



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 29th October 2018

SUBMITTED BY:	Director of Rural Development & Planning
APPLICATION NUMBER:	2018/0211/DET
APPLICANT:	Arqiva
LOCATION:	Verge Opposite The Telephone Exchange Main Street Strathyre
PROPOSAL:	Erection of 13.5m high mast and 2 no. ground based cabinets

NATIONAL PARK WARD:	Ward 2 (northern (central) area)
COMMUNITY COUNCIL AREA:	Balquhiddier, Lochearnhead and Strathyre
CASE OFFICER:	Name: Amy Unitt Tel: 01389 722606 E-mail: amy.unitt@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This is an application for the erection of a 13.5 metre high mast and two ground based cabinets to be used as a 'smart metering base station'. (Existing gas and electricity meters can be replaced with 'smart meters' which automatically send meter readings to suppliers. A network of these 'smart metering base stations', formed of radio antennas on a tall structure, need to be constructed to connect smart meters with energy suppliers using radio waves.)

- 1.2 In accordance with section 5.6 of the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as a statutory consultee - the Balquhiddier, Lochearnhead and Strathyre Community Council, has formally objected and the officer recommendation is to approve.

2 RECOMMENDATION

2.1

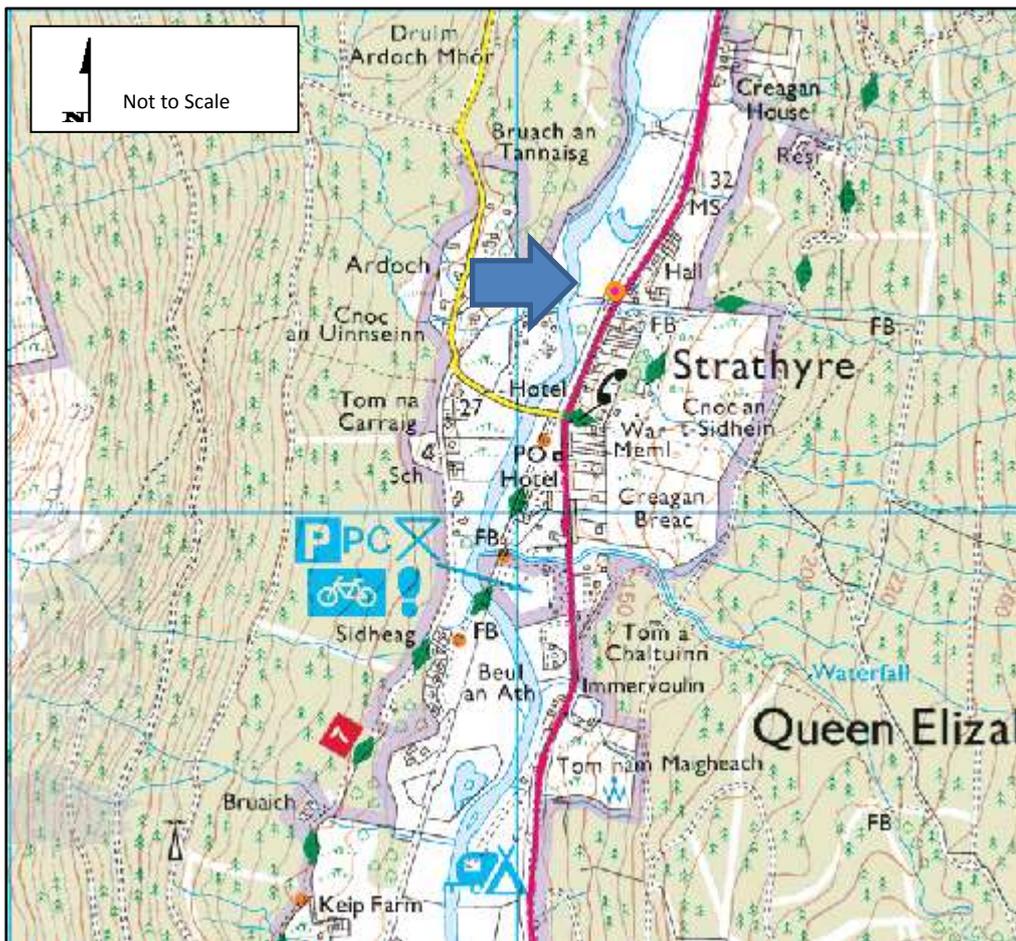
That Members:

1. **APPROVE** the application subject to the conditions contained in Appendix 1 of the report.

