

## Item: 4.4

**Planning Committee: 18 December 2019.**

**Install Telecommunications Tower and Ancillary Equipment on land north of Upper Stove, Stove Road, Deerness.**

**Report by Executive Director of Development and Infrastructure.**

### 1. Summary

#### 1.1.

Planning permission is sought to install a 25 metre telecommunications tower with antennae and ancillary equipment including cabinets on the lands of Diamonds Farm, north of Upper Stove, Stove Road, Deerness. The mast is part of a new 'blue-light' communications service to replace the current system and designed to provide mobile communications coverage to emergency services. One objection has been received on grounds of the proximity to residential properties. The report considers that the objection is not of sufficient weight to merit refusal, and on balance the application accords with Policies 1, 2, 9 and 15 of the Orkney Local Development Plan 2017.

Application Number	19/357/PP.
Application Type	Planning Permission.
Proposal	Install a 25 metre telecommunications tower with antennae and ancillary equipment including cabinets.
Applicant	EE Limited.

#### 1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

[https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm)  
(then enter the application number given above).

### 2. Consultations

Consultees have not objected or raised any issues which cannot be addressed by planning conditions.

### 3. Representations

#### 3.1.

One objection has been received from:

- Mrs Elizabeth Corsie, Upper Noltland, Deerness.

### 3.2.

The objection is on the grounds of proximity to residential properties.

### 3.3.

The representation also includes comment on emissions from masts and resultant impact on human health. Paragraph 300 of Scottish Planning Policy confirms "...The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration". Comments on the grounds of human health are therefore not material to the decision. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) Compliance Certificate has been submitted as part of this application. The ICNIRP provides scientific advice and guidance on the health and environmental effects of non-ionizing radiation (NIR) to protect people and the environment from detrimental NIR exposure.

## 4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
19/019/PP	Install a 15m telecommunications tower with antennae and ancillary equipment including cabinets and generator.	Upper Stove, Deerness.	Approved.	25.03.2019.

### 4.1.

The applicant has agreed in writing that 19/019/PP would not be implemented should this application be consented; a planning condition to this effect would be attached.

## 5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 15 – Digital Connectivity.

## **6. Legal Aspects**

### **6.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

### **6.2.**

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party’s conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

### **6.3.**

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

## **7. Assessment**

### **7.1. Proposal and Location**

#### **7.1.1.**

The proposal is for the erection of a 25 metre slim-line galvanised steel lattice communications mast on a concrete plinth and the installation of four cabinets and a waterproof enclosure. The mast would be fitted with two dish antennae and would be unpainted with a galvanised finish. The applicant has agreed that all cabinets would be finished in a matching grey colour. The site would be surrounded by a 1.8 metre high chain-link fence and a parking area would be provided adjacent to the road and immediately outside the site enclosure. The mast and cabinet are both located on the concrete plinth, with the cabinet located close to the base of the mast, as shown in the site plan attached as Appendix 1 to this report.

#### **7.1.2.**

In support of the application, the applicant states that the development is to provide “...Government-led emergency services mobile communications programme...and a basis to develop a new ‘blue-light’ communications service to replace the current system known as Airwave...The new service will be called the emergency services network (ESN).”

### **7.1.3.**

The mast would be located to the north of the B9050 and adjacent to the track which leads to the turbine near Upper Stove, Deerness. The site lies 250 metres to the south of the 67 metre high turbine and associated equipment.

## **7.2. Principle of Development**

### **7.2.1.**

Orkney Local Development Plan 2017 Policy 15 supports communications infrastructure in principle, provided proposals demonstrate that mast-sharing has been explored, and that the smallest equipment would be installed. The impact of the development on the landscape and on natural, built and cultural heritage must be assessed in consideration of the proposal to meet relevant policies and any other material planning considerations that may require to be considered.

### **7.2.2.**

A key consideration is that digital connectivity is vital in the islands. The Scottish Government supports improved networks which would support local communities and businesses including public services; in this case the network is to serve the emergency services' mobile communications programme.

### **7.2.3.**

The applicant has provided details of the sequential approach followed in the selection process which is set out as follows:

- Mast and Site Sharing.
- Existing Buildings Structures.
- Ground Bases Installations.

### **7.2.4.**

The applicant concludes that there is no possibility to share existing facilities or attach antennae to existing buildings within the immediate area. The tower is the lowest possible to provide the coverage necessary to support the emergency services. The applicant indicates that there is little or no network coverage available covering some of the Deerness area.

