

Item: 3.4

Planning Committee: 5 September 2018.

Erect 10 metre Lattice Tower and Install Cabinet at Upper Hammerfield (Land Near), Westside Road, Rousay.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Planning permission is sought to erect a 10 metre high lattice communications tower and install a cabinet on land near Upper Hammerfield, Westside Road, Rousay. Three objections have been received on grounds of visual impact, impacts to natural environment with reference to the Site of Special Scientific Interest (SSSI), and human health. The report considers the material planning considerations and objections however, it is considered that the objections are 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	18/145/PP.
Application Type	Planning Permission.
Proposal	Erect a 10m lattice tower and install a cabinet at Upper Hammerfield (land near), Westside Road, Rousay.
Applicant	Mr Colin Lamond, Shapinsay Manse, Shapinsay.

1.2.

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

http://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.

Three objections have been received from:

- Paul Caress, Lower Hammerfield, Rousay, KW17 2PS.

- Dr John Vetterlein, Springfield, Rousay, KW17 2PR.
- Ann Chapman, Braes, Rousay, KW17 2PR.

3.2.

The objections are on the following grounds:

- Visual impact.
- Impacts to natural environment with reference to the SSSI.
- Human health.

3.3.

Representation has also been received regarding electromagnetic emissions from masts, and resultant impact on human health. Paragraph 300 of Scottish Planning Policy confirms that "...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."

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
18/225/PP	Install cable.	Upper Hammerfield (land near), Westside Road, Rousay.	Approved.	02.08.2018.

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:

<http://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 10 metre high steel lattice communications mast on a concrete plinth and the installation of a 1.2 metre by 0.63 metre equipment cabinet, which will not exceed 1.034 metre in height, on land near Upper Hammerfield, Westside Road, Rousay, as shown on the location plan attached as Appendix 1 to this report.

7.1.2.

On submission the application also included the installation of associated underground cable. Following the applicant’s discussions with Scottish National Heritage (SNH), the applicant requested to change the proposed route of the cable to minimise the impact on the Special Protection Area (SPA) and the SSSI. As the alternative cable route was outwith the site area of this application, the applicant removed the cable route from this proposal and submitted a further application to deal with the cable route independently.

7.1.3.

The mast would be located approximately 220 metres south east of the summit of the Brae of Moan. The mast and cabinet are both located on the concrete plinth, with the cabinet located close to the base of the mast.

7.2. Principle of Development

7.2.1.

There is support under Orkney Local Development Plan 2017 (OLDP 2017) Policy 15 for communications infrastructure in principle, provided that the proposal can show that mast sharing has been explored, the smallest equipment would be installed, and that redundant masts and equipment would be removed from the site. The impact of the development on the landscape and on natural, build and cultural heritage must be assessed in consideration of the proposal to meet the relevant policies in the OLPD 2017 and any other material planning considerations that may require to be taken into account.

7.2.2.

A material planning consideration is that digital connectivity is vital in the islands and the Scottish Government's aims for improved networks across the country, which would lead to more connected communities and businesses including public services.

7.2.3.

The applicant states that there is no possibility to share existing facilities or attach antennas to existing buildings within the immediate area. The tower is the lowest and slimmest design possible to support the equipment at the proposed location and there is currently no available solution to distribute connectivity to locations covered by this installation. The proposed mast would provide an additional internet service to the west and north of Rousay.

7.3. Residential Amenity

7.3.1.

The closest dwelling to the mast would be the applicant's dwelling Upper Hammerfield, approximately 793 metres. The closest third-party dwelling would be Craigielea, at a distance of approximately 812 metres. The closest objector's dwelling at Lower Hammerfield is located 932 metres away.

7.3.2.

An ICNIRP declaration has been submitted with the application stating 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)". It is considered that the proposal would

not have a significant impact on human health and the residential amenity of dwellings in the vicinity.

7.4. Landscape

7.4.1.

The site is located within an area of Moorland Hills as defined in SNH's Orkney Landscape Character Assessment (1998) where particular sensitivities include vertical developments.

7.4.2.

