

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 21 NOVEMBER 2017

KIRRIEMUIR THISTLE FOOTBALL & SOCIAL CLUB, WESTVIEW PARK, KIRRIEMUIR

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for the installation of a 15.0m lattice mast with 3no. antennae, 2no. 300mm dishes and ancillary equipment cabinets, application No 17/00517/FULL, at Kirriemuir Thistle Football & Social Club, Westview Park, Kirriemuir.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the appeal.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:
Appendix 1 – Submission by Planning Authority
Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 17/00517/FULL

APPLICANT- TELEFONICA

PROPOSAL & ADDRESS – THE INSTALLTION OF A 15.0M LATTICE MAST WITH 3NO ANTENNAE, 2NO 300MM DISHES AND ANCILLARY EQUIPMENT CABINETS AT KIRRIE THISTLE FOOTBALL & SOCIAL CLUB WESTFIELD PARK HERDHILL KINGSMUIR DD8 5LG

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Angus Council

Application Number:	17/00517/FULL
Description of Development:	The Installation of a 15.0m Lattice Mast with 3no. Antennae, 2no. 300mm Dishes and Ancillary Equipment Cabinets.
Site Address:	Kirrie Thistle Football & Social Club Westview Park Herdhill Kirriemuir DD8 5LG
Grid Ref:	337965 : 753661
Applicant Name:	Telefonica

Report of Handling**Site Description**

The application site measures approximately 38sqm and is located towards the western periphery of Kirriemuir within Westview Park (Kirriemuir Thistle) football ground. The site is currently an open area of hard standing used for parking and is surrounded by a petrol station to the east, residential properties to the southeast, open space to the north and the remainder of the football ground to the west with the club house immediately south. The site is accessed via an existing access taken from the south side of B951. The closest housing to the site is located at Westfield, with 22 Westfield approximately 18 metres from the proposed mast

Proposal

The application seeks to erect a 15m high galvanised grey steel lattice telecoms tower with 3 antennas which would project 3m above the top of the mast, resulting in a total height of the structure being approximately 18m. Below this, 3 radio transmitters (RRU's) and 2x 300mm diameter transmission dishes would also be installed on the tower frame. The tower and 2 cabinets, 1 with dimensions of 1300x700x1450mm and 1 with measuring 600x500x1535mm, both of which would be finished in green (RAL6009), would be erected on a 4m x 4m concrete base. The concrete base would be surrounded by a 1.8m high close board fence.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

The nature of the proposal did not require a site notice to be posted.

Planning History

10/01274/FULL for Erection of Floodlights, Replace Existing Lampheads and Reinstate Boundary Fence was determined as "approved subject to conditions" on 31 January 2011.

Applicant's Case

A Planning Design Statement was submitted alongside the application. This overarching document provides an introduction, a history and a summary of the proposal.

A generalised document named General Background Information for Telecommunications Development

was submitted in support of the application and provides a brief background to telecoms developments, including site selection processes and relevant planning policies.

An ICNIRP certificate was submitted in support of the application and confirms the cumulative emissions from the proposed installation and all radio base stations present at, or near the proposed location are below a safe level.

A document named Health and Mobile Phone Base Stations provides details including research reviews and compliance with international exposure and ICNIRP guidelines. This is to aid in addressing public concern about perceived health effects of mobile technology and its deployment, in particular about siting masts close to local communities.

A further overarching 'Supplementary Information' document was provided in support of the application and gives a brief overview and background to the proposal. This document summaries per-applications steps and discussions and includes considerations of alternative sites for the proposed development. The current site was chosen to provide improved 2G, 3G, 4G services in Kirriemuir and on the basis it would not be in direct view of residential properties.

Various coverage maps were submitted in support of the application which show existing and planned 2G, 3G, 4G services as a result of the proposed mast. An additional set of coverage maps were submitted which show the services available from a mast at an alternative location within Westview Park.

A number of emails from the agent were received during the application process in response to various concerns raised by the Planning Authority. The emails note that mast sharing with a nearby mast, which was recently approved on appeal, would not be possible as the masts serve the same operator and the phase of sites is designed to improve coverage levels within Kirriemuir. These planned improvements namely relate to coverage within homes and as such the agent states sites need to be either in or reasonably close to residential area. It was stated site selection tries to avoid having a direct impact on the visual amenity of residential properties by locating new sites away from strategic viewpoints or from being directly in line of sight from main windows. An alternative mono pole design was suggested and alternative locations in the vicinity were discounted on inability to provide adequate coverage level, unsuitability of existing structures to support development and sites being directly adjacent to properties. The proposed location was arrived at as although approximately 20m from the residential buildings it is located at an oblique angle and is not in direct line of sight from the windows. This together with the intervening garage use means that the mast will have no significant impact on their visual amenity. In these circumstances the agent is content that the proposed location is not materially harmful to visual amenity and has been arrived at using the correct procedure and in line with policy.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - Offers no objections to the proposal.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

Policy TC13 : Digital Connectivity and Telecommunications Infrastructure

Policy PV2 : Open Space Protection and Provision within Settlements

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy TC13 deals with telecommunications development and indicates that proposals for telecommunications should seek to minimise impacts on visual amenity, character or appearance of the surrounding area. It indicates that where a new mast is proposed, it should be demonstrated that an applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Angus Council's Advice Note 26 Telecommunications Development provides relevant guidance. It indicates that the preferred location for mast installations is in industrial areas away from any boundary with residential properties. It states that residential areas are best avoided because structures are likely to be intrusive and unsightly and disturb the enjoyment by householders of their residential amenity. It states that where it is not possible to avoid such areas, careful siting and design will be paramount. Policy DS4 deals specifically with amenity and amongst other things states that development will not be permitted where there is an unacceptable adverse impact on the environment or amenity of nearby property.

As noted above the application site is located within the curtilage of an established football ground. However the 18m high galvanised lattice mast would be sited only 18m from the rear elevation of residential properties and 9m from the curtilage of these dwellings. Although at angle from the rear windows of these properties the mast would be a highly prominent vertical structure in views from windows. It is noted the existing view from these windows would include other commercial uses and vertical constructions, however the proposed mast would be significantly greater in height than existing vertical structures and would have a detrimental and unavoidable presence for adjacent residents. In these circumstances the siting and appearance of the proposal would not minimise impact on visual amenity. The proposal by virtue of height, location and proximity to nearby residential property would have a significant adverse impact on the amenity of nearby residential properties.

The information submitted by the agent in support of the application indicates that an additional mast in this general location is necessary to support the delivery of the required coverage. The applicant has indicated that there is no possibility of sharing existing masts to meet the identified requirement. Some information has been provided to indicate and discount alternative sites, and further justification was submitted in relation to preference and suitability of the proposed site. I am not however convinced that a mast offering a similar coverage level could not be sited at a more reasonable distance from residential property.

The proposal does not give rise to significant issues in terms of the remaining criteria of policies TC13 or DS4. However, the submitted details would not alleviate the unacceptable amenity impacts and as indicated above the proposal does not comply with Policies TC13 or DS4.

The ALDP and relevant national policy and guidance offer a positive and supportive framework for the consideration of proposals that assist in the provision of improved accessibility to digital communications. The desirability of providing improved digital connectivity and the associated economic and social benefits are material considerations. However, there is nothing in planning policy that suggests that any such benefit should be at the expense of reasonable amenity levels for residents of an area. In this case the detrimental amenity impacts associated with the proposal are significant and outweigh the benefits associated with providing improved telecommunications coverage.

The site is within a designated area of open space. Policy PV2 relates to open space protection and provision within settlements and indicates that Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space is only permitted in certain circumstances. The proposal would result in development of an area of ground within

the car park and but would not affect the sporting or recreational value of the existing site. The proposal complies with the intentions of Policy PV2.

In conclusion, the application proposes a telecommunications installation which would result in a significant adverse impact upon the amenity of nearby residents. The proposal would provide improved telecommunications coverage in the area and account has been taken of the economic and social benefits that this would provide. However, those benefits do not outweigh the significant harm that would be caused to the amenity of nearby residents and I consider a more suitable site further from residential property but located within the operators search area could be brought forward. The proposal is contrary to the development plan because the apparatus would not be sited and designed in a manner which would minimise impact on visual amenity. There are no material considerations that justify the grant of planning permission contrary to the development plan.

Human Rights Implications

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

Decision

The application is refused

Reason(s) for Decision:

1. The proposal is contrary to Policy TC13 Digital Connectivity and Telecommunications Infrastructure and Policy DS4 Amenity of the Angus Local Development Plan (2016) and Angus Council's Advice Note 26 Telecommunications Development because the siting and appearance of the proposed apparatus would not minimise impact on the visual amenity of residential property in the surrounding area.

Notes:

Case Officer: Stephanie Porter
Date: 18 August 2017

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;

- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC13 : Digital Connectivity and Telecommunications Infrastructure

Proposals for telecommunications development will be permitted provided that the following criteria are met:

- o The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- o If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- o If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.
- o If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.

