is depending on a variety of factors, setting up several base stations at a given place is not expected to significantly increase the total exposure.

Best regards,

Gunde Ziegelberger
ICNIRP Scientific Secretary

From: Dr. G. Ziegelberger – Scientific Secretary of ICNIRP
c/o BfS, Ingolstädter Landstr. 1, 85764 Oberschleissheim, Germany
Tel: +49 89 31603 2142 • Fax: +49 89 31603 2155 • Email: g.ziegelberger@icnirp.org

Planning and Transportation

Enquiries to : Kevin Brown
Direct Dial : 01324 504701
Fax : 01324 504747
e-mail : kevin.brown@falkirk.gov.uk

Our Ref : COR/2009/0334/KB/ES
Please quote in all correspondence

6 August 2009

Health Protection Agency
Centre for Radiation, Chemical and Environmental Hazards
Radiation Protection Division
Radiation and Environmental Monitoring Scotland
155 Hardgate Road
Glasgow
G51 4LS

Dear Sir/Madam

Town and Country Planning (Scotland) Acts

<u>Development</u>	Telecommunications Development and Cumulative Effects
Application No.	COR/2009/0334

I am writing to you following consideration by Falkirk Council Planning Committee of a number of planning applications for new telecommunications base stations in the Falkirk Council area.

Scottish Government guidance and legislation in the form of National Planning Policy and Guidance 19 : Telecommunications Development advises that health impacts should not be assessed through the planning process in cases where the developer provides the relevant declaration of conformity with ICNIRP public exposure guidelines. In each of the cases currently being considered by Falkirk Council, this declaration has been provided and, as such, the applicants have not provided any further information in relation to emissions from each of the proposed base stations. This lack of information provided to Local Authorities in regard to emissions from individual base stations has caused the Planning Committee concern in that they feel unable to fully assess potential health impacts at a local level.

Of particular concern to the Committee has been the potential for cumulative impacts caused by the siting of a number of base stations in relatively small area. The Committee has sought clarification from ICNIRP as to whether they take account of cumulative effects and they have confirmed that they do not monitor compliance with their guidelines. ICNIRP has advised that we contact yourselves for further guidance on simultaneous exposure to several base stations in a relatively small area. I would therefore appreciate if you could advise me of the role carried out by the Health Protection agency in regard to monitoring radiation from telecommunications development. Any advice that you can offer on this issue would be greatly appreciated.

Yours faithfully

Ian Dryden
Development Manager

Planning and Transportation

Enquiries to : Ian Dryden
Direct Dial : 01324 504756
Fax : 01324 504747
e-mail : ian.dryden@falkirk.gov.uk

Our Ref : COR/2009/0334/ID/AI
Please quote in all correspondence

1 October 2009

Health Protection Agency
Centre for Radiation, Chemical and Environmental Hazards
Radiation Protection Division
Radiation and Environmental Monitoring Scotland
155 Hardgate Road
Glasgow
G51 4LS

Dear Sirs

Town and Country Planning (Scotland) Acts

Development Telecommunications Development and Cumulative Effects
Application No. COR/2009/0334

I refer to my letter dated 06 August 2009, regarding the above and note, I have not yet received a response.

I appreciate that this may be an unusual request, but I would be grateful for any guidance that you could offer on what has become an important issue for Falkirk Council as Planning Authority.

I have enclosed a copy of my previous letter for ease of reference and would be grateful for an early reply.

Yours faithfully

Ian Dryden
Development Manager

Enclosure

brown, kevin

From: Marion Milton [Marion.Milton@hpa.org.uk]
Sent: 12 October 2009 13:50
To: Dryden, Ian
Cc: brown, kevin; Ron Wheelton; Simon Mann; Gail Burton
Subject: COR/2009/0334/ID/AI
Follow Up Flag: Follow up
Flag Status: Red

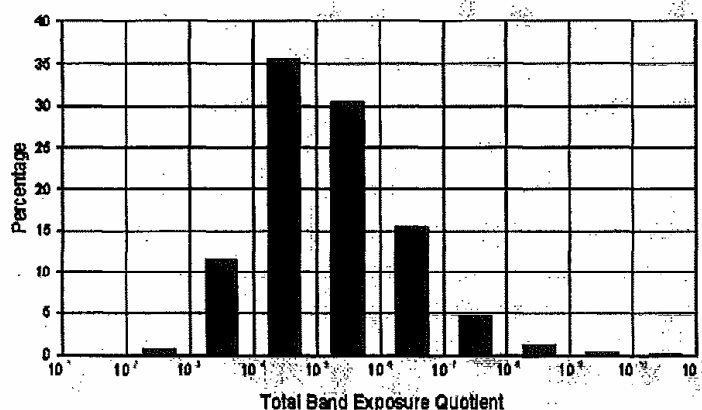
Dear Mr Dryden,

I have been asked to reply to you on behalf of Ron Wheelton, Head of Department at Radiation and Environmental Monitoring Scotland.