### **7.2.5.**

It is therefore considered that the development is acceptable in principle, in accordance with Policy 15.

## **7.3. Residential Amenity**

The closest dwellings to the mast would be Stove (420 metres distant), Nether Stove (630 metres), Creya (615 metres) and Upper Noltland (682 metres). The applicant stated that neighbouring properties were carefully considered in line with Planning Advice Note 62 – Radio Telecommunications. It is considered that the location of the telecommunications mast, antennae and equipment would be sited and designed to

minimise visual impact and intrusion and impact on amenity, and therefore meets the key tests of Policies 1 and 2 of the Orkney Local Development Plan 2017.

## **7.4 Public Health**

### **7.4.1.**

Policy 15 requires that developers submit a certificate of compliance with ICNIRP. An ICNIRP declaration has been submitted with this application, confirming that the proposed equipment is “in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”.

### **7.4.2.**

Scottish Planning Policy states that radiofrequency is not a material planning consideration on the basis that “Emissions of radiofrequency radiation are controlled and regulated under other legislation”. The information provided by the applicant is satisfactory and complies with the requirement of Policy 15.

## **7.5. Landscape**

### **7.5.1.**

The site is located within an undulating island landscape, as defined by the Scottish Natural Heritage ‘Orkney Landscape Character Assessment’, where landscape sensitivities include the visual relationship with the sea and the open landscape which is sensitive to visual intrusion.

### **7.5.2.**

Within this area of Deerness there are other vertical developments in the landscape, including small-scale wind turbines and notably the 67 metre high wind turbine to the north of the site.

### **7.5.3.**

The proposed tower is a slimline lattice design. It would be the least intrusive design and the tower, cabinets and enclosure would be of appropriate grey and green colours, which would help to integrate the development into the agricultural landscape of the surrounding area. When viewing the site on the approach from the south, the lattice tower would be seen in context with the Stove turbine. The form of the proposed lattice tower is not considered to have a significant landscape impact in context with other development in the area. It is therefore considered that the specification and design would be acceptable and would help to reduce the impact of the development in the wider landscape, in accordance with Policies 1 and 2.

## **7.6. Natural Heritage**

The site is not within a designated natural heritage site or Local Nature Conservation Site. The Mull Head Local Nature Reserve lies approximately 1 kilometre to the

north-east of the proposed mast location. No significant impact on natural heritage is anticipated, and the development accords with Policy 9.

## **8. Conclusion and Recommendation**

The proposed development has been well considered in respect to its position and scale, and on balance it is considered that the level of change to the landscape, impacts on natural heritage and residential amenity are acceptable. An assessment of the material planning considerations has not identified any matter of sufficient weight to merit refusal. The proposed development would accord with Policies 1, 2, 9 and 15 of the Orkney Local Development Plan 2017 and is therefore **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

## **9. Contact Officer**

Margaret Gillon, Senior Planner, extension 2505, Email [margaret.gillon@orkney.gov.uk](mailto:margaret.gillon@orkney.gov.uk)

## **10. Appendices**

Appendix 1: Location plan.

Appendix 2: Planning conditions.

## PROPOSED EQUIPMENT

### CABINET DETAILS:

1No FURO CABINET  
 DIMENSIONS: 770X770X1800 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREY

1No EXTERNAL EMERSON M35 POWER & BATTERY CABINET  
 DIMENSIONS: 730X750X1672 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREY

1No VIPER CABINET  
 DIMENSIONS: 600X520X1405 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREY

GLASDON FOUL WEATHER ENCLOSURE  
 DIMENSIONS: 2660X2660X2753  
 MATERIAL: STEEL  
 COLOUR: GREEN

1No METER CABINET  
 DIMENSIONS: 1290X415X1100 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREEN

1No CONTROLLIS M48 GENERATOR  
 DIMENSIONS: 2900X1200X2250 HIGH  
 MATERIAL: STEEL  
 COLOUR: STANDARD

1No LPG STORAGE CABINET  
 DIMENSIONS: 1700X591X1500 HIGH  
 MATERIAL: STEEL  
 COLOUR: CREAM

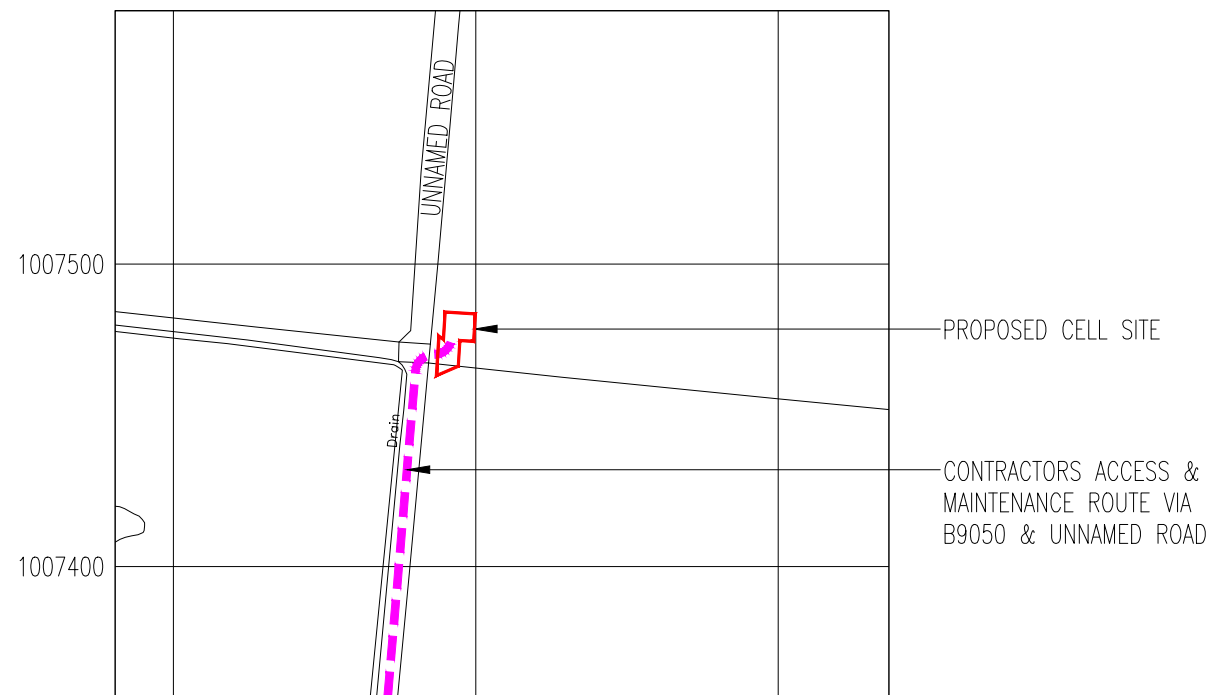
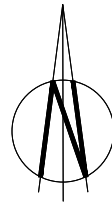
25m HIGH SWANN 5SH LATTICE TOWER ON NEW RC BASE

## PROPOSED WORKS

NEW SITE BUILD.

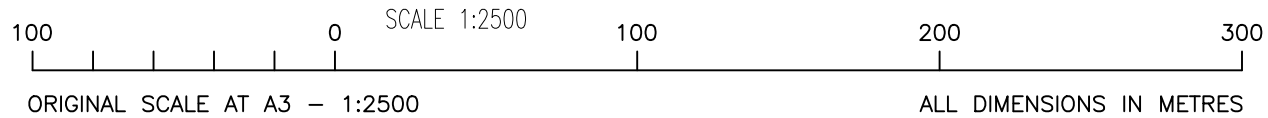
1. INSTALLATION OF NEW EXTERNAL EQUIPMENT CABINETS WITHIN WEATHERPROOF ENCLOSURE ON CONCRETE SLAB.
2. INSTALLATION OF 25m SWANN 5SH LATTICE TOWER ON NEW RC BASE.
3. POWER SUPPLY BY REC TO NEW METER CABINET.
4. INSTALLATION OF NEW CONTROLLIS M48 PERMANENT GENERATOR ON 1.50x3.10m CONCRETE BASE
5. PROPOSED SITE AREA TO BE STRIPPED & BATTERED TO FORM NEW LEVEL AREA FOR NEW COMPOUND
6. INSTALLATION OF 2No. SETS OF 4m WIDE HEAVY DUTY GATES TO PROVIDE ACCESS INTO FIELD FROM PATH