When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.

Policy PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

17/00517/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

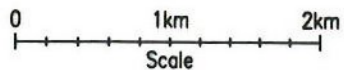
28	06	17
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

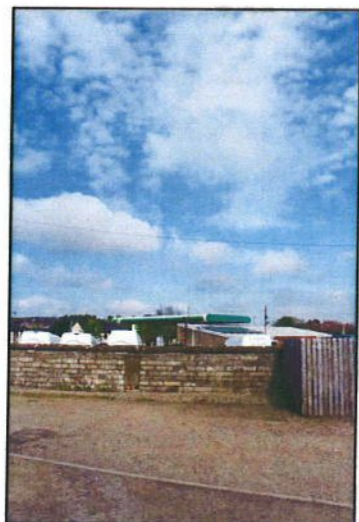
Refused

SITE LOCATION



SITE LOCATION
(Scale 1:50000)

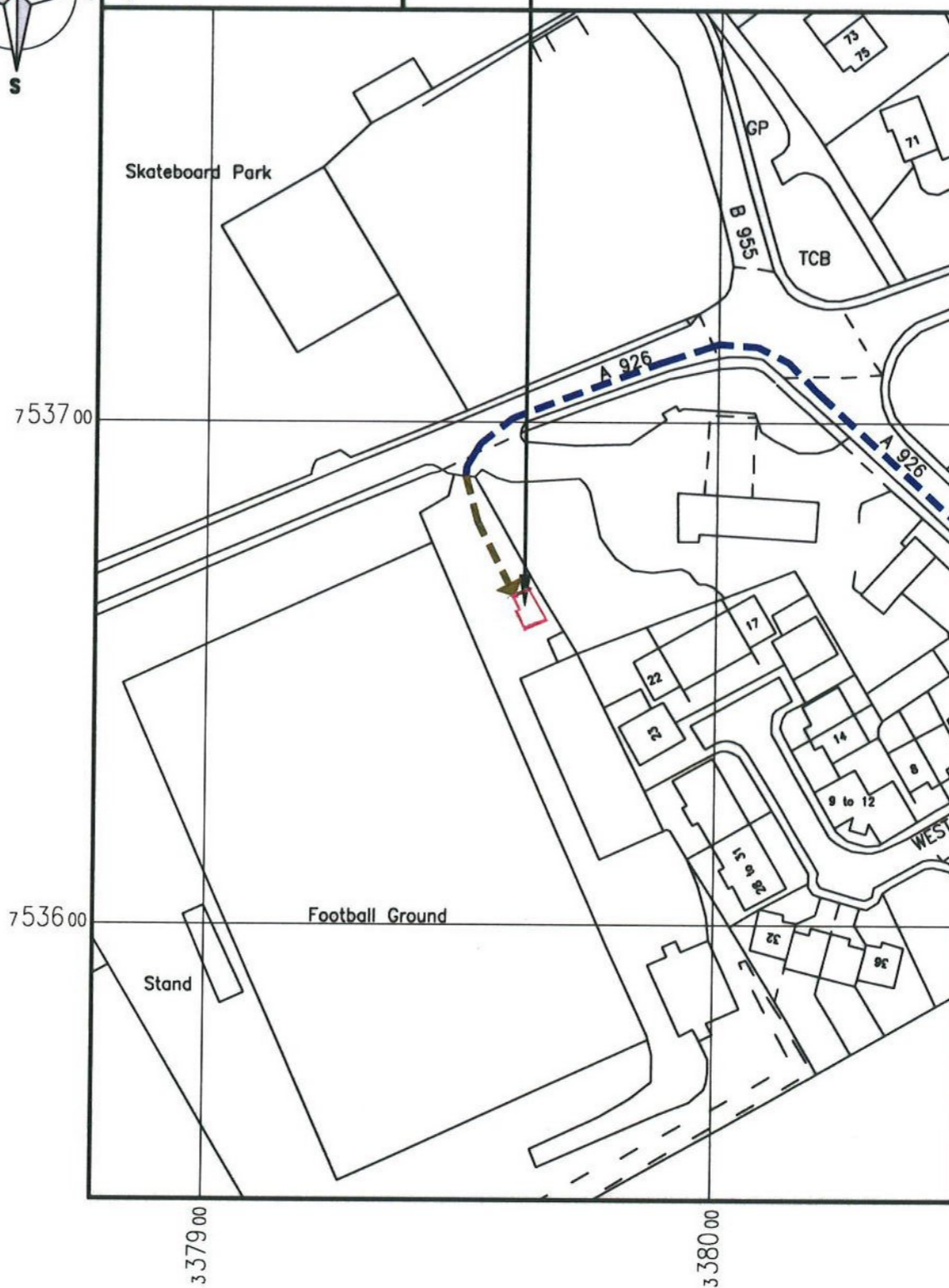
Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office Licence No. 0100023487 Crown copyright.



SITE PHOTOGRAPH



SITE LOCATION



DETAILED SITE LOCATION

(Scale 1:1250)

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ORIGINAL SCALE AT A3 - 1:5000

ALL DIMENSIONS IN METRES

Refused

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 337963 N: 753663

CONCESSION REQUIRED NO

DIRECTIONS TO SITE:
FROM DUNDEE TAKE THE A90 NORTH UNTIL THE JUNCTION WITH THE A926. TAKE THE A926 WESTBOUND TO KIRRIEMUIR. ENTERING THE TOWN, STAY ON THE WEST SIDE OF THE TOWN. AT THE TOP OF THE HILL ON LINDSAY STREET TAKE THE FIRST EXIT LEFT AT THE ROUNDABOUT OUTSIDE THE BP PETROL STATION. TAKE THE NEXT LEFT INTO THE FOOTBALL GROUND, THE SITE IS LOCATED ON THE LEFT BESIDE THE TIMBER ENCLOSURE IN FRONT OF THE SOCIAL CLUB

NOTES:

A	Issued for Approval	SSC	NDS	18.05.17
REV	MODIFICATION	BY	CH	DATE

WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

Cell Name	Opt.	
ATT_76	C	
Cell ID No		
CTIL	TEF	VF
236275	080786	NA

Site Address / Contact Details
KIRRIEMUIR THISTLE FC
WESTVIEW PARK
KIRRIEMUIR
ANGUS
DD8 5AZ

Drawing Title: **SITE LOCATION MAPS**
Purpose of Issue: **PLANNING**
Drawing Number: **100**

Surveyed By:	NDS	Original Sheet Size:	A3	Issue:	A
Drawn:	SSC	Date:	18.05.17	Checked:	NDS
		Date:	18.05.17		

NOTES:

- GEOTECH REQUIRED
- POWER QUOTE REQUIRED
- STATUTORY SERVICES INFORMATION REQUIRED

A	Issued for Approval	SSC	NDS	18.05.17
REV	MODIFICATION	BY	CH	DATE

GallifordTry
 WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
 Tel: +44 (0)1455 222782 Fax: +44 (0)1455 222758

O₂
 CTIL

Cell Name	Opt.
ATT_76	C

Cell ID No		
CTIL	TEF	VF
236275	080786	NA

Site Address / Contact Details
 KIRRIEMUIR THISTLE FC
 WESTVIEW PARK
 KIRRIEMUIR
 ANGUS
 DD8 5AZ