The Health Protection Agency protects UK public health through support and advice to the NHS, local authorities, emergency services, other arms length bodies, the Department of Health and the Devolved Administrations (Wales, Scotland and Northern Ireland). Having consulted staff in the Physical Dosimetry Department, based at our main office at Chilton, we can provide you with the following information concerning telecommunications developments and cumulative effects.

Regarding exposure to the radiofrequency electromagnetic fields (radio waves) from telecommunications installations, our advice is that the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) should be adopted and this advice can be found at: http://www.hpa.org.uk/web/HPAweb&HPAwebStandard/HPAweb_C/1195733817602

Multiple radio signals contribute additively to exposures, e.g. If two signals individually contribute an exposure equal to 1% of the limit, their combined effect is to produce an exposure equal to 2% of the limit. Ofcom has been performing an Audit involving measurements of exposure to base station signals since the time of the Stewart Report. Several thousand exposure measurements have been made at hundreds of radio sites. These measurements have taken into account signals from all mobile phone base stations in the way described above and are summarised in the graph below.



The graph includes Ofcom's measurements carried out up to August 2007: 3092 measurements at 499 sites. It shows the great variability in exposure levels which typically vary from around a thousand times below guidelines (10^{-3}) to around a hundred million times below guidelines (10^{-8}). However, even the highest exposure found was only 1/279 of the guidelines. Information about the Ofcom Audit is available at: <http://www.ofcom.org.uk/sitefinder>

15/10/2009

Given the Ofcom measurements, the combined effect of multiple signals does not seem to alter the situation that exposures from base stations are expected to be well within guidelines at locations accessible to the general public.

I hope that this has answered your queries.

Yours

Marion Milton
Health Protection Agency
Radiation and Environmental Monitoring Scotland
155 Hardgate Road
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web: www.hpa.org.uk/radiation

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15/10/2009

ANNEX 2 – PREVIOUS REPORTS

ANNEX 2

FALKIRK COUNCIL

Subject: INSTALLATION OF 3 NO. 3G ANTENNAS, EQUIPMENT CABINET, EXTENDED COMPOUND AND ANCILLARY DEVELOPMENT AT TELEPHONE EXCHANGE, BORROWSTOUN CRESCENT, BO'NESS EH51 0PN FOR ARQIVA SERVICES LTD – P/08/0995/FUL

Meeting: PLANNING COMMITTEE

Date: 22 April 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Harry Constable
Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Kevin Brown (Planning Officer), ext 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 25 February 2009, on site on 19 March 2009 and again at the meeting of the Planning Committee on 25 March 2009 (copy of previous reports appended). Members agreed to continue consideration of the proposal to obtain further information from the applicant in relation to cumulative emissions details.
2. The applicant has been made aware of the request for further information. However, the applicant has advised that they cannot provide this information as they do not have access to other operators' details.
3. Members are advised that national planning policy and guidance in the form of NPPG 19: Radio Telecommunications states that "Planning authorities should not however question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds." It should also be noted that NPPG 19 states "The planning system should not be used to secure objectives that are more properly achieved under other legislation. It is the responsibility of the Scottish Executive and the UK Government to decide what measures are required to protect public health." The guidance emphasises that, provided a proposal demonstrates compliance with the ICNIRP guidelines for public exposure to radiofrequency radiation, it is unlikely a refusal on the grounds of emissions and health can be justified. The proposed installation has the relevant ICNIRP certificate.

4. RECOMMENDATION

4.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) In the event that any of the equipment hereby approved, or installed subsequently, becomes obsolete or redundant it shall be removed not later than 6months from the point that it becomes obsolete or redundant

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To minimise the impact on visual amenity.