3 BACKGROUND

Site Description:

- 3.1 The proposed site is located on the west side of the A84, opposite the telephone exchange in Strathyre. The proposed site for the mast and associated equipment is on the west side of the pavement which is part of the National Cycle Network. There is a grass verge on the east side of the pavement, between the pavement and the road. Figures 1 and 2 show the application site location and site boundary.



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Figure 1. Location Plan (wider context).

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Figure 2. Location Plan (close context).

Description of Proposal:

- 3.2 It is proposed to erect the equipment cabinets on a 1m² concrete plinth. Existing street furniture in close proximity to the proposal include two existing BT cabinets, a road sign and a 7.8 metre high lamppost. On the east side of the A84 there is a single storey building for the BT exchange and within the exchange curtilage there is a telegraph pole. The proposed equipment would be sited in a linear layout on the grass embankment. Ducting would be required underground to link the proposed equipment to existing infrastructure. Figure 3 shows the location of existing infrastructure in relation to the proposed site and the layout of the mast and cabinets are shown in the red box.

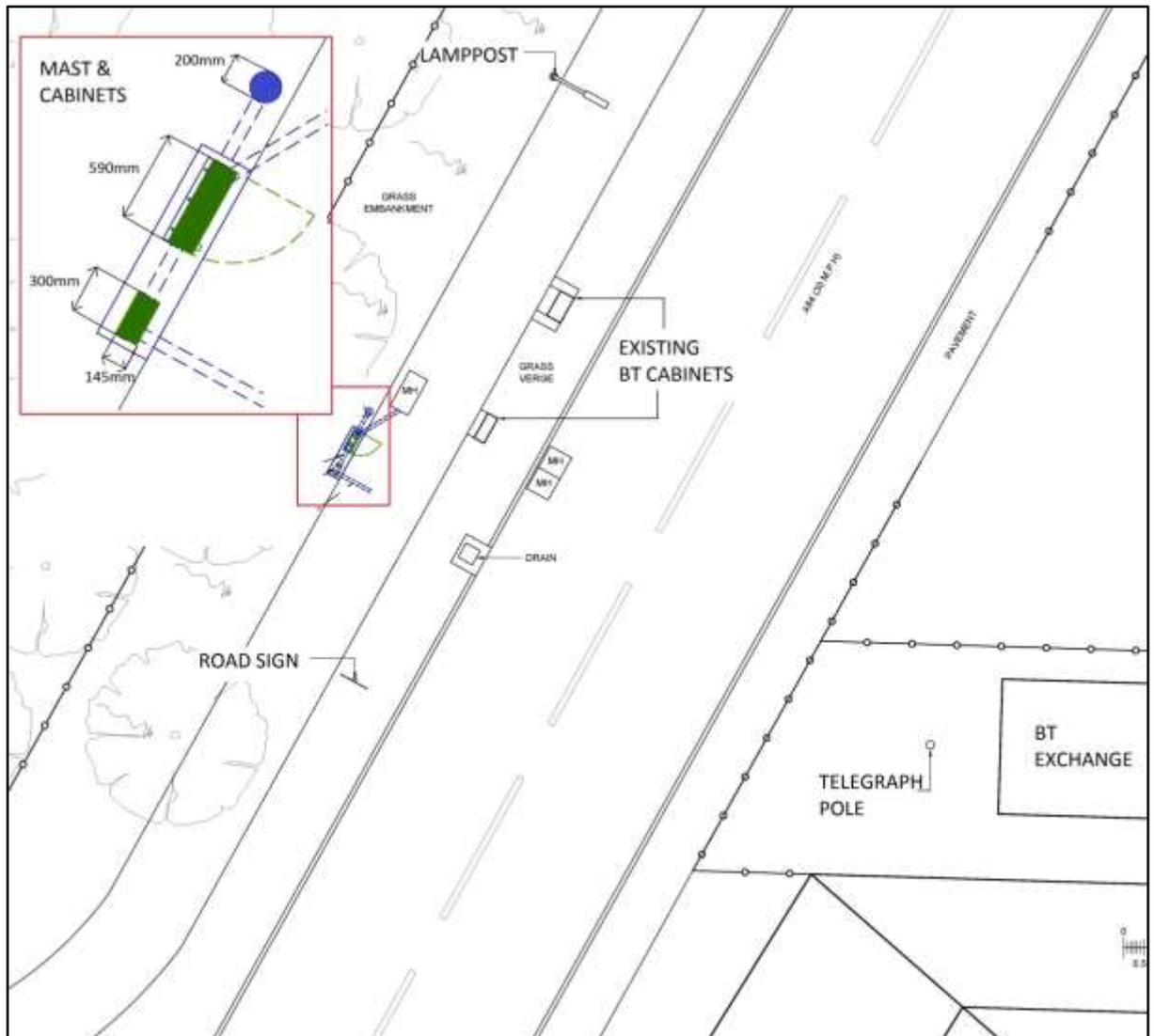


Figure 3. Site Plan (proposed)

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- 3.3 It is proposed to erect a mast 200 millimetres in diameter, incorporating a smart meter antenna and a GPS antenna, to a height of 13.5 metres. Two equipment cabinets are proposed with dimensions of 145 x 300 x 1140 millimetres and 180 x 590 x 1040 millimetres respectively. These can be seen in Figure 4.