Drawing Title: **PROPOSED SITE PLAN**

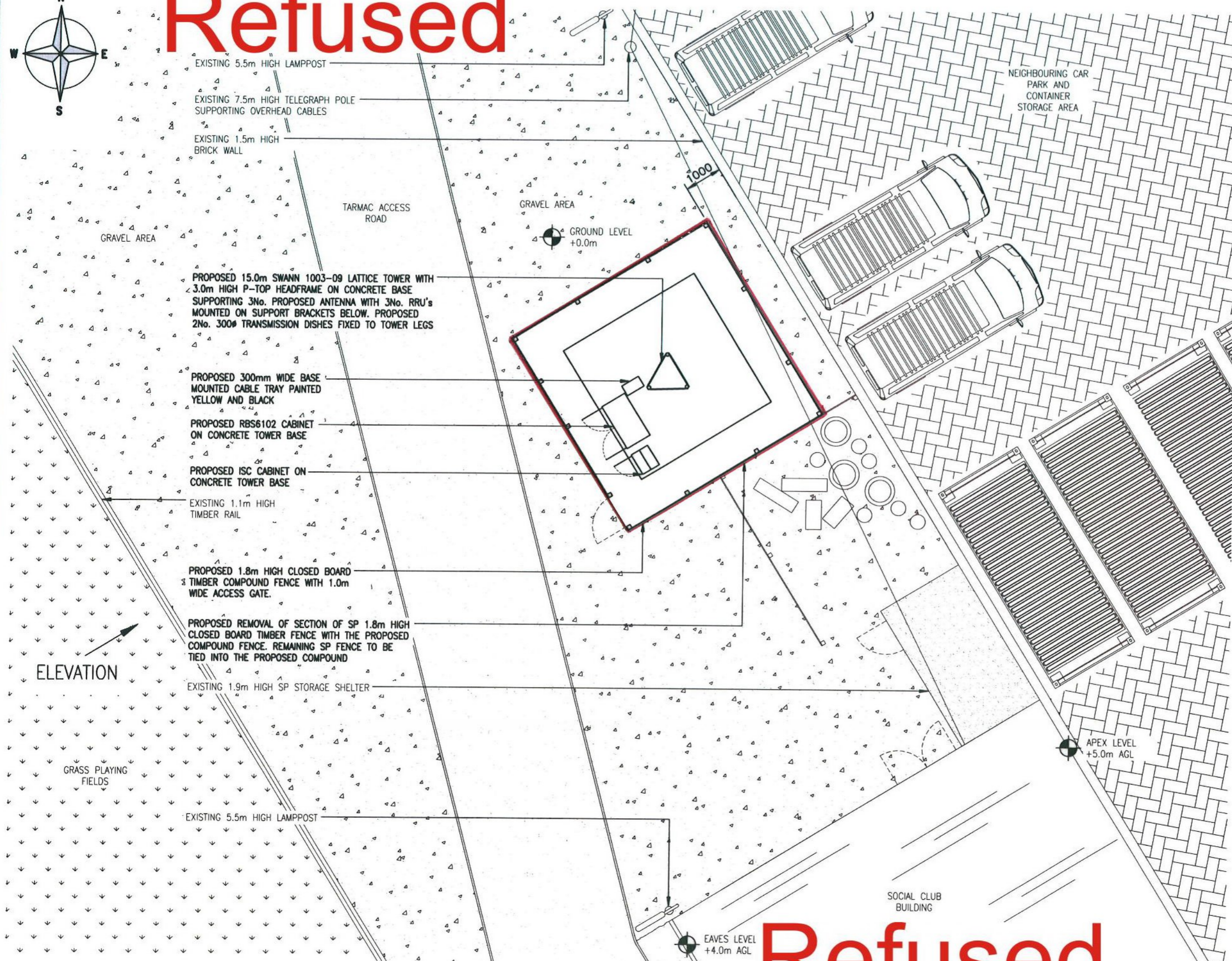
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Drawing Number: **201**

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Drawn:	SSC	Date:	18.05.17	Checked:	NDS
		Date:	18.05.17		



Refused



PROPOSED SITE PLAN
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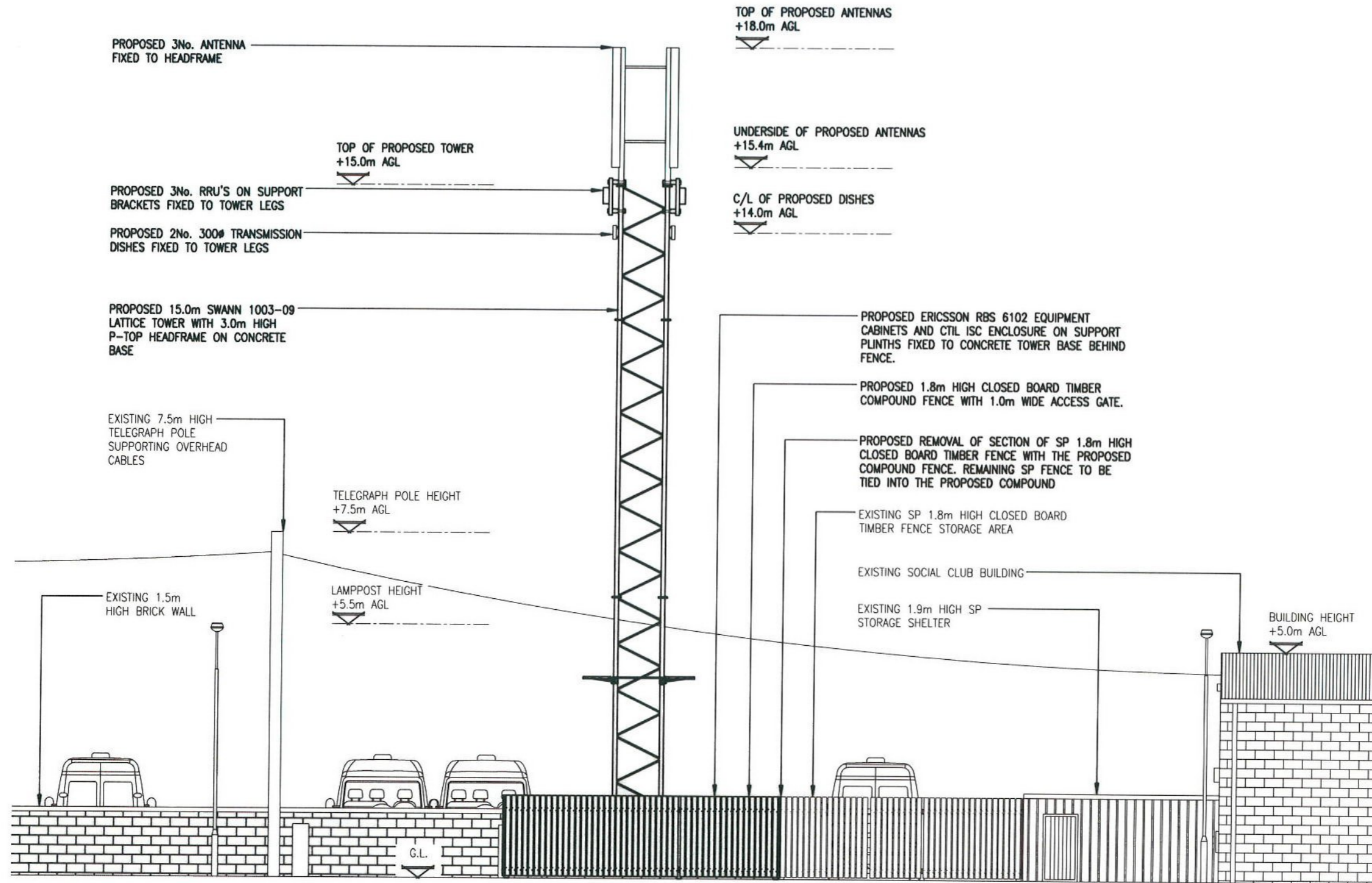
Refused

ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
 Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

Refused



PROPOSED SOUTH WEST ELEVATION



Refused

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

AC4

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 337963 N: 753663

CONCESSION REQUIRED NO

NOTES:

- GEOTECH REQUIRED
- POWER QUOTE REQUIRED
- STATUTORY SERVICES INFORMATION REQUIRED

REV	MODIFICATION	BY	CH	DATE
A	Issued for Approval	SSC	NDS	18.05.17

GallifordTry
WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

O₂
CTIL

Cell Name Opt.
ATT_76 C

Cell ID No

CTIL	TEF	VF
236275	080786	NA

Site Address / Contact Details
KIRRIEMUIR THISTLE FC
WESTVIEW PARK
KIRRIEMUIR
ANGUS
DD8 5AZ

Drawing Title: PROPOSED SITE ELEVATION

Purpose of issue: PLANNING

Drawing Number: 301

Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: SSC	Date: 18.05.17	Checked: NDS Date: 18.05.17







Kirriemuir Thistle J.F.C.











ARREMUS THISTLE SOCIAL CLUB







TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION REFUSAL
REFERENCE : 17/00517/FULL

To **Telefonica**
c/o WFS Telecom John Church
FAO John Church
Suite 152
4 Pavilion
4, St James Business Park
Linwood Road
Paisley
PA3 3AT

With reference to your application dated 23 June 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

The Installation of a 15.0m Lattice Mast with 3no. Antennae, 2no. 300mm Dishes and Ancillary Equipment Cabinets. at Kirrie Thistle Football & Social Club Westview Park Herdhill Kirriemuir DD8 5LG for Telefonica

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

The proposal is contrary to Policy TC13 Digital Connectivity and Telecommunications Infrastructure and Policy DS4 Amenity of the Angus Local Development Plan (2016) and Angus Council's Advice Note 26 Telecommunications Development because the sitting and appearance of the proposed apparatus would not minimise impact on the visual amenity of residential property in the surrounding area.

Amendments:

The application has not been subject of variation.

Dated this **24 August 2017**

Kate Cowey - Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Communities
Planning
County Buildings
Market Street
Forfar
Angus
DD8 3LG

Telephone 01307 473212 / 473207 / 473335

E-mail: planning@angus.gov.uk

Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

COMMUNITIES Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

From: PorterSG
To: ["john.church@wfstelecom.co.uk"](mailto:john.church@wfstelecom.co.uk)
Subject: RE: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL
Date: 17 August 2017 14:02:00

Hi John,

Thank you for your email with the additional details and justification for the above proposal.