Informative(s):

- (1) Should any made ground or suspect material be encountered during any site works, the Planning Applicant shall inform the Planning Authority immediately, as there will be a requirement for the Planning Applicant to undertake an appropriate environmental risk assessment in relation to contaminated land issues. The environmental risk assessment should be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 1. The nature, extent and type (s) of contamination within the site.
 2. Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.
 3. Measures to deal with contamination during construction works.
 4. Condition of the site on completion of decontamination measures.
 5. Details of monitoring programme following site redemption.



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For Director of Development Services

Date: 15 April 2009

FALKIRK COUNCIL

Subject: INSTALLATION OF 3 NO. 3G ANTENNAS, EQUIPMENT CABINET, EXTENDED COMPOUND AND ANCILLARY DEVELOPMENT AT TELEPHONE EXCHANGE, BORROWSTOUN CRESCENT, BO'NESS EH51 0PN FOR ARQIVA SERVICES LTD – P/08/0995/FUL

Meeting: PLANNING COMMITTEE

Date: 25 March 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Harry Constable
Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Kevin Brown (Planning Officer), ext 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 February 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This visit took place on 19 March 2009.
2. At this meeting, the applicants were heard in support of the proposal and they emphasised that they were unable to provide the requested emissions details for a number of reasons including resource issues within Arqiva Services Ltd. They did however point out that emission issues are not material planning considerations and are not relevant to the Council's decision in the eyes of national government or the Mobile Operators Association (MOA). The applicants advised that Members of the Committee may wish to visit the MOA website which contains a variety of information in regard to the mobile telecommunications network in the UK. The website is www.mobilemastinfo.com.
3. Members expressed concern relating to the requested information not being made available and Councillor John Constable advised of specific concerns in relation to the number of masts in an area which contains two primary schools. Concern about the cumulative impacts of these masts with regard to emissions was raised by Members.

4. The applicants responded to these concerns by advising Members that the 3G technology requires a network of mast installations spaced at approximately 500-1000 metres from each other and hence the requirement for so many masts in this built up area. The applicants also advised that they could provide Committee with coverage plot details for this site. At the time of writing this report these had not been received. Copies of these details will be distributed at the meeting of the Planning Committee on 25 March 2009 if they are received in time.
5. Notwithstanding the provision of these coverage plot details, Members are advised that national planning policy and guidance in the form of NPPG 19: Radio Telecommunications states that "Planning authorities should not however question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds." It should also be noted that NPPG 19 states "The planning system should not be used to secure objectives that are more properly achieved under other legislation. It is the responsibility of the Scottish Executive and the UK Government to decide what measures are required to protect public health." The guidance emphasises that, provided a proposal demonstrates compliance with the ICNIRP guidelines for public exposure to radiofrequency radiation, it is unlikely a refusal on the grounds of emissions and health can be justified. The proposed installation has the relevant ICNIRP certificate.

6. RECOMMENDATION

6.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) In the event that any of the equipment hereby approved, or installed subsequently, becomes obsolete or redundant it shall be removed not later than 6months from the point that it becomes obsolete or redundant

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To minimise the impact on visual amenity.

Informative(s):