When viewing the site from Westside Road on the approach from the south, the lattice tower would be seen as the only vertical structure of this scale in the landscape. However, to the north of the Brae of Moan, in the area of Wasbister, there are already a number of vertical structures with 12 small scale wind turbines located within 2 kilometres of the site. The vertical linear and static form of the proposed lattice tower is not considered to have a significant landscape impact.

7.4.3.

A cabinet is included in the proposal which is to be located at the base of the lattice tower. Through negotiations the applicant has agreed that the colour of the cabinet will be dark brown to allow it to blend in with the surrounding landscape which is largely heath land.

7.4.4.

The proposed tower is of lattice design, light grey in colour (RAL9018) and is the lowest and slimmest required to accommodate the proposed equipment. It is considered that these specifications and design would be acceptable and would help to reduce the impact of the development in the wider landscape.

7.5. Historic Environment

Rousay has a significant number of scheduled monuments however these are mainly located to the south and east of the island. The closest scheduled monuments to the site are Knowe of Dale, a burnt mound which is located 912 metres south west of the site and Knowe of Gorn, a burnt mound which is located 992 metres north east of the site. It is unlikely that there would be a significant impact on the general historic environment of the area or the setting of the monuments due to the separation distance from any Scheduled Ancient monuments.

7.6. Natural Heritage

7.6.1.

The proposed site lies within the Rousay Special Protection Area (SPA) and the Rousay SSSI.

7.6.2.

The Rousay SPA is classified for breeding birds: Artic skua, Artic tern, Fulmar, Guillemot, Kittiwake and seabird assemblage. Guillemot, Kittiwake, Fulmar and seabird assemblage are coastal/cliff nesting birds with no connectivity to the more inshore location of the proposed development. It is proposed that construction works take place outwith the bird breeding season to avoid possible disturbance. This will be covered by condition should the application be approved. Due to the scale and nature of the development it is considered unlikely that the proposal will have a significant effect on qualifying interest of the Rousay SPA either directly or indirectly. An Appropriate Assessment is therefore not required.

7.6.3.

In addition to the bird features mentioned above, the Rousay SSSI also includes: Subalpine wet heath, Blanket bog and Vascular plant assemblage. To minimise any impacts on these features the concrete plinth will be flush with the vegetation and the cabinet will be a dark brown to blend with the landscape.

7.6.4.

To ensure the impact to the SSSI and SPA are kept to a minimum the tower base will be dug by hand. Where it is not practical to carry materials to site a quad bike will be used. The quad bike will follow 715 metres of existing track and 400 metres across heath ground. The use of the quad bike will be kept to a minimum and will stop if any damage to the ground is noted.

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/built heritage and residential amenity would not have a significant impact. An assessment of the material planning considerations has not identified any matter or objections that carries such weight that is sufficiently detrimental as to warrant refusal. The proposed development would accord with Policies 1, 2, 9 and 15 of the Orkney Local Development Plan 2017 and therefore the proposal is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officer

Alison Poke, Graduate Planner, extension 2536, Email alison.poke@orkney.gov.uk.