I have reviewed the information and note the difference in 4G coverage between the proposed location and the alternative location discussed. However looking at details submitted alongside the mast approved at appeal, as part of application 16/00776/FULL at Thrums Yard, Cortachy Road, the approved mast at Cortachy Road appears to cover the majority of the deficit area between the proposed location and the alternative location discussed for this current mast.

Furthermore there are other potential sites discussed in the supporting statement submitted alongside this current application which may be more appropriate. For example the Land at Slade Road site, the supporting statement suggests this site was ill-favoured as it was closer to residential properties than the current proposed location, but this doesn't appear to be the case. This may be another possibility worth investigating?

Unfortunately this Service would retain its position regarding the current application and the application will be refused based on non-compliance with Policies TC13 and DS4.

I trust this clarifies the situation.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

From: John Church [mailto:john.church@wfstelecom.co.uk]
Sent: 15 August 2017 10:16
To: PorterSG
Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi Stephanie,

In refer to your email of the 9th August.

I've consulted with my client's radio engineer responsible for the site. He has run some forecast coverage plots based on the mast being in the south west corner of the football field as you suggest. I appreciate that it may appear that a matter of 130m or so may seem inconsequential however the engineer has assured me that there is a significant difference in potential coverage of the target area. Please refer to the attached plots which illustrate the difference in 4g coverage. As you can see even with a higher mast at the alternative location there are still significant coverage gaps compared to the existing location hence justifying the selection of the proposed location on technical grounds.

The search area is marked on the map in Appendix 1 as a general indicator of the area we are looking in rather than a strict boundary. In this area in line with national and local planning policies we undertake a sequential search for existing masts, other suitable structures or buildings and finally locations for a new ground based mast.

Existing masts or structures must be available to share and be structurally suitable for supporting the equipment. Existing buildings must be high enough and structurally suitable and be made available for use by their owners in a normal commercial lease arrangement. Where possible we avoid using schools or other sensitive buildings which may generate community concerns, these types of buildings are not generally made available for use by their owners in any event.

I refer to your comments regarding the council policy in avoiding residential areas and minimizing impact on visual amenity. Neither I nor my client feel that you have given enough balancing to the alternative sites discounted as set out in Appendix 1 and paragraph 6 of the Supplementary Supporting Statement and the sequential process in arriving at the selected location. As you can see a number of potential alternative streetworks sites within the residential area have been discounted in favour of the selected option. As I have stated previously, the selected location is not in direct line of sight of the closest houses, that is the flats to the south east. The mast will be visible only from the rear windows of some of the houses and will be offset at an oblique angle. It's in not in direct line of sight from primary windows nor will it be in line of sight of any landscape views. The views of the nearest flats are over commercial buildings and land. In these circumstances we would contend that the proposed location is not materially harmful to visual amenity and has been arrived at using the correct procedure and in line with policy.

I also asked my client's radio engineer to consider the design of the proposed mast and they have offered a compromise which you may wish to consider. The proposed lattice mast could be replaced by a monopole type mast. I've attached a specimen drawing for illustration purposes. Please note it shows a 20m pole but this would be reduced to no more than 18m as per the current lattice mast. If you think this is preferable and that the council would be prepared to approve the application based on the foregoing and the revised design please advise and I'll arrange for revised drawings to be supplied.

I look forward to your reply,

Regards ,

John Church
WFS Telecom Ltd
E 0141 375 7670
M 07768 034193

From: John Church
Sent: 10 August 2017 11:43
To: 'PorterSG' <PorterSG@angus.gov.uk>

Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi Stephanie, I need to confer with my client and will get back to you as soon as possible.

Regards

John Church
WFS Telecom Ltd
E 0141 375 7670
M 07768 034193

From: PorterSG [<mailto:PorterSG@angus.gov.uk>]
Sent: 09 August 2017 12:22
To: John Church <john.church@wfstelecom.co.uk>
Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi John,

Sorry for the delay in responding but I've only just had a chance to review the proposal in light of your response below.

The points you have mentioned suitably clarify the unacceptability of utilising existing buildings/structures within the Park to facilitate the proposed mast. However this Service would still have concerns with regards to the proposed location. The current location is too close to the existing flats located to the southeast of the site and the proposal would fail to 'minimise impact on the visual amenity' of these properties. As such the proposal would not comply with Policies TC13 and DS4 of the Angus Local Development Plan. Similarly the proposal would fail to adhere to the guidance in Angus Council's Advice Note : Telecommunications Developments, which states;

'Residential areas are best avoided as telecommunications structures are likely to be intrusive and unsightly and disturb the enjoyment by householders of their residential amenity. Where for operational reasons it is impossible to avoid predominantly residential locations, careful siting and design selection will be paramount to make a proposal acceptable.'

I acknowledge you have advised the mast is to improve coverage levels for customers within their homes and as such the mast needs to be either in or reasonably close to residential areas. In considering the operational requirements and the technical limitations of the technology, and taking note of the above guidance, I appreciate the mast would need to be located in the region of existing dwellings. However this Service is not satisfied, based on the level of details provided, that an alternative location which would be less intrusive and provide similar coverage cannot be achieved within the vicinity, i.e. the southwest corner of the Football Park. Furthermore the southwest corner of the Park appears to be within the search area highlighted in Appendix 1 which was submitted alongside the pre-application enquiry for this mast.

Therefore, based on the above the current proposal cannot be progressed positively. Due to the

stage of the application this Service will proceed to refuse the application in due course unless you wish to withdraw the current application and reapply for a similar mast in an alternative, more suitable, location.

I trust this clarifies the situation for you and I would be grateful if you could confirm how you wish to proceed.

Yours sincerely,

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

From: John Church [<mailto:john.church@wfstelecom.co.uk>]

Sent: 20 July 2017 12:34

To: PorterSG

Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi Stephanie,

This phase of sites is designed to improve coverage levels for customers within their homes and as such the sites need to be either in or reasonably close to residential areas. Any physical object obstructing the propagation of radio signals causes a reduction in the signal strength reaching a customer's device. A common term for these objects is 'clutter'. The more obvious examples are buildings and geographical terrain such as hills and trees. Buildings cause a varying amount of signal reduction depending on their height, construction, thickness of walls, amount of windows etc. Glass causes a lower reduction in signal than brick/concrete walls. Customers will inadvertently be aware of this by finding that sometimes they need to go near windows, a higher floor of a building or even outside in order to achieve a stronger signal for their mobile devices. Accordingly there is a technical requirement to keep sites as reasonably close to the target area as possible.

We try to avoid having a direct impact on the visual amenity of residential properties or neighbourhoods by locating new sites away from strategic viewpoints or from being directly in line of sight from main windows. In this instance, the football ground was considered to be the best option as the immediate locality is leisure and commercial in character and there are several other vertical features in the landscape, for example the garage canopy and the trees forming a back drop on the far west of the football ground. Locating beside those trees was considered but the radio planning team is of the opinion that the location is too far away from the target area and will not provide adequate coverage levels. Alternative locations just to the south of the clubhouse were also looked at but these would have put the mast directly adjacent to the rear of the properties on the east side of the boundary wall. The proposed location was arrived at as although approximately 20m from the residential buildings it is located at an oblique angle and is not in direct line of sight from the windows. This together with the intervening garage use means that the mast will have no significant impact on their visual amenity.

I can confirm that we are unable to use any of the existing structures or floodlights at Westview Park or the public park opposite. They are all too low and of a lightweight construction and are unable to support the apparatus. Similarly, we have been unable to identify any suitable high

buildings in the search area which could support the equipment.

I trust that this alleviates your concerns, please do not hesitate to call me if you wish to discuss the application further.

Kind regards ,

John Church
WFS Telecom Ltd
E 0141 375 7670
M 07768 034193

From: PorterSG [<mailto:PorterSG@angus.gov.uk>]
Sent: 20 July 2017 10:17
To: John Church <john.church@wfstelecom.co.uk>
Subject: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Dear John,

I write in regards to the above planning application, where I would advise the following.

Having visit the site on Tuesday I would raise some concerns with the proximity of the mast to the flats to the southeast of the site, some 18m. Would it be possible to relocate the mast to another area of the park, a greater distance from existing properties? Could the mast be located on top of any existing structures or could the existing floodlights be used to support the apparatus?

If you have any questions please do not hesitate to contact me.