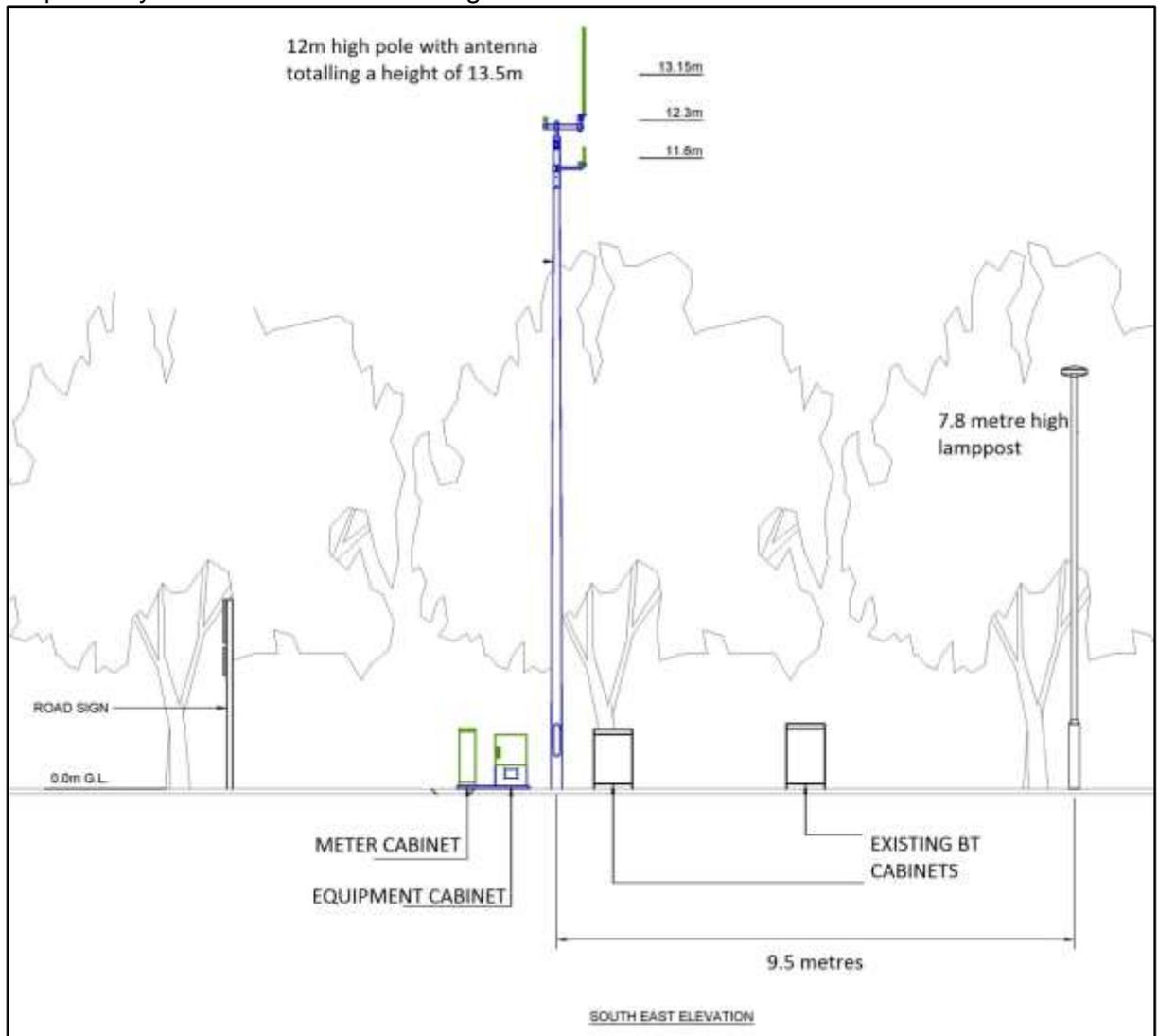


Figure 4. Elevations

Environmental Impact Assessment (EIA):

- 3.5 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

Planning History:

- 3.6 An application for Planning Permission (ref: 2014/0018/DET) to construct a cycle route on the line of the dismantled railway line was approved on 27 March 2014 and subsequently implemented by August 2014.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 Transport Scotland

No objection to the principle of the development. Advised that it would be preferable to have the associated equipment on the west side of the pavement and the agent submitted updated plans to accommodate this request.

4.2 Balquhiddier, Lochearnhead and Strathyre Community Council

Object to the proposal for the following reasons:

- The visual impact of siting a mast within Strathyre, immediately adjacent to the National Cycle Route 7 and within viewing distance of the Northern entrance to Strathyre.
- The position of the proposed mast would not give a favourable first impression of the village.
- Other potential locations have not been fully investigated by the applicant in accordance with Telecommunications Policy 1.
- Cost and ease have been the primary factors in selecting the location and these are not the most important factors when siting a mast in an attractive village within the National Park.

Representations Received:

4.3 At the date of writing this report 18 objections have been received. The reasons for objection are summarised as follows.

- The planning application was incorrectly listed as “Keip Road” which is located on the south side of the village.
Case officer response: Due to an administrative error the address was logged incorrectly and advertised as “Keip Road”. When brought to our attention the name was changed and a second advertisement for neighbor notification purposes was issued.
- Insufficient neighbor notification was carried out.
Case officer response: There is a statutory requirement to notify neighbours with an addressable premise within 20m of a development site. Only one neighbour was identified within this area, an advertisement was placed in the Stirling Observer and the Community Council was also consulted.
- The proposed mast will have an unacceptable visual impact and would not be in keeping with guidance on visual amenity within Scottish Government Planning Advice Note 62: Radio Telecommunications due to its location on National Cycle Network Route 7 (NCN7) and the Balquhiddier, Lochearnhead, Strathyre and St Fillans (BLiSS) Trail. It would also be unsuitable due to its position at the north entrance to the village.
Case officer response: Please see sections 7.8-7.11
- Insufficient consideration of alternative sites by the applicant including existing infrastructure and on the hillside.
Case officer response: Please see sections 7.4-7.7
- The proposed mast and equipment presents a safety hazard to path and road users.
Case officer response: Please see section 7.18