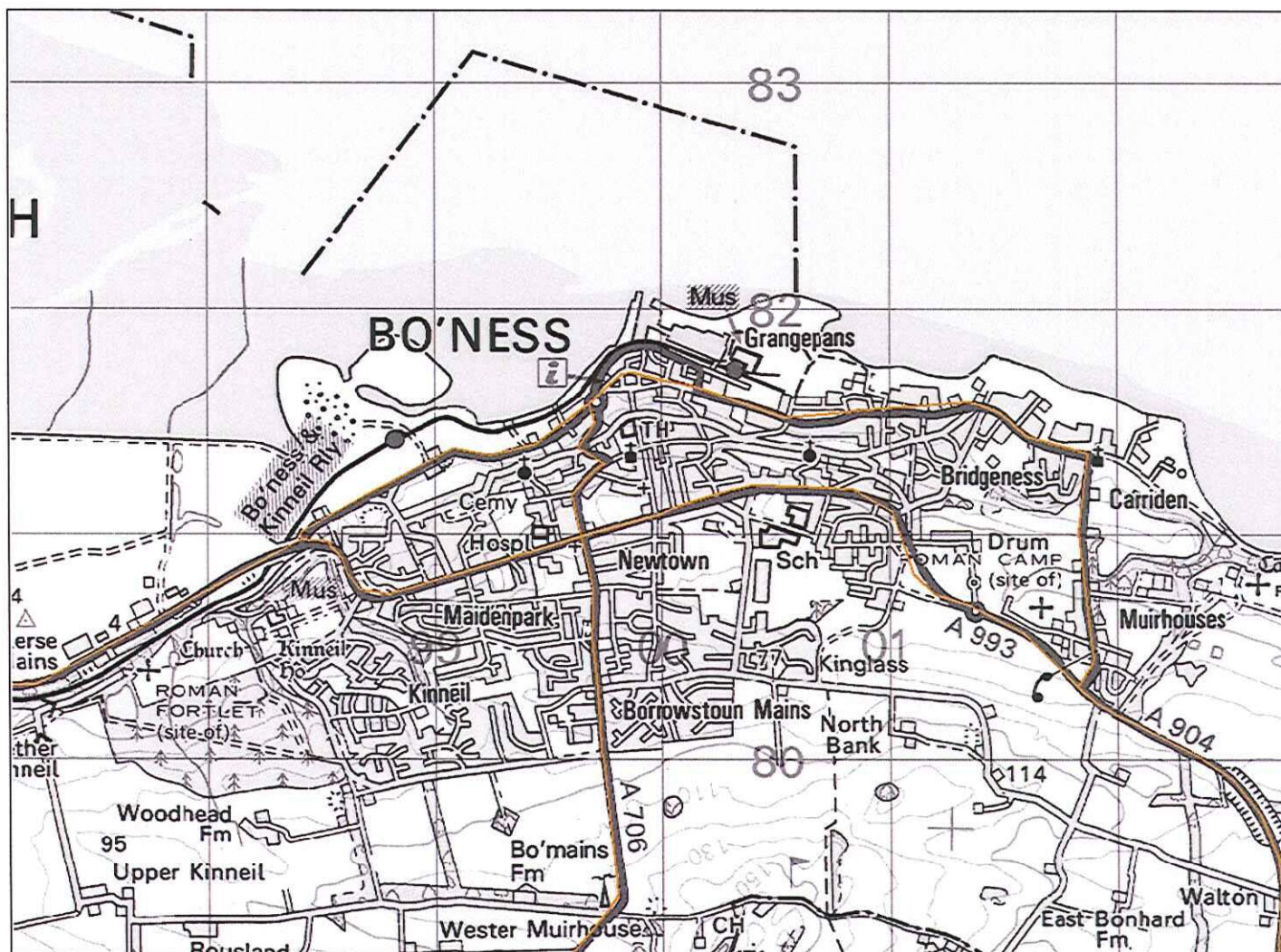
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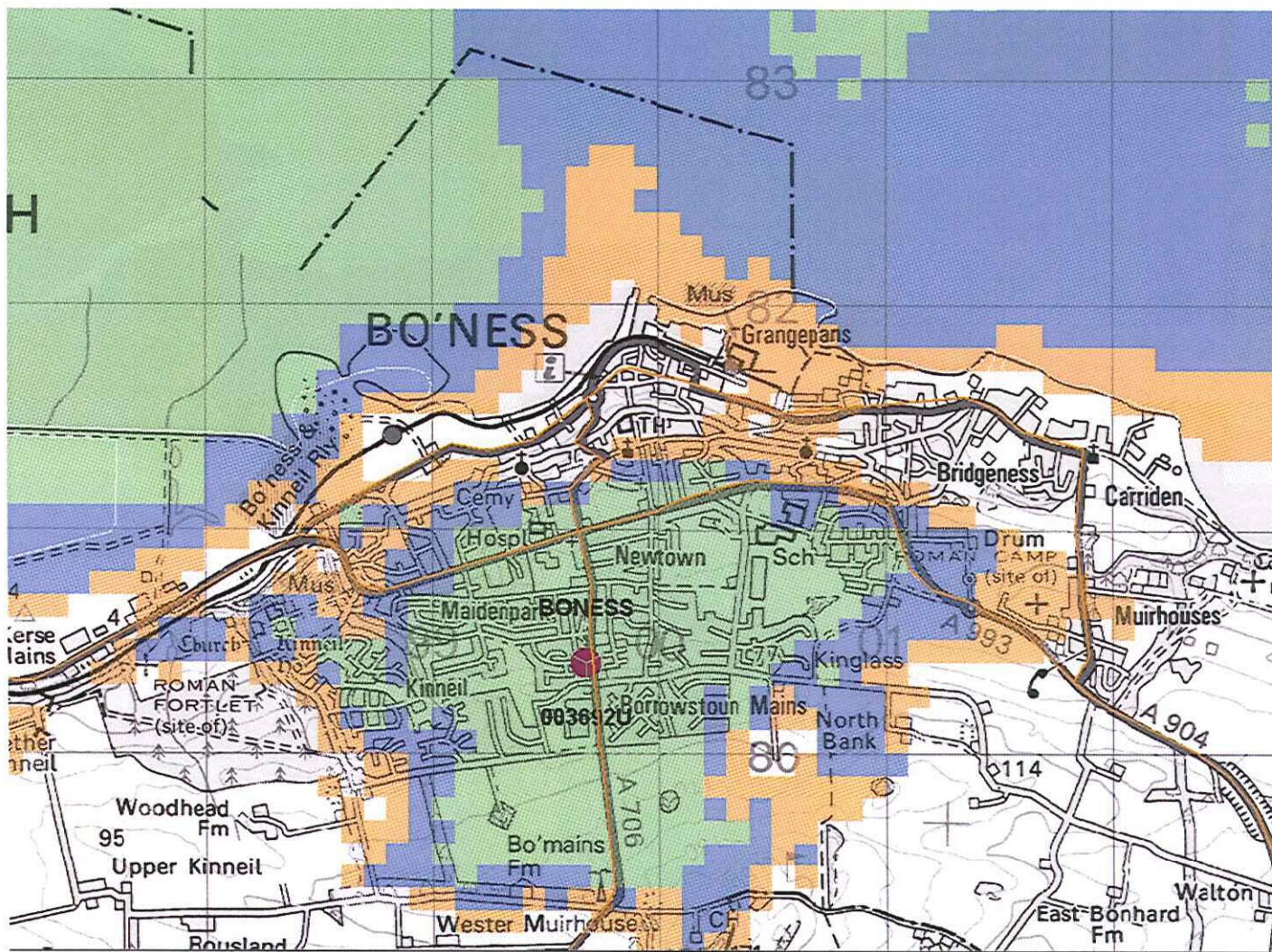
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3. Measures to deal with contamination during construction works.
4. Condition of the site on completion of decontamination measures.
5. Details of monitoring programme following site redemption.