Kind Regards

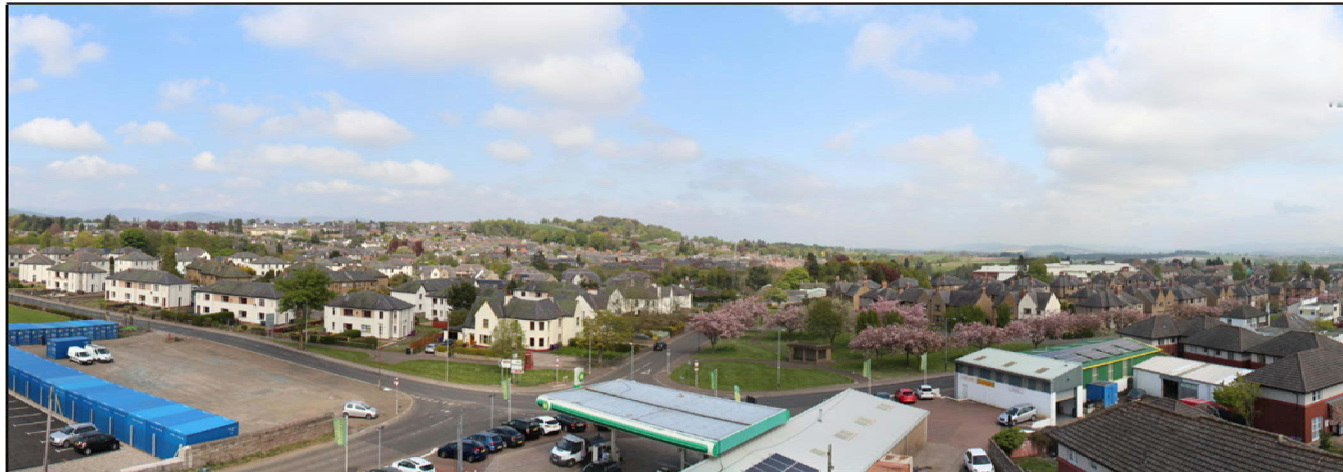
Stephanie Porter | Planning Officer | Place | Planning | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

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Panoramic View - 16.7m

000° 030° 060° 090° 120°



120° 150° 180° 210° 240°



240° 270° 300° 330° 000°



SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:	Kirriemuir Thistle FC	Site Address:	Kirriemuir Thistle FC, Westview Park, Kirriemuir, Angus, DD8 5AZ
National Grid Reference:	E 337963 N 753663		
Site Ref Number:	CTIL 236275 TEF 80786	Site Type: ¹	Macro - Greenfield

2. Pre Application Check List

Site Selection

Was an LPA mast register used to check for suitable sites by the operator or the LPA?		No
If no explain why: No maintained register in place.		
Was the industry site database checked for suitable sites by the operator:	Yes	There are no existing masts or structures in the area which can be shared or which will meet the operator's technical requirements.
If no explain why: N/A		

Annual rollout consultation with LPA

Date of last annual rollout information/submission:	13 th October 2016
Name of Contact:	E Taylor and T McCann
Summary of outcome/main issues raised:	N/A

Pre-application consultation with LPA

Date of written offer of pre-application consultation:	18 th May 2017	
Was there pre-application contact:	Yes	No
Date of pre-application contact:	24 th May 2017	
Name of contact:	Stephanie Porter	
Summary of outcome/main issues raised:		
<ul style="list-style-type: none"> - No drawings have been provided with the consultation and efforts should be made to minimise visual impact upon the surrounding area. - The proposal should demonstrate the prospect of sharing existing facilities and be reasonably discounted. The consultation does offer alternative sites which have been discounted but does not consider utilising existing infrastructure. - A coverage map would also be required for a future application. - Site is not located in a sensitive area but is located within an area of Open Space Protection and suitable justification would need to be put forward with regards to the loss of open space. 		

¹ Macro or Micro

Ten Commitments Consultation

Rating of Site under Traffic Light Model:	Green	
Outline of consultation carried out: Pre Application Consultation letters issued to ward councillors and the local community council on 18 th May 2017.		
Summary of outcome/main issues raised: No comments have been received to date.		

School/College

Location of site in relation to school/college: The proposed site is not within a reasonable distance of any schools.
Outline of consultation carried out with school/college: The site will have no direct visual impact on any schools and therefore no prior consultation was considered necessary in this instance.
Summary of outcome/main issues raised: N/A

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation

Will the structure be within 3km of an aerodrome or airfield?		No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?		No
Details of response: N/A		

Developer's Notice

Copy of Developer's Notice enclosed?	Yes	
Date served:	22/6/17	

3. Proposed Development

The proposed site:

The site will be located to the western outskirts of Kirriemuir. The development will comprise of a 15.0m lattice mast with 3no. antennae bringing the overall height to 18m, 2no. 300mm dishes and ancillary equipment cabinets. The design has been selected as it is the least visually intrusive that is also capable of providing adequate coverage to the target area. Access will be taken via the existing tarmac track in to Westview Park.

There are no existing masts or structures in the area which can be shared or which will meet the operator's technical requirements.

Enclose map showing the cell centre and adjoining cells:

Coverage plots are in preparation and will be forwarded in due course.

Type of Structure:

Description: Lattice mast

Overall Height: 18.0m to top of antennae

Height of existing building: N/A

Equipment Housing: 1no. RBS and 1no. ISC

Width: 1no. RBS 1300mm and 1no. ISC 600mm

Depth: 1no. RBS 700mm and 1no. ISC 500mm

Height: 1no. RBS 1450mm and 1no. ISC 1535mm

Materials:

Tower/mast etc – type of material and external colour:	Galvanised grey steel
--	-----------------------

Equipment housing – type of material and external colour:	Green RAL 6009
---	----------------

Reasons for choice of design:

The proposed lattice mast offers the best design solution in terms of the technical requirements of the operator and minimising visual impact. The open lattice structure is a better solution in that it minimises the bulk and mass of the structure. The height has been kept to the minimum possible in order to meet the technical requirements of the site and provide coverage to Kirriemuir.

4. Technical Information

<p>ICNIRP Declaration attached</p> <p>ICNIRP public compliance is determined by mathematical calculation and implemented by careful location of antennas, access restrictions and/or barriers and signage as necessary. Members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines.</p> <p>When determining compliance the emissions from all mobile phone network operators on the site are taken into account.</p>	Yes	
--	-----	--

Frequency:	GSM 900, UMTS 900/2100 and LTE 800
Modulation characteristics ²	GSM, UMTS, LTE
Power output (expressed in EIRP in dBW per carrier)	Further details will be available on request
<p>In order to minimise interference within its own network and with other radio networks, Telefonica operates its network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision</p> <p>As part of Telefonica's network, the radio base station that is the subject of this application will be configured to operate in this way.</p> <p>All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.</p> <p>The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.</p>	
Height of antenna (m above ground level)	15.4m to the underside of antennae

² The modulation method employed in 2G (GSM) is GMSK (Gaussian Minimum Shift Keying) which is a form of Phase modulation

The modulation method employed in 3G (UMTS) is QPSK (Quad Phase Shift Keying) which is another form of Phase Modulation

The modulation method employed in 4G (LTE) is 64 QAM (Quadrature Amplitude Modulation) which is another form of Phase Modulation

5. Technical Justification

The site is intended to provide improved 2G, 3G and new 4G services and coverage to Kirriemuir.

The search area is within a residential suburb of Kirriemuir. There are no existing structures within the area which could accommodate the equipment. The proposed site has been selected as it is not in direct view of residential properties and it is on the outskirts of the target area.

6. Site Selection Process – alternative sites considered and not chosen, please also refer to Appendix 1:

Site ³	Site Name and address	NGR	Reason for not choosing ⁴
(1) GF – Knowehead Road Streetworks	25 Knowehead Road, Kirriemuir, Angus, DD8 5AL	E 338172 N 753767	Technical - Considered for a new 15m streetworks monopole but the land is not adopted nor publicly maintained. No option available.
(2) GF – Robb Vehicles	Robb Vehicles, 15 Prosen Road, Kirriemuir, Angus, DD8 5AU	E 338196 N 753760	Technical - Considered for new 20m monopole. Small commercial premises operating as a motor vehicle repair business – no space available, no option.
(3) GF/ES – Martin Park	Martin Park, Slade Road, Kirriemuir, Angus, DD8 5AZ	E 337949 N 753713	Planning - Considered for new 15m monopole or replacement of existing floodlight poles. The existing poles are not shareable and would need replaced to accommodate required equipment. This location is also a public sport and play area and therefore discounted on planning grounds on the basis that there is a better alternative available.
(4) GF – Land off Westfield	2 Westfield, Kirriemuir, Angus, DD8 5AZ	E 338065 N 753609	Site Provider - Considered for a new 15m monopole. Land appears to be part of the access strip in new development. Discounted on ownership grounds.
(5) GF – The Golden Palace	The Golden Palace, 38 Lindsay Street, Kirriemuir, Angus, DD8 5AP	E 338121 N 753603	Technical - Considered for a new 20m monopole in the yard space behind premises. Space very limited and low lying land in comparison to target area. Discounted on technical grounds.
(6) RT – Webster's Sports Centre	Webster's Sports Centre, 36 Prosen Road, Kirriemuir, Angus, DD8 5AU	E 338259 N 753718	Planning - Considered for a rooftop installation or replacement of existing floodlight poles. However, this is a council owned sports facility and we have thus discounted it in favour of the proposed option.