EXCLUSION ZONES CONFORM TO THE ICNIRP REFERENCE LEVEL FOR LIMITED EXPOSURE TO MEMBERS OF THE GENERAL PUBLIC



### SITE PLAN

NGR E 357891  
 NGR N 1007481



### LOCATION PLAN

SCALE 1:50000

REPRODUCED FROM ORDNANCE SURVEY PROMAP DATA © CROWN COPYRIGHT 2016  
 LICENCE NUMBER 100022432

### ROUTE ACCESS KEY

- EXISTING PRIVATE ACCESS TRACK
- EXTENDING FROM ADOPTED ROAD

### NOTES:

ACCESS:  
 PROPOSED LOCATION IS SITUATED APPROX 5m EAST OF THE UNNAMED ROAD

STARTING IN JOHN O' GROATS, FOLLOW THE A99 NORTH THEN TURN ONTO A836. AFTER 6km TURN RIGHT AND TAKE THE GILL'S BAY - ST. MARGARETS HOPE FERRY. ONCE DOCKED CONTINUE ONTO B9043 AND AFTER 0.6km TURN LEFT ONTO A961. FOLLOW A961 FOR 18.5km THEN TURN RIGHT ONTO B9052, AFTER 1.4km TURN RIGHT TO STAY ON B9052. AFTER 4.4km TURN RIGHT ONTO A960. FOLLOW A960 FOR 4.9km CONTINUE ONTO B9050. AFTER 2km TURN LEFT ONTO THE UNNAMED ROAD AND FOLLOW FOR 0.8km AND THE SITE LOCATION WILL BE ON THE RIGHT HAND SIDE

OVERHEAD POWERLINES ARE TO THE SOUTH OF THE PROPOSED SITE LOCATION

No.	Revision	Date	By	ckd
C	ANT HEIGHTS CORRECTED & VSAT PHOTOS ADDED	30.09.19	DVH	PB
B	TOWER CHANGE	22.09.19	DVH	PB
A	ISSUED FOR APPROVAL	16.09.19	DVH	PB



Hatfield Business Park  
 Hatfield  
 Hertfordshire

AL10 9BW

Tel: 01707 315000  
 Fax: 01707 319001



WHP Telecoms LTD  
 401 Faraday Street, Birchwood,  
 Warrington, WA3 6GA

Tel: 01925 424100 Fax: 01925 424101  
 e-mail: info@whptelecoms.com

Site Name & Address:  
 UPPER STOVE, LAND AT UPPER  
 STOVE, STOVE ROAD, DEERNES,  
 ORKNEY, KW17 2QJ

Title:  
 PROPOSED TELECOMMUNICATIONS  
 ESN7074  
 SITE LOCATION

Purpose of Issue:  
 PLANNING

Drawing No:  
 ESN7074/76963 01

Cell No: 76963 Site No: ESN7074

Issue:	Scale:	AS STATED	Ch'd:	PB	Date:	16.09.19		
C	Drn:	DVH	Date:	16.09.19	App:	PB	Date:	16.09.19

## PROPOSED EQUIPMENT

### CABINET DETAILS:

1No FURO CABINET  
 DIMENSIONS: 770X770X1800 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREY

1No EXTERNAL EMERSON M35 POWER & BATTERY CABINET  
 DIMENSIONS: 730X750X1672 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREY

1No VIPER CABINET  
 DIMENSIONS: 600X520X1405 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREY

GLASDON FOUL WEATHER ENCLOSURE  
 DIMENSIONS: 2660X2660X2753  
 MATERIAL: STEEL  
 COLOUR: GREEN

1No METER CABINET  
 DIMENSIONS: 1290X415X1100 HIGH  
 MATERIAL: STEEL  
 COLOUR: GREEN

1No CONTROLLIS M48 GENERATOR  
 DIMENSIONS: 2900X1200X2250 HIGH  
 MATERIAL: STEEL  
 COLOUR: STANDARD

1No LPG STORAGE CABINET  
 DIMENSIONS: 1700X591X1500 HIGH  
 MATERIAL: STEEL  
 COLOUR: CREAM

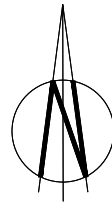
25m HIGH SWANN 5SH LATTICE TOWER ON NEW RC BASE

## PROPOSED WORKS

NEW SITE BUILD.