A handwritten signature in black ink, appearing to be 'M. J. O.' or similar, written in a cursive style.

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For Director of Development Services

Date: 23 March 2009





FALKIRK COUNCIL

Subject: INSTALLATION OF 3 NO. 3G ANTENNAS, EQUIPMENT CABINET, EXTENDED COMPOUND AND ANCILLARY DEVELOPMENT AT TELEPHONE EXCHANGE, BORROWSTOUN CRESCENT, BO'NESS EH51 0PN FOR ARQIVA SERVICES LTD – P/08/0995/FUL

Meeting: PLANNING COMMITTEE

Date: 25 February 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Harry Constable
Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Kevin Brown (Planning Officer), ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application is for the installation of three additional antennas at roof height onto an existing telephone exchange building in Bo'ness. The building currently has antennas and ancillary equipment attached to it, the applicant intends to share part of this infrastructure.
- 1.2 The following supporting information has been submitted as part of this proposal:-
- A technical assessment justifying the need for the installation and assessing alternative siting and design options.
 - A certificate confirming compliance with the International Commission on Non-ionising Radiation Protection (ICNIRP) guidelines.
- 1.3 A request has been made to the applicant for an emissions profile. At the time of writing the report, this is still outstanding.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This planning application has been called in by Councillor John Constable.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council has made no comment on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation were received following the neighbour notification process.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

- 7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Bo'ness Local Plan

- 7a.2 There are no specific policies within the Bo'ness Local Plan relevant to this application.

7b Material Considerations

- 7b.1 In this case, the relevant material considerations comprise: -

- The Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Prevailing National Policy and Guidance, specifically National Planning Policy Guideline 19 “Radio Telecommunications” (NPPG 19), Planning Advice Note 62 “Radio Telecommunications” (PAN 62).