³ ETS – Existing Telecomm site, ES – Existing Structure, RT – Roof Top, GF – Greenfield

⁴ SP – Site Provider, RD – Redevelopment Not Possible, T – Technical Difficulties, P – Planning, O - Other

(7) GF – Land at Slade Road	Slade Road, Kirriemuir, Angus, DD8 5AJ,	E 337941 N 753761	Planning - considered for a new 17.5m monopole. Land is available for use but is closer to residential properties than preferred option. Discounted on planning grounds that a better alternative is available but may be brought forward if preferred option fails.
(8) GF – Footway at Slade Road	Slade Road / B955, Kirriemuir, Angus, DD8 5AJ	E 337941 N 753853	Planning - Considered for new 15m streetworks pole. Land is available for use but is closer to residential properties than preferred option. Discounted on planning grounds that a better alternative is available but may be brought forward if preferred option fails.
General comment	Herdhill area of Kirriemuir, Angus		The area is made up of residential properties with pitched roofs which are not suitable for accommodating telecommunication equipment. There are no existing structures within the area.

If no alternative site options have been investigated, please explain why:

Environmental information: N/A

Land use planning designations: There are no restrictive or heritage land policies which directly affect the proposed site.

Additional relevant information:

Siting

The site is required to provide improved 3G and new 4G services and coverage to the Herdhill area of Kirriemuir. The proposed site has been selected on the basis that it will address existing coverage deficiencies and fit into the operators existing network of sites. All efforts have been made to identify locations which offer either sharing of an existing mast or the use of existing buildings or structures. However, there are none suitable within the search area.

It does not affect the Open Space Protection policy of Angus Council as it is wholly enclosed within the Kirriemuir Thistle FC football ground

Visual Appearance

As you will appreciate, it is very difficult for any base station development to improve the local amenity of the area in which it is to be sited; all that can be done is to mitigate impact as far as is operationally possible. In this location, a lattice mast structure is proposed on the grounds that it will have the least impact upon the visual amenity of the landscape by virtue of minimising the bulk of the structure and its open lattice style structure allowing light to pass through.

The height and design type of the mast have been kept the minimum possible which will meet the operator's technical requirements for the cell. The colour of the mast will be galvanised grey steel although this may be changed should the planning department wish to specify a different colour. The equipment cabinets will be painted green. No new landscaping is proposed.

The site is situated next to a high boundary wall between the football ground and the adjoining the petrol station and garage. The surrounding buildings offer some screening of the site from residential properties.

General

The proposal will achieve a 2G/3G/4G coverage solution for Telefonica through the use of a new lattice mast. This type of structure is also capable of being shared if required by another operator.

We would stress that it is a direct operational requirement for the antennae to be located at a height that allows for signal transmission above any surrounding clutter; namely surrounding features such as trees, whilst also taking into account of surrounding topography. We would

stress that neither local nor national planning policy requires that any telecommunications development should be of commensurate height to such features but rather suggests that the difference between the two be limited to a minimum operational requirement, as has been the case in this instance.

The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. It is imperative that planning authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through their development management decisions, taking into account the economic and social implications of not having full or efficient coverage or capacity in the area.

We would contend that base stations such as the one which is the subject of this application are now accepted infrastructural elements of today's modern society, and, with our ever-increasing dependence upon mobile communications, their numbers continue to grow.

Access and Maintenance

Access will be taken off A926 via the existing entrance to Westview Park. No new access is being created. Maintenance will be carried out on site, there is existing vehicle parking adjacent to the proposed site.

Local Planning Policies

The Planning Act requires that applications be determined in line with the Angus Council Local Development Plan, unless material considerations indicate otherwise. The relevant local plan and telecommunications policy is Policy TC13 : Digital Connectivity & Telecommunications Infrastructure which states:

- The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.
- If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.

Angus Council also advised that the following policies would also apply to this application:

- Policy DS1 : Development Boundaries and Priorities
- Policy DS3 : Design Quality and Placemaking
- Policy DS4 : Amenity
- Policy PV2 : Open Space Protection

The proposed development meets the council's policy as set out above. There is no infringement of PV2 as the site is wholly enclosed within Westview Park.

National Planning Policies

The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. It is imperative that planning authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through their development management decisions, taking into account the economic and social implications of not having full or efficient coverage or capacity in an area.

We would contend that base stations such as the one which is the subject of this application are now accepted infrastructural elements in today's modern society, and, with our ever increasing dependence upon mobile communications, their numbers continue to grow.

This is reflected in NPF3 and SPP as follows: -

NPF3 goes to great lengths to point out the importance of improved connectivity for Scotland economically. As the Scottish Government states, one of the Visions for Scotland is for it to be "a connected place. The whole country has access to high-speed fixed and mobile digital networks."

SPP includes a section entitled 'Supporting Digital Connectivity' which recognises that NPF3 sets the context for supporting digital connectivity and highlights the importance of digital infrastructure, across towns and cities, and in particular in more remote rural and island areas. The economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland (para 292).

Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document (para 298).

SPP is very supportive of the social and economic benefits of connectivity and the infrastructure required to provide it. Therefore, where a technical and operational justification is merited for a proposal, provided there are no other compelling planning reasons to justify a refusal of a planning application, it is expected that significant weight will be attached to the technical and operational justifications for a proposed telecoms development in line with National Planning Policy objectives.

As recommended by **PAN62**, in proposing this solution the operators have: -


The operators have successfully achieved the following requirements in preparation of their proposal:-

- Investigated the use of all reasonably viable alternative site options
- Avoided any sensitive planning policy designation or sites of historic note
- Minimised visual impact as far as operationally possible by limiting all elements of the development to a minimum operational size and amount
- Provided a relevant ICNIRP Certificate

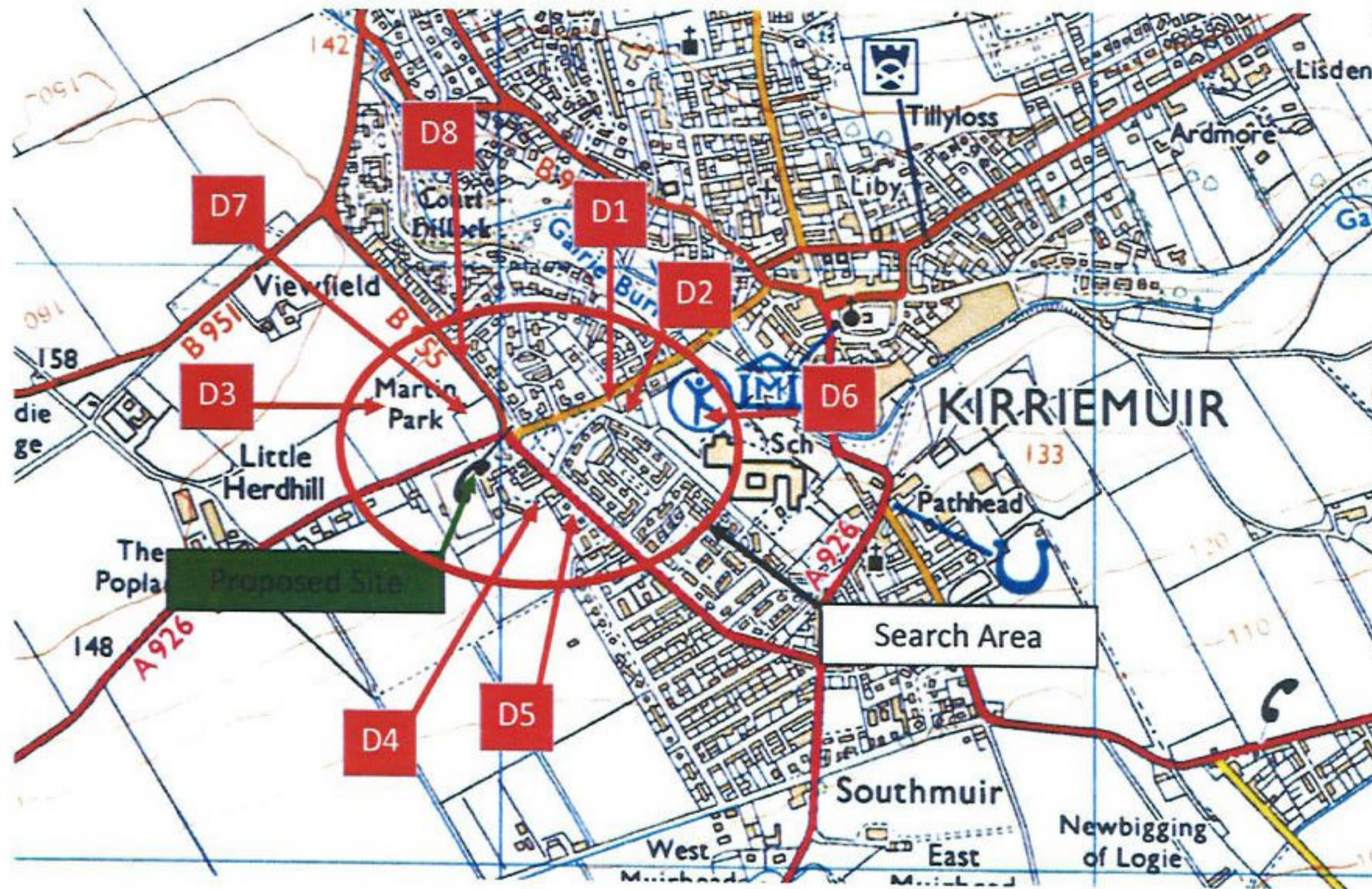
In summary, the applicant has followed the relevant planning policy and guidelines and has submitted this application on the grounds that it is the best available option and therefore recommends consent is given for the proposed development.

