

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 CONTINUATION

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

APPENDIX

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):

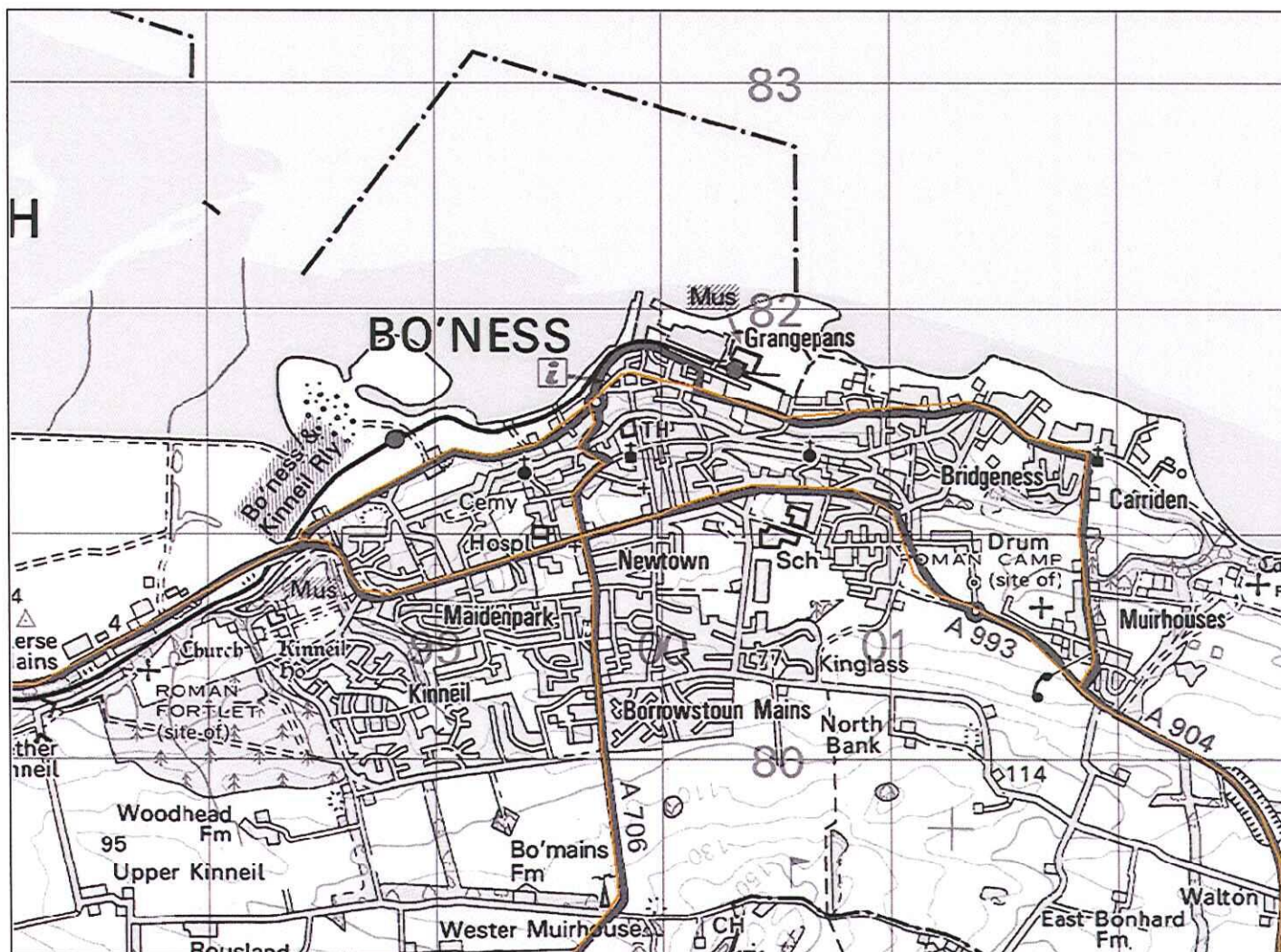
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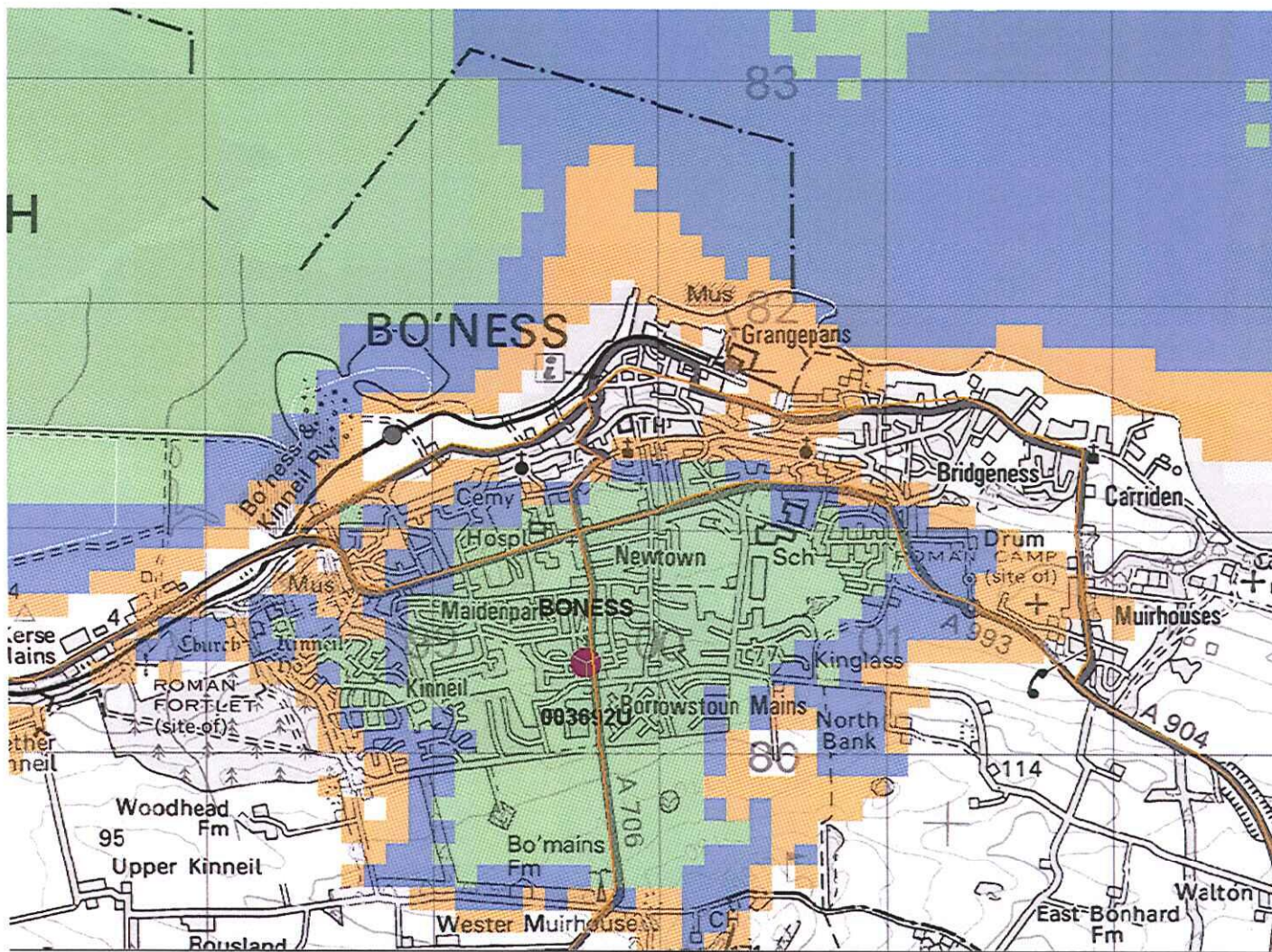
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2. Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.
3. Measures to deal with contamination during construction works.
4. Condition of the site on completion of decontamination measures.
5. Details of monitoring programme following site redemption.

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

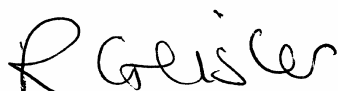
- 8.1 **It is recommended that detailed planning permission be granted subject to the following conditions:-**
- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
 - (2) In the event that any of the equipment hereby approved, or installed 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:
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 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).

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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