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy ST13 - 'Telecommunications Development' states:

- “(1) When proposing installation and siting of any new telecommunications equipment, operators will require to provide evidence that consideration has been given to siting and design options and that the site selected will make less impact on the community or the environment than any other available sites that are technically suitable for transmissions, including existing sites already in operation or holding permissions.*
- (2) Operators will be required to minimise the visual impact of proposed installations by minimising the contrast between such equipment and its surroundings. This can be achieved through the installation of small scale equipment, concealing or disguising equipment, mast sharing, site sharing or installing on existing buildings or other structures where appropriate.*
- (3) The siting of equipment on listed buildings or in conservation areas will not be permitted unless it can be demonstrated that all other options have been exhausted; and*
- (4) Applications to site telecommunications installations on school properties or adjacent to schools will not be permitted where the zone where the concentration of radio waves is higher than elsewhere ('the beam of greatest intensity' as referred to by the IEGMP) would fall on any part of the school's grounds. In such cases the term "school" will include secondary, primary, nursery schools, nurseries and schools for children with special educational needs.”*

7b.3 The applicant has demonstrated that they have considered alternative siting and design options for this installation however, in line with national guidance, this site sharing option is considered to be the best available solution. The difficult topography of the Bo'ness area has led to the chosen application site being identified as the most suitable in order to provide adequate coverage whilst minimizing the visual impact upon Bo'ness Town Centre. The proposed apparatus is similar to that which is currently mounted on this building and the visual impact of the proposal is minimal. The beam of greatest intensity does not fall upon any part of any school ground.

7b.4 The proposals are therefore considered to be in accordance with the terms and conditions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

NPPG 19 and Pan 62 “Radio Telecommunications”

7b.5 National policy and guidance supports the provision of modern telecommunications networks within Scotland. These documents require cognisance of the duties placed upon the telecommunications operators via their licence to provide coverage, albeit that this should be achieved using an appropriate environmental solution. In the event that a full assessment of the alternatives has occurred and environmental impact mitigated, national guidance indicates that there is unlikely to be any justification to refuse planning permission.

- 7b.6 In terms of potential health impacts, 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 and power outputs from masts are controlled and regulated under separate legislation by other Government agencies. With these mechanisms in place the Scottish Government concluded that it is not necessary for planning authorities to treat RF emissions as a material consideration. To demonstrate to planning authorities that the known health effects have been properly addressed applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation. The applicant has submitted appropriate evidence in the form of a ICNIRP certificate confirming conformity. It is the responsibility of the Scottish Government and the UK government to decide what measures are required to protect public health. Provided this guidance is followed it is unlikely that planning authorities could justify extended or alternative requirements.
- 7b.7 Both NPPG 19 and PAN 62 provide detailed guidance on siting and design of telecommunications apparatus. This generally encourages a detailed assessment of a series of possible options in terms of location and design when considering network coverage. The optimum solution in terms of location and design when considering network coverage and environmental impact will vary depending on the particular circumstances of each case. Options include: small-scale equipment; mast and site sharing; concealment and also where clearly justified, new ground based installations. PAN 62 advises that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and surroundings. The role of the planning system is largely to seek to address public concerns about siting and design by securing the best option in each case.
- 7b.8 In this instance, the applicants have indicated that the only available alternative option would be the deployment of a new base station in the locale. The current proposal to share the existing site and utilise existing apparatus is therefore considered to be the best available solution.

7c Conclusion

- 7c.1 The proposed development is considered to be acceptable development as it is in accordance with the terms of Policy ST 13 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and National Planning Policy and Guidance. There are no material planning considerations that would justify a refusal of planning permission in this instance.

8. RECOMMENDATION

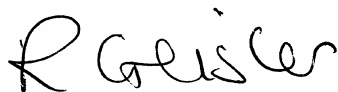
- 8.1 **It is recommended that detailed planning permission be granted subject to the following conditions:-**
- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
 - (2) In the event that any of the equipment hereby approved, or installed subsequently, becomes obsolete or redundant it shall be removed not later than 6months from the point that it becomes obsolete or redundant**

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To minimise the impact on visual amenity.

Informative(s):

- (1) Should any made ground or suspect material be encountered during any site works, the Planning Applicant shall inform the Planning Authority immediately, as there will be a requirement for the Planning Applicant to undertake an appropriate environmental risk assessment in relation to contaminated land issues. The environmental risk assessment should be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 1. The nature, extent and type (s) of contamination within the site.
 2. Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.
 3. Measures to deal with contamination during construction works.
 4. Condition of the site on completion of decontamination measures.
 5. Details of monitoring programme following site redemption.