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- The proposed mast presents a health hazard to path users, local people and animals including bees, horses and livestock.
Case officer response: The applicant has provided a declaration of conformity with public radio frequency exposure guidelines. The safety of telecommunications equipment is covered by UK and EU safety legislation and is not a material consideration of the planning application.
- Potential future uses for the proposed infrastructure under permitted development rights once it is constructed.
Case officer response: Please see sections 7.16-7.18
- The field to the west of the proposed site is affected by flooding and infrastructure could increase run-off into the field.
Case officer response: The proposed footprint of the development is 1m². It is considered that this size of development would not negatively impact on current flooding levels.
- The construction and maintenance of the mast and equipment cabinets would result in disruption to path and road users.
Case officer response: Please see section 7.13 and 7.14
- The applicant indicated on the application form that no trees were on the proposed site when trees are present to the west of the site.
Case officer response: Although the applicant indicated no trees were present on the site on the application form the submitted drawings do show trees in the vicinity and the impact on trees is considered in section 7.12
- The mast will have a negative effect on local property values.
Case officer response: This is not a material planning consideration.
- General comments on the efficiency and usefulness of smart meters as well as failures in the rollout of smart meters by the Government.
Case officer response: These are not a material planning consideration.

5 POLICY CONTEXT

National Park Aims:

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- a) to conserve and enhance the natural and cultural heritage of the area;
 - b) to promote sustainable use of the natural resources of the area;
 - c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
 - d) to promote sustainable economic and social development of the area's communities.
- 5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Local Development Plan:

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- 5.3 Relevant policies:
OP1 - Overarching Policy 1: Strategic Principles
OP2 - Overarching Policy 2: Development Requirements
TELP1 - Telecommunication Policy 1
HEP3 - Historic Environment Policy 3: Wider Built Environment and Cultural Heritage
NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact
NEP 9 - Natural Environment Policy 9: Woodlands on or adjacent to development sites
NEP13 - Natural Environment Policy 13: Flood Risk

Material considerations:

- 5.4 National Park Partnership Plan (2012-2017)
Relevant outcomes:
Outcome 2: Landscape Qualities
The Park's special landscape qualities and sense of place are conserved and enhanced with more opportunities to enjoy and experience them.
Priority 2.1: Landscape & Heritage

Outcome 11: Sustainable Growth
The rural economy has been strengthened through sustainable business growth and diversification.
Priority 11.1: Low Carbon Economy
Priority 11.2: Rural Diversification
- 5.5 Scottish Planning Policy 3 (2014)
Paragraphs 298-300.

6 **SUMMARY OF SUPPORTING INFORMATION**

- 6.1 Declaration of conformity with public radio frequency exposure guidelines
- 6.2 Supporting Statement
Describing the reason for smart meter infrastructure, the technical requirements, other sites considered and design and access considerations.
- 6.3 Supporting Technical justification
Providing technical information on the operation of the base station, the extent of coverage and health and safety information.
- 6.4 The Smart metering network
Information from Arqiva as the statutory undertaker for providing the wide area network for smart metering equipment in Scotland and Northern England.
- 6.5 The Smart metering system
Information from UK government Department of Energy & Climate Change about smart meters.
- 6.6 Photomontages
Photographic examples of the proposal.
- 6.7 Discounted Options Map
Map showing the sites considered in section 3 of the Supporting Statement

7 PLANNING ASSESSMENT

- 7.1 The key issues for determination of this application are the principle of development, the visual impact of the proposed mast, the impact on road traffic safety and the impact on public access during construction and when carrying out routine maintenance.