1. INSTALLATION OF NEW EXTERNAL EQUIPMENT CABINETS WITHIN WEATHERPROOF ENCLOSURE ON CONCRETE SLAB.
2. INSTALLATION OF 25m SWANN 5SH LATTICE TOWER ON NEW RC BASE.
3. POWER SUPPLY BY REC TO NEW METER CABINET.
4. INSTALLATION OF NEW CONTROLLIS M48 PERMANENT GENERATOR ON 1.50x3.10m CONCRETE BASE
5. PROPOSED SITE AREA TO BE STRIPPED & BATTERED TO FORM NEW LEVEL AREA FOR NEW COMPOUND
6. INSTALLATION OF 2No. SETS OF 4m WIDE HEAVY DUTY GATES TO PROVIDE ACCESS INTO FIELD FROM PATH

EXCLUSION ZONES CONFORM TO THE ICNIRP REFERENCE LEVEL FOR LIMITED EXPOSURE TO MEMBERS OF THE GENERAL PUBLIC



## ACCESS PLAN

SCALE NTS

NGR E 357891  
 NGR N 1007481

## ROUTE ACCESS KEY

- EXISTING PRIVATE ACCESS TRACK EXTENDING FROM ADOPTED ROAD
- CONTRACTORS ACCESS AND MAINTENANCE ROUTE FROM A9050

## NOTES:

ACCESS:  
 PROPOSED LOCATION IS SITUATED APPROX 5m EAST OF THE UNNAMED ROAD

STARTING IN JOHN O' GROATS, FOLLOW THE A99 NORTH THEN TURN ONTO A836. AFTER 6km TURN RIGHT AND TAKE THE GILL'S BAY - ST. MARGARETS HOPE FERRY. ONCE DOCKED CONTINUE ONTO B9043 AND AFTER 0.6km TURN LEFT ONTO A961. FOLLOW A961 FOR 18.5km THEN TURN RIGHT ONTO B9052, AFTER 1.4km TURN RIGHT TO STAY ON B9052. AFTER 4.4km TURN RIGHT ONTO A960. FOLLOW A960 FOR 4.9km CONTINUE ONTO B9050. AFTER 2km TURN LEFT ONTO THE UNNAMED ROAD AND FOLLOW FOR 0.8km AND THE SITE LOCATION WILL BE ON THE RIGHT HAND SIDE

OVERHEAD POWERLINES ARE TO THE SOUTH OF THE PROPOSED SITE LOCATION

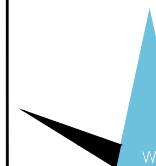
No.	Revision	Date	By	ckd
C	ANT HEIGHTS CORRECTED & VSAT PHOTOS ADDED	30.09.19	DVH	PB
B	TOWER CHANGE	22.09.19	DVH	PB
A	ISSUED FOR APPROVAL	16.09.19	DVH	PB



Hatfield Business Park  
 Hatfield  
 Hertfordshire

AL10 9BW

Tel: 01707 315000  
 Fax: 01707 319001



WHP Telecoms LTD  
 401 Faraday Street, Birchwood,  
 Warrington, WA3 6GA

Tel: 01925 424100 Fax: 01925 424101  
 e-mail: info@whptelecoms.com

Site Name & Address:  
 UPPER STOVE, LAND AT UPPER  
 STOVE, STOVE ROAD, DEERNES,  
 ORKNEY, KW17 2QJ

Title:  
 PROPOSED TELECOMMUNICATIONS  
 ESN7074  
 ACCESS PLAN

Purpose of Issue:  
 PLANNING

Drawing No:  
 ESN7074/76963 01A

Cell No: 76963 Site No: ESN7074

Issue:	Scale:	AS STATED	Ch'd:	PB	Date:	16.09.19		
C	Drn:	DVH	Date:	16.09.19	App:	PB	Date:	16.09.19



## Appendix 2.

### Conditions

01. The development hereby approved shall be constructed using the following design and materials:

- Lattice Tower – Galvanised steel, matt.
- Cabinets – Metal, painted grey, matt.
- Waterproof enclosure – Grey.

Thereafter, the development shall be maintained in accordance with those approved materials throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the visual impact of the development and to protect the amenity of the area.

02. If the communications mast hereby approved and/or any attached or associated equipment becomes redundant or is not operational for a period of one year, it shall be removed entirely from the site. If the tower and all equipment become redundant, the site shall be cleared and reinstated to its previous condition within six months of the date of removal of the last item of equipment, to the satisfaction of the Planning Authority.

Reason: To protect the visual amenity of the area.

03. The consent hereby approved shall not be utilised in conjunction with any development consented under 19/019/PP, to install a 15 metre telecommunications tower with antennae and ancillary equipment including cabinets and generator at Diamonds Farm, Stove Road, Deerness.

Reason: The nature of this application is for one mast only, and the current consent supersedes the requirement for the development consented under 19/019/PP.