Confirmation that submitted drawings have been checked for accuracy

Contact Details

Name: (Agent)	<u>John Church</u>	Telephone:	<u>0141 375 7670</u>
Operator:	<u>Telefonica</u>	Fax no:	<u></u>
Address:	<u>Suite 152, Pavilion</u> <u>4, St James</u> <u>Business Park,</u> <u>Linwood Road</u> <u>Paisley, PA3 3AT</u>	Email Address:	<u>john.church@wfstelecom.co.uk</u>
Signed:		Date:	<u></u>
Position:	<u>Senior Acquisition</u> <u>Manager</u>	Company:	<u>WFS Telecom Limited</u>
		(on behalf of CTIL and above operator)	<u></u>

Appendix 1 XTIL 237625 TEF 80786 Proposed Site, Search area and discounted options.

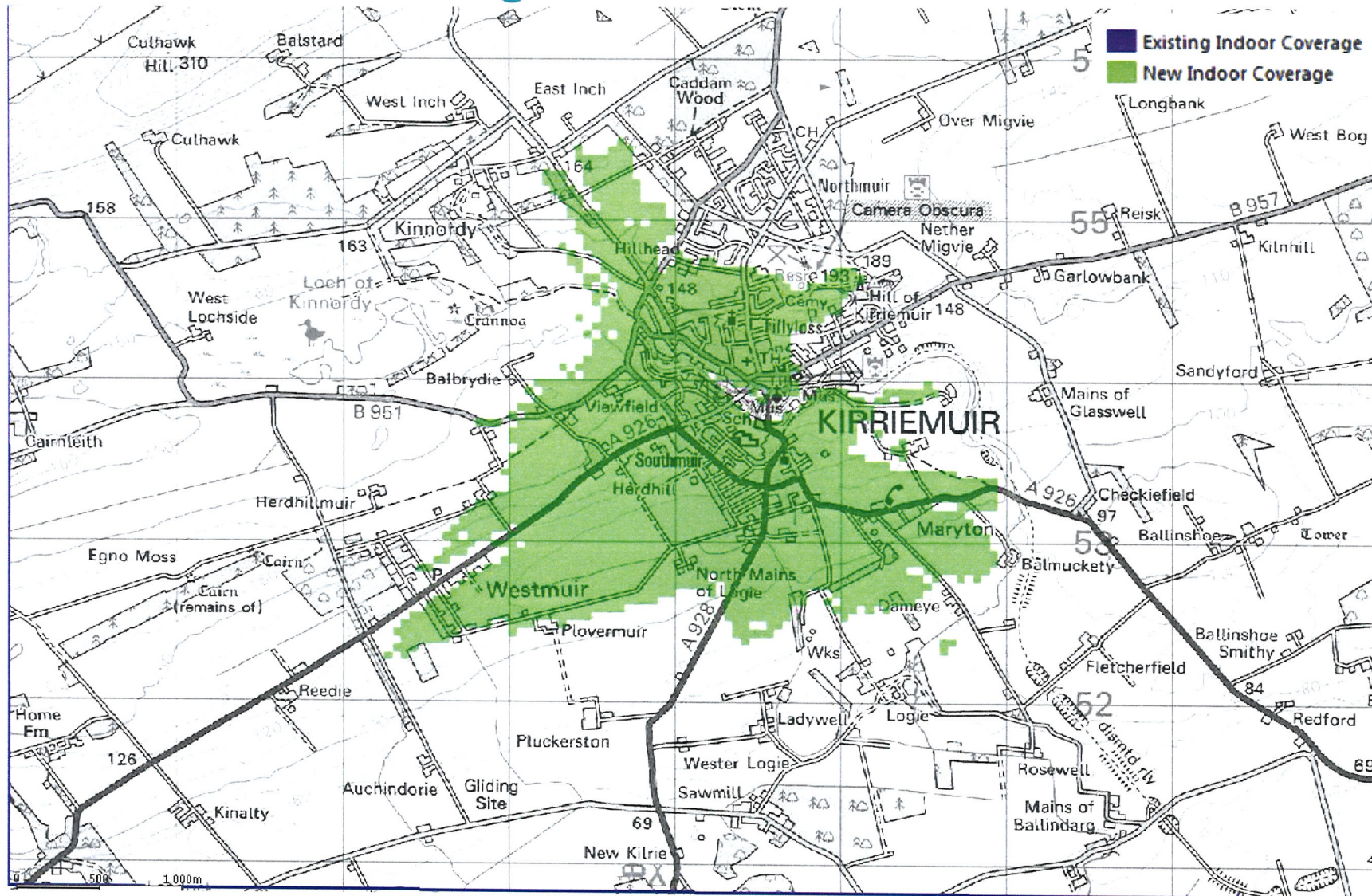


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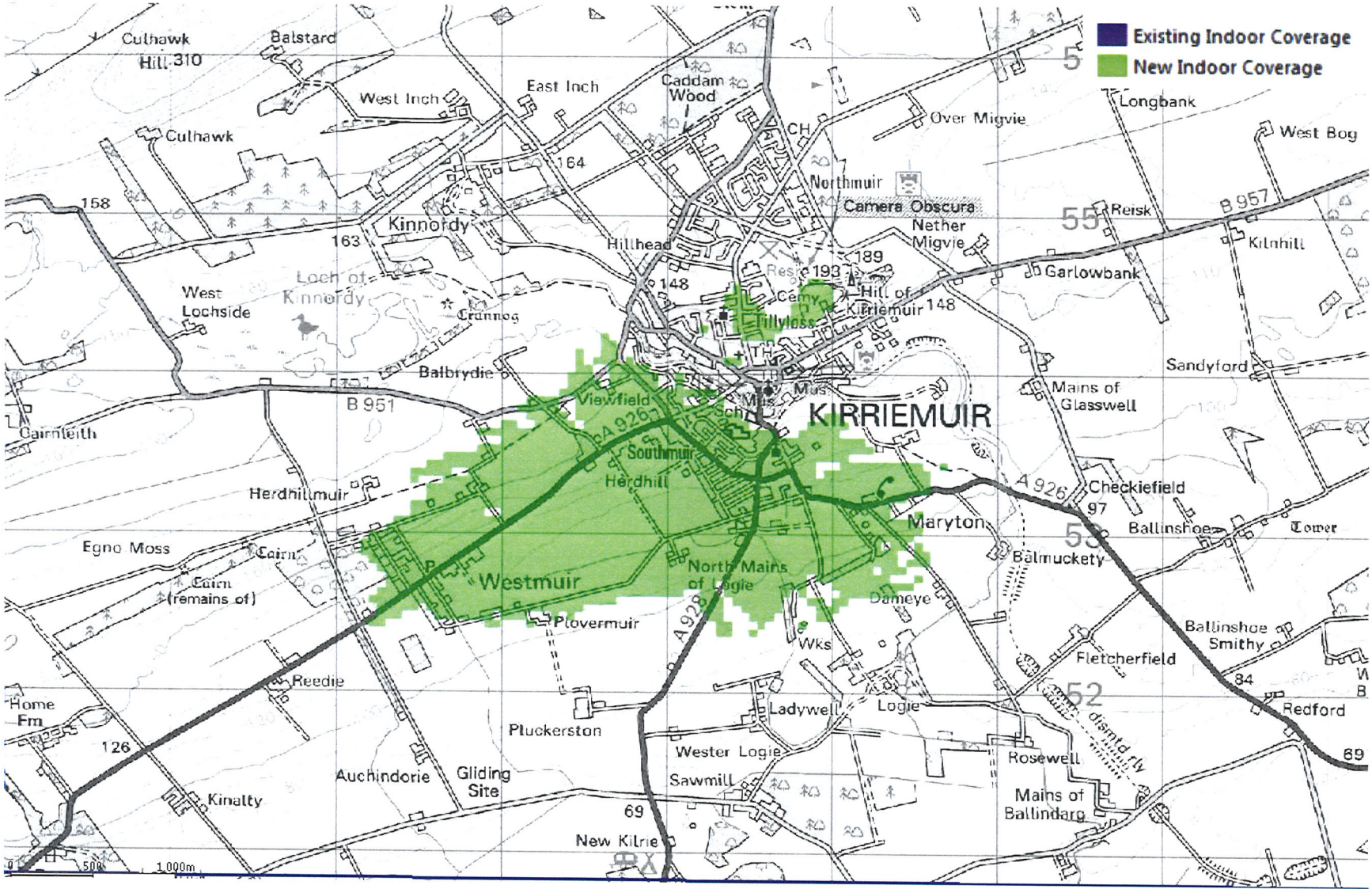
A vertical column of water splashes and bubbles on the left side of the slide, set against a dark blue background that transitions to a lighter blue at the bottom.