Principle of Development

- 7.2 Telecommunication Policy 1 of the Local Development Plan supports proposals where:
- There is an established need for the enhancement of infrastructure;
 - All technically suitable site locations have been investigated; and
 - Where new free-standing support structures are proposed they should be sited and designed to minimise visual impact.
- 7.3 To support the UK Governments roll out of smart meters a network of communication infrastructure is required. The majority of properties are served by a primary network. However, a secondary network is required for smaller settlements in remote areas which due to constraints (topography, distance, etc) require more localised coverage. This application is required for this secondary network and therefore, it is considered that there is an established need for the proposed infrastructure in accordance with Telecommunication Policy 1.
- 7.4 Smart meter base stations must be able to communicate with smart meters within premises, often located in the depth of a property, and for this reason they are required to be located in close proximity to the properties to be served.
- 7.5 Alternative site locations were discounted by the applicant in section 3 of the supporting statement. Two further potential sites were identified during the application process, the existing mast at the north of the village and the existing BT site, the applicant provided an assessment of these sites on request, explaining why they were unsuitable.
- 7.6 The majority of these sites were discounted for lack of coverage. The existing mast to the north of the village would not be able to accommodate the additional infrastructure and therefore a second mast would be required as well as the equipment cabinets. Locating the mast within the BT exchange grounds has been discounted due to lack of space, the presence of existing telegraph poles and potential traffic disruption during construction.
- 7.7 It is considered that all technically suitable sites have been investigated in accordance with Telecommunication Policy 1a.

Visual Impact

- 7.8 The proposed mast and equipment cabinets are sited on the grass embankment and to the immediate west there is a backdrop of deciduous trees. The proposed mast will be taller than the treeline. To the northeast of the proposed site are two existing dark green BT cabinets. The lampposts are located at intervals on the grass embankment and are 7.8 metres high. Immediately opposite the proposed mast there is a small building with grounds which is used to house telecommunication infrastructure. On the north side of the building there is a dwellinghouse and to the south there is a garage with an extant planning permission to be used as a dwelling.
- 7.9 The proposed mast is 'slimline' at 200 millimetres and is not much wider than the existing lampposts. To tie in with the existing streetscape and the backdrop of trees the mast, if approved, should be finished in a non-reflective recessive grey or brown colour ensured through condition. The proposed equipment cabinets will be coloured in a dark green to match the existing BT cabinets.

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7.10 The footpath is part of the Balquhidder, Lochearnhead, Strathyre and St Fillans (BLiSS) Trail which showcases sculptures and promotes local businesses along the route. The proposed mast and cabinets are located at an acceptable distance from promoted features of this trail and it is considered that, once constructed the proposed additional infrastructure would not have a significant adverse impact on path users.

7.11 It is considered that there will be no adverse visual impact as a result of the development subject to the colour of the mast and cabinets being secured through condition.

Impact on trees

7.12 The proposed mast and equipment cabinets will be erected in close proximity to trees which line the west side of the pavement. A condition is recommended to ensure the trees are not adversely affected by the development.

Public Access

7.13 The proposed mast and equipment is located immediately adjacent to the footpath which also serves as National Cycle Network Route 7 (NCN7) and the Balquhidder, Lochearnhead, Strathyre and St Fillans (BLiSS) Trail. To construct the mast and connect the equipment cabinets it would be required to block this route temporarily whilst the mast is held in place to allow the foundations to set and to bury infrastructure under the path. To minimise disruption and ensure the path is restored, a condition is recommended to ensure a public access management plan is in place during construction.

7.14 Periodic access will be required approximately once every two to three months for maintenance and servicing of the proposed mast and cabinets. Typical visits will be conducted by an engineer using a light vehicle which can be parked lawfully nearby. The equipment cabinets are small and services to these cabinets will not disrupt path users.

Road Safety

7.15 The proposed mast and cabinets are located to the west side of the footpath. The trunk roads authority, Transport Scotland, have raised no objections to the principle of the project. It is considered that the mast and equipment would not affect the safety of path and road users.