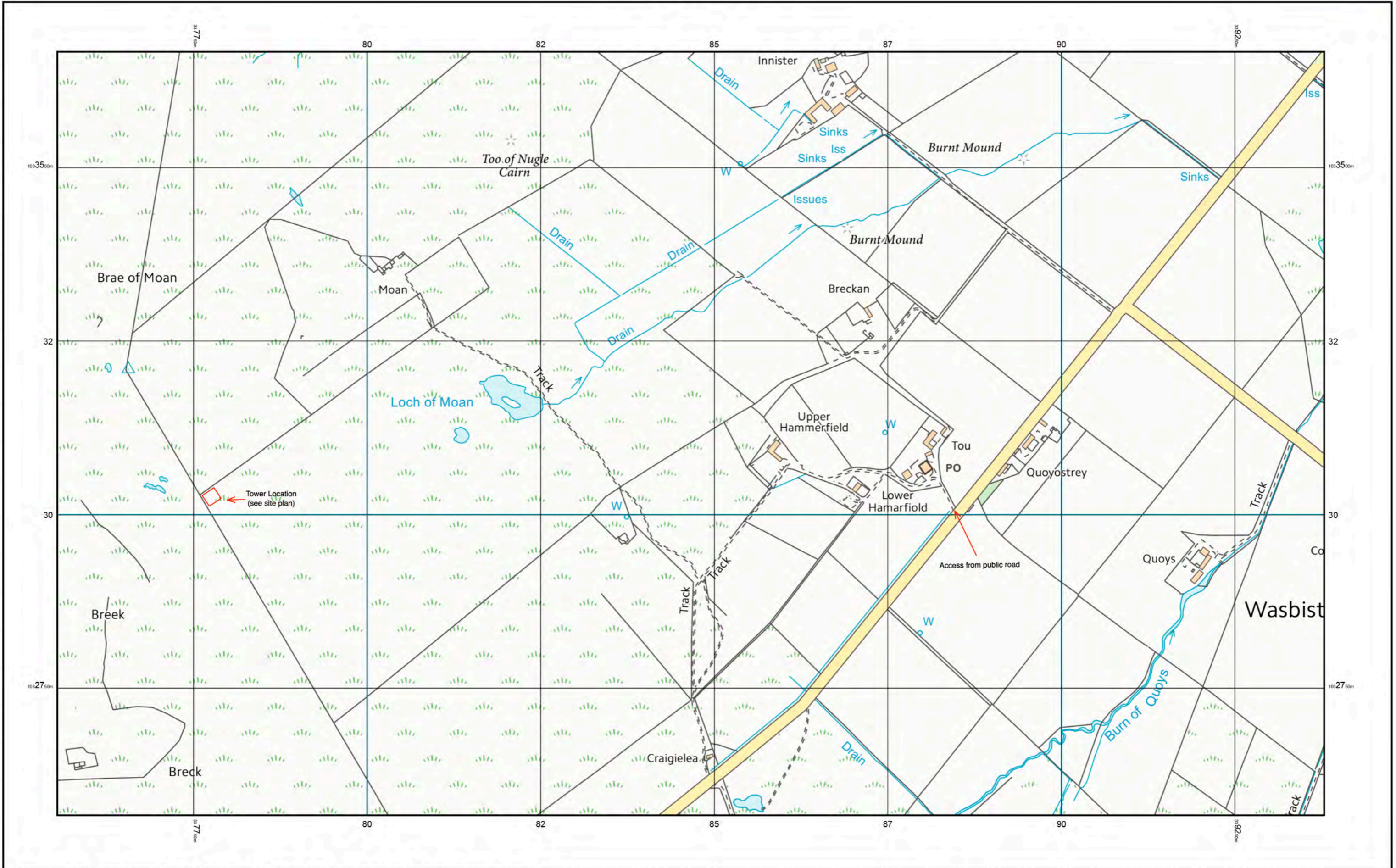
10. Appendices

Appendix 1: Location Plan.

Appendix 2: Planning Conditions.

250m

Scale 1:5000 @ A2



Tower Location
(see site plan)

Access from public road

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Appendix 2.

Grant subject to the following conditions:

1. The materials used on the development hereby granted planning permission shall be as stated:

- Lattice Tower of the Communications Mast - Matt, Galvanised Steel, Colour: Light Grey (RAL 9018).
- Cabinet - Galvanised Steel, Painted (Matt), Colour: Dark Brown.

Thereafter, only the approved materials shall be used on the development unless otherwise agreed in writing by the Planning Authority.

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

2. If the communications equipment hereby approved is not operational for a period of one year, it shall be removed entirely from the tower. If the ancillary equipment (tower and equipment cabinets) hereby approved becomes redundant, it shall be removed in its entirety from the site and the site reinstated to its previous condition within six months, to the satisfaction of the Planning Authority.

Reason: To protect the visual amenity of the area.

3. No work shall be undertaken during the bird breeding season of 1 April to 31 July, unless otherwise agreed in writing with the Planning Authority.

Reason: To avoid any potential disturbance to natural heritage interest.

4. A method statement for the construction, maintenance and removal of the mast, concrete plinth, control cabinet and all other associated equipment shall be submitted to, and agreed in writing with, the Planning Authority prior to work commencing on site.

Reason: To minimise any damage to the SSSI and impacts on the SPA.