

FALKIRK COUNCIL

Subject: ERECTION OF 17.2 METRE HIGH MONOPOLE TELECOMMUNICATIONS MAST, 3 NO. ANTENNAS, 1 NO. 600MM AND 1 NO. 300MM TRANSMISSION DISHES, FORMATION OF COMPOUND WITH 1.8 METRE HIGH PALISADE FENCING, SITING OF OUTDOOR EQUIPMENT CABINET AND ANCILLARY DEVELOPMENT AT SITE TO THE WEST OF UNIT 2, BO'MAINS INDUSTRIAL ESTATE, LINLITHGOW ROAD, BO'NESS FOR VODAFONE LTD – P/09/0005/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 proposes the erection of a 17.2 metre high monopole style telecommunications mast within the boundary of Bo'mains Industrial Estate, Bo'ness. The site is located at the far north western corner of the industrial estate which is bounded by a large area of open space and would be partially screened by large trees which are approximately 8-10 metres in height.
- 1.2 The proposed structure and ancillary equipment cabinets are proposed to be enclosed by a 1.8 metre high palisade fence to match the boundary fence of the Industrial Estate.
- 1.3 The following supporting information has been submitted as part of this proposal:-
- A technical assessment justifying the need for the installation and a list of alternative site options that have been discounted:
 - A certificate confirming compliance with the International Commission on Non-ionising Radiation Protection (ICNIRP) guidelines.
- 1.4 A request has been made to the applicant for an emissions profile. At the time of writing this 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 not commented 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 applicants have submitted adequate information to demonstrate that alternative sites and mast sharing options have been considered. It has been demonstrated that the only sites suitable for mast sharing are outwith the target coverage area.

7b.4 The proposed location of the mast has been chosen due to its industrial backdrop, screening and the fact that it is outwith many sensitive viewpoints in the area.

7b.5 The design of the mast has been chosen due to its simple and operational aesthetic form. Whilst the site benefits from screening from a number of trees, this tree belt is not considered sufficient to adequately absorb a tree type mast and prevent it appearing alien in its surroundings. It is considered that due to the industrial nature of the area, the monopole design is the best design solution.

7b.6 ‘The beam of greatest intensity’ would not fall on any school grounds.

7b.7 The proposal is considered to be in accordance with the terms of Policy ST13.

7b.8 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.9 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.10 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 an 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.11 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.12 In this instance there have been no letters of representation and the applicants have demonstrated that the siting of this proposal has been chosen to make the best use of the existing peripheral vegetation and established industrial units for screening and backdrop purposes. The proposal is considered to be in accordance with the guidance set out in NPPG 19 and PAN 62.

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, including the monopole structure, 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).