Permitted Development Rights

7.16 Under Class 67 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended Telecommunication code system operators, such as Arqiva, have certain rights to carry out development for the purpose of their communications network.

7.17 Once constructed, the proposed mast and any apparatus on the mast could be adjusted without planning permission as follows:

- The height could be increased up to a height of 25 metres
- The width could be increased by one third of its existing width (including apparatus);
- The mast could be moved to a location within 6 metres from its current position.

7.18 It is considered that an increase in height of the mast, even by a small amount could have an adverse visual impact and therefore it is recommended that the permitted development right to increase the height is removed through condition.

8 CONCLUSION

- 8.1 The proposal complies with Telecommunication Policy 1 as there is an established need for the mast and all technically suitable alternative locations have been investigated. In terms of siting, the mast and equipment cabinets are set back from the road, in line with the existing lampposts and set against a backdrop of deciduous trees. The proposal is located within the village on the main road alongside existing similar street furniture and it is not considered to have a significant adverse impact on visual amenity or on road traffic safety. Further details should be required by condition for the colour of the mast and antennae proposed, and a public access management plan for construction works in order to ensure the disruption to path users is kept to a minimum. Trees should be protected from excess topping, lopping or felling by condition and the permitted development right to increase the height of the mast should be removed in order to safeguard the amenity of the area.

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: Click on view applications, accept the terms and conditions then enter the search criteria as “2018/0211/DET”

List of Appendices: Appendix 1 Conditions and Informatives

APPENDIX 1: Conditions and Informatives

Conditions:

1. **Colour of Mast and Apparatus:** Prior to installation on site a detailed specification, including the RAL colour, of the approved mast, antennae and associated apparatus shall be submitted to, and approved in writing by the planning authority. The mast and apparatus shall be retained in the approved colour for so long as it remains on the land.

REASON: To ensure a satisfactory standard of appearance of the development in accordance with Local Development Plan Telecommunication Policy 1.

2. **Colour of Equipment Cabinets:** The equipment cabinets hereby permitted will be of a dark green colour to match the existing BT cabinets located to the north east of the development hereby approved.

REASON: To ensure a satisfactory standard of appearance of the development in accordance with Local Development Plan Telecommunication Policy 1..

3. **Public Access:** Prior to Commencement of Development hereby approved, a detailed plan of public access for cyclists and other users across the site (existing, during construction and upon completion) shall be provided for the approval of the Planning Authority in consultation with Sustrans. This will show:

- All existing paths, tracks and rights of way;
- Any temporary diversions of paths proposed for the purposes of the Development;
- Details of the construction schedule;
- Details of banksmen used to direct path users around the works;
- Details of temporary signage; and
- Specifications for reinstatement of public access routes at post-construction stage.

The Public Access Management Plan shall be implemented in full unless otherwise agreed in writing with the Planning Authority.

REASON: To ensure a suitable standard of access provision in the interests of road and pedestrian safety.

4. **Protection of Existing Trees:** No tree on or immediately adjacent to the site of the development hereby permitted shall be topped, lopped or felled unless otherwise approved in writing by the planning authority.

REASON: To protect established trees against accidental damage during the course of the development.

5. **Permitted Development:** Notwithstanding the provisions of Part 20, Class 67, of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order with or without modification) the mast to which this permission relates shall not be materially altered in height, without application to, and the grant of permission by, the Planning Authority.

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REASON: The Planning Authority considers that such development should be subject to formal control in order to safeguard the amenities of the area.

List of Plans

Title	Reference	Date Received
Location Plan	305196-00-004-MD001 Rev 1.A	24/08/18
Site Plan	305196-01-100-MD001 Rev 1.A	24/08/18
Proposed Elevation	305196-01-150-MD001 Rev 1.A	24/08/18
Equipment layout plan	305196-01-101-MD001 Rev 1.A	24/08/18

Informatives

1 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2 Notification of Initiation of Development - 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. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.