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Director of Development Services

Date: 18 February 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan Finalised Draft (Deposit Version)
2. NPPG 19 - 'Radio Telecommunications'
3. PAN 62 - 'Radio Telecommunications'
4. Falkirk Council Structure Plan.
5. Bo'ness Local Plan

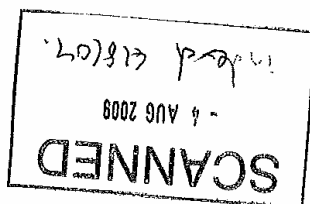
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

INTERNATIONAL COMMISSION ON NON-IONIZING RADIATION PROTECTION

Scientific Secretary, ICNIRP, Dr. G. Ziegelberger
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Falkirk Council
Ian Dryden
Abbotsford House
David's Loan
Falkirk FK2 7YZ
United Kingdom



Oberschleissheim, 22 July 2009

COR/2009/0334 504747

Dear Ian Dryden,

Please note, that the ICNIRP guidelines from 98 also include guidance on simultaneous exposure to different sources. Exposures at similar frequency ranges are additive in their effects and formulae are provided, which ensure that the basic restrictions are met (see equation 9 and 10 for the frequency range of telecommunication base stations).

ICNIRP does not monitor compliance with its guidelines in the different countries. To my personal knowledge your country has adopted the ICNIRP guidelines and should, therefore, also provide some guidance on simultaneous exposure to several base stations in a relatively small area. Please contact your national radiation protection authority (HPA) for further details and advice.

It might be of help to add some experiences from Germany and neighbouring countries: several surveys have shown that the individual exposure due to a base station in the neighbourhood is usually well below 1% of the levels of international exposure guidelines (as a consequence of the relatively low emitting power levels). Although the actual exposure is depending on a variety of factors, setting up several base stations at a given place is not expected to significantly increase the total exposure.

Best regards,

Gunde Ziegelberger
ICNIRP Scientific Secretary

From: Dr. G. Ziegelberger – Scientific Secretary of ICNIRP
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Your ref: COR/2009/0324/LG/KB/ES
Our ref: 2009/0013541OR
10 June 2009

Dear Mr Dryden

Thank you for your letter of 19 May 2009 regarding telecommunications development, health impacts and material considerations.

The Scottish Government's current planning policy on radio telecommunications and emissions remains as set out in National Planning Policy Guideline (NPPG) 19: Radio Telecommunications, which concludes that it is not necessary for planning authorities to treat radio frequency emissions as material planning considerations.

In September 2007, the Mobile Telecommunications and Health Research programme (MTHR), which was set up in 2001 in the wake of the Stewart Report, published its first report which includes the results of the 23 studies that had been completed. The report summarizes the findings of these studies by stating that 'None of the research supported by the Programme and published so far demonstrates that biological or health effects are produced by exposures from mobile phones.'

The Scottish Government's Health Directorate's current position on the health risks from radiofrequency radiation emitted by mobile phone base stations is, therefore, that they find no compelling evidence to challenge the continuing validity of the conclusion of the Independent Expert Group on Mobile Phones that there is no general risk to the health of people living nearby.

The Scottish Government does recognise though, that mobile phone research is ongoing; and as the findings of this research continue to emerge, the Radiation Protection Division of the Health Protection Agency will continue to provide authoritative and ongoing evaluation and advice. Any change in the Scottish Government's position would be informed by that advice.

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk

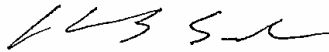


With regard to the levels of emissions, I include a link to the Ofcom web page on the audit of mast sites, which appears to indicate emissions are hundreds or thousands of times lower than the guideline levels produced by the International Commission on Non-Ionising Radiation Protection. <http://www.ofcom.org.uk/sitefinder/audits/>

As you know, we are taking a new approach to planning policy, combining Scottish Planning Policy Documents and remaining National Planning Policy Guidelines into a single concise document. NPPG 19 is part of this process. The consultative draft consolidated SPP (<http://www.scotland.gov.uk/Publications/2009/04/01132105/0>) was published on 1 April 2009 for a 12 week consultation, which will end on 24 June 2009.

I hope this is helpful

Yours sincerely



CHRIS SINCLAIR
Policy Officer

Planning Committee

Planning Application Location Plan

P/08/0995/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Falkirk Council

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