

Perth and Kinross Council  
Development Control Committee – 8 June 2016  
Report of Handling by Development Quality Manager

**Erection of a telecommunications mast and ancillary equipment**

Ref. No: 16/00268/FLL  
Ward No: N4– Highland

**Summary**

This report recommends approval of the application for erection of a telecommunications mast and ancillary equipment as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the erection of a telecommunications mast at Errichel Farm, Crieff Road, Aberfeldy. The site is located on farmland to the south west of the grouping of buildings at Errichel Farm and to the west of the A826.
- 2 The proposed apparatus of the base station consists of a 14m high lattice tower on a 1m concrete base with 2 antennae and 2 dishes with 2 green equipment cabinets at the base of the mast.
- 3 The site is required to provide replacement coverage for an existing Vodafone site at Mains of Murthly Farm which is to be decommissioned.
- 4 Access to the mast will be via a field and the private driveway to Errichel which is connected to the A826 public road.

**NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

**Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans
  - The design of development, from initial concept through to delivery
  - The determination of planning applications and appeals.

## **DEVELOPMENT PLAN**

- 7 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

### **TAYplan: Strategic Development Plan 2012-2032**

- 8 The principal relevant policies are in summary: -

#### **Policy 3: Managing TAYplan's Assets**

- 9 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
- Ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.
  - Safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

### **Perth and Kinross Local Development Plan 2014**

- 10 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance

- 11 The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

- 12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

- 13 All proposals should meet all eight of the placemaking criteria.

## **Policy ED2 – Communications Infrastructure**

- 14 The council will be supportive of the expansion of the communications network provided it can be achieved without a detrimental impact on the natural and built environment.

## **Policy NE3 - Biodiversity**

- 15 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

## **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.**

- 16 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria

## **OTHER POLICIES**

- 17 None

## **SITE HISTORY**

- 18 No recent site history

## **CONSULTATIONS**

### **EXTERNAL**

- 19 No external consultations required

### **INTERNAL**

### **Environmental Health**

- 20 No objection, noise condition required.

## **REPRESENTATIONS**

- 21 A total of 6 letters of representation were received and raised the following relevant issues: -

- Visual Amenity
- Contrary to local and national policy
- Impact on tourism
- Presence of 2 masts

22 These issues are all raised in the Appraisal section of this report.

### **ADDITIONAL STATEMENTS**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	None submitted

### **APPRAISAL**

23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Council's Local Development Plan (LDP) 2014 are outlined in the policy section above.

#### **Policy**

- 24 Policy ED2 Communications Infrastructure states that the council is supportive of the expansion of the communications network (telecommunications, broadband and digital infrastructure) provided it can be achieved without detrimental impact on the natural and built environment. Equipment should be designed and positioned as sensitively as possible although technical requirements may limit this. It also states that the visual impact of communications infrastructures will play a significant part in the determination of planning applications.
- 25 Supplementary guidance promotes, in addition to the requirements above, mast sharing at sites to reduce the number of masts required in an area. The proposal is for a replacement mast, with a condition proposed to ensure the existing mast is removed. The mast is also to accommodate an additional operator.
- 26 It is considered for reasons outlined in other sections of the report the proposal to erect a mast at this location will not raise any issues in relation to planning policy and supplementary guidance that would merit refusal of the application.

#### **Design and Layout**

27 The proposed apparatus of the base station includes a 14m high lattice tower on a 1m concrete base with 2 antennae and 2 dishes with 2 green equipment cabinets at the base of the mast. The colour finish of the mast is brown and a condition will be added to cover the colour of the base, mast and antennae.

## **Visual Amenity/Landscape**

- 28 The search included 5 proposed sites with the most suitable site the subject of this application. The other 4 sites were discounted as some would have required structures of considerable height to provide an adequate range of coverage leading to an unacceptable visual impact. Others did not provide enough coverage and one had no mains power connection at a reasonable distance.
- 29 The proposal is for a replacement mast, with a condition proposed to ensure the existing mast is removed. Therefore the presence of two masts in close proximity does not need to be considered. The consideration is whether this new mast is acceptable.
- 30 The site is located to the west of the A 826 on a rising hillside alongside an area of semi mature planting. Although the mast will break the skyline, when viewed on a small section of the A826, the existing landscape features, trees and small degree of rising hillside, reduce the impact. It is accepted that the more elevated the site the greater the possibility of site not being back clothed by the landscape. However the more elevated position has reduced the required height of the mast as the required coverage can be achieved at a lower mast height.
- 31 The mast is visible from a nearby viewpoint further south on the A 826 but it is fully back clothed by the landscape with the existing tree belt reducing the visual impact. It is considered that the height of the mast at 15m and the intervening distance from this viewpoint reduces the visual impact. Also the use of conditions to cover the mast and antennae finishes and some additional planting at the mast base is proposed to reduce any potential landscape impacts.

## **Residential Amenity**

- 32 This application site is located some 350 metres from any residential receptors and given these masts are not inherently noisy, Environmental Health have few concerns. They do however recommend a noise condition to protect residential amenity.

## **Removal of existing mast**

- 33 The mast is proposed to replace an existing mast located 1km to the north east of the application site at Mains of Murthly. The agent has confirmed that the existing mast is owned and controlled by Vodafone and can be removed at their will.
- 34 It is important to comply with policy and in the interests of the visual amenity of the area to ensure that the existing mast is removed. It is therefore suggested that a suspensive condition is added to ensure that the mast at Mains of Murthly is removed within 2 months of the commissioning of the new mast.

## **Economic Development**

- 35 The economic impact of the proposal will not just be limited to the construction phase of the development as it will ensure ongoing access to digital infrastructure, which has increasing demands as a dependable source to undertake communication, leisure and business.

## **LEGAL AGREEMENTS**

- 36 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 37 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 38 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, despite the previous refusal of the Council, I remain of the view that the proposal complies with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commissioning of the mast (hereby approved) the date of the commissioning shall be submitted to the Council as Planning Authority. Thereafter the existing mast at Mains of Murthly (Planning Ref: 02/01971/TD) shall be removed within 2 months of that commissioning date to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity, to ensure the existing mast is removed.

- 3 In the event that the tower and associated equipment becomes redundant, it must be removed within 6 months of it becoming redundant and the site thereafter reinstated to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity, site management and to ensure satisfactory reinstatement of the site.

- 4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

5. Prior to the commencement of development details of the colour finish of the mast and antennae shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

6. Prior to the commencement of development details of the colour finish of the mast base and planting scheme on the southern boundary of the mast base shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to

commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: 6 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 25 May 2016

**Nick Brian**  
**Development Quality Manager**

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