CSR 80786 - Kirriemuir Thistle and 2nd Option Comparison

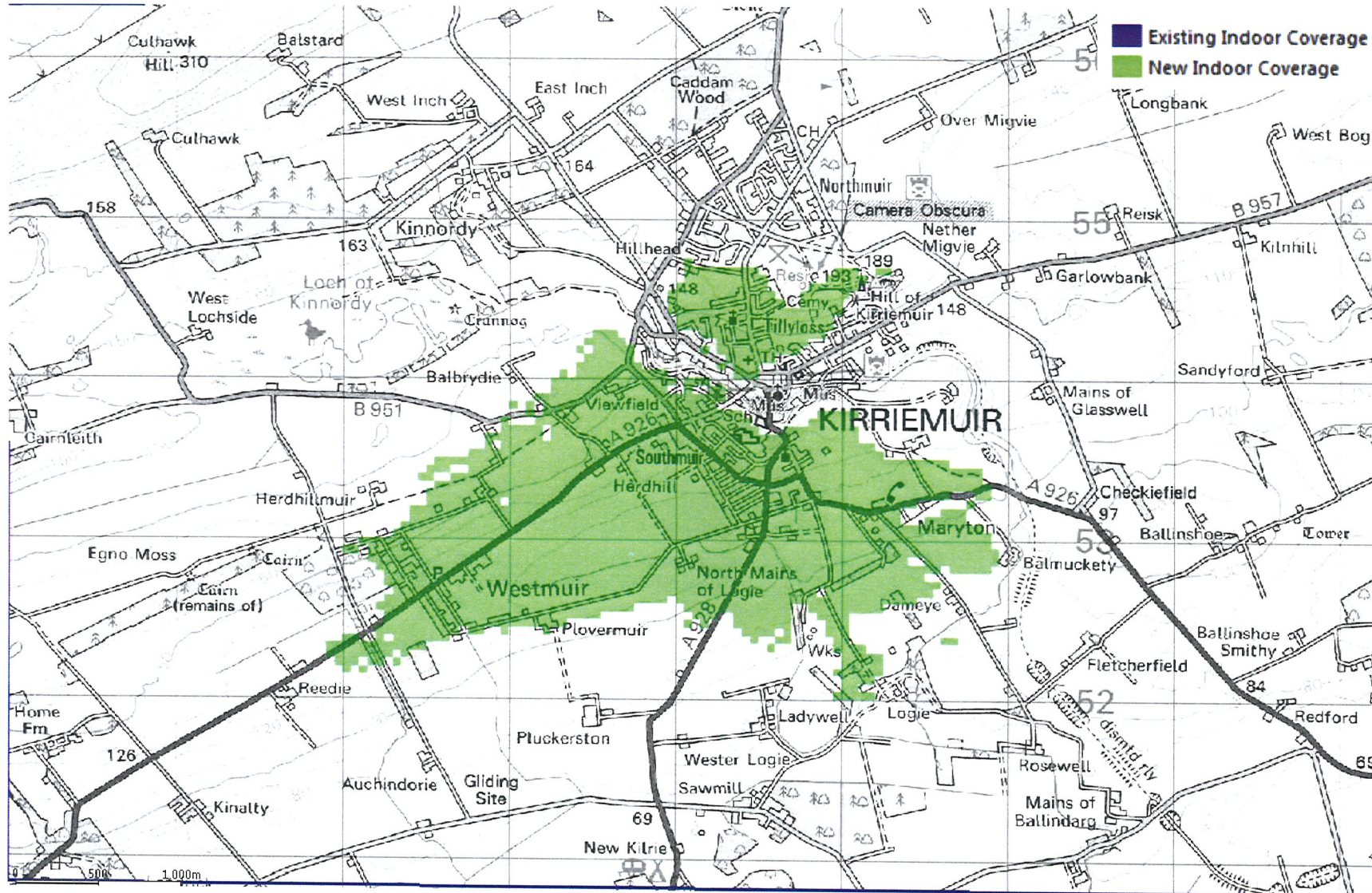
Planned 4G Coverage Current Location



Planned 4G Coverage 2nd location 15m



Planned 4G Coverage Proposed location 20m



General Background Information for Telecommunications Development

This document is designed to provide general background information on the development of the Vodafone and Telefónica networks. It has been prepared for inclusion with planning applications and supports network development proposal with generic information.

1.0 INTRODUCTION

Over 25 years ago under the Telecommunications Act 1984, a licence was granted to Vodafone and Telefónica to provide a wireless (or mobile) phone service utilising unused radio frequencies adjacent to those transmitted for over 50 years by the television industry. Initially, because this wireless technology was new and the number of potential customers unknown, a number of tall masts were used to provide basic radio coverage to the main populated areas. The design strategy used was similar to that used by local radio/television i.e. tall masts to cover large distances over all types of topography.

It is important to note that in recent years form has followed function and digital technology has resulted in the development of smaller equipment. In addition, smaller radio coverage areas have resulted in antenna/mast heights being generally reduced. The industry has also been able to develop low impact designs for use in sensitive planning areas such as in Conservation Areas, on Listed Buildings, and in National Parks etc. The wireless telegraph pole solution is just one example of a design which has minimised impact on visual amenity of the local neighbourhood.

2.0 DIGITAL NETWORKS

The Vodafone and Telefónica 2G digital networks were developed in the early 1990s. This digital technology is often referred to as GSM (Global System for Mobile Communications) which is the common European operating standard enabling phones to inter-connect to other networks throughout Europe and Internationally.

In April 2000, Vodafone and Telefónica were successful in their bids for two of the five licences available to provide a 'Third Generation' mobile telecommunications service known as 3G or UMTS.

In addition to voice services, this technology enables Vodafone and Telefónica to offer high resolution video and multi-media applications. Among other things this enables office services, virtual banking, e-retailing, video conferencing and high quality broadband internet access to be provided to users on the move. This is all made possible by higher rates of data transfer allowing wireless broadband access to the Internet for mobile phones and laptop computer data card users.

The 3G radio base station is designed to provide a service via cells in a similar way as the GSM (2G) system but with a few differences. Due to the increased data transfer, the location of base station sites is even more critical. Base stations must be located where the local demand exists in order to provide the required levels of service, otherwise the network will not function.

In February 2013, Vodafone and Telefónica were successful in their bids for 4G spectrum. 4G (sometimes called LTE (Long Term Evolution)) is the next major enhancement to mobile radio communications networks and will allow customers to use ultra-fast speeds when browsing the internet, streaming videos or sending emails. It also enables faster downloads. To meet this demand and improve the quality of service, additional base stations or upgrades to the equipment at an existing base station may be needed.

Vodafone and Telefónica will ensure they comply with planning policy guidance by ensuring apparatus is installed on existing buildings and structures, including masts wherever possible. However, in spite of these efforts, there are likely to be instances where there is a need to install additional base stations to provide contiguous service. This is largely due to the characteristics of radio propagation at these frequencies, demands on the service and the high data transfer rates.

It is very important to note that mobiles can only work with a network of base stations in place where people want to use their phones (or other wireless devices). Without base stations, the mobile phones we rely on simply won't work.

2.1 How the cellular radio network works

The building blocks of the mobile telecommunications network are called radio base stations which transmit and receive calls to and from mobile phones using radio waves, similar to those used in domestic television and radio equipment. Radio base stations are often associated with free-standing masts, however they can be located on, or even inside, existing buildings and other structures. Vodafone and Telefónica use "radio frequencies" to transmit and receive calls at 900 MHz or 1800 MHz for 2G whilst 3G uses slightly higher frequencies within the 2100 MHz range. 4G will use frequencies within the 800 MHz and 2600 MHz ranges.

2.2 How radio signals are transmitted

The radio signals are transmitted from antennas which are part of the radio base station and cover an area known as a "cell", hence the term "cellular phone". The size of the cell is dependent on a number of factors including: the height at which the radio base station is positioned; the topography of the surrounding landscape; anticipated demand; and the population density in the area.

Radio signal transmission from a radio base station can be likened to water being distributed from a garden sprinkler. The area immediately adjacent to the sprinkler remains almost “dry”. However the grass gets progressively wetter moving further away from the sprinkler, until a wettest point is reached. Then the further away from the centre, the ground becomes progressively drier. Radio base stations provide network services in a similar manner. The area immediately beneath the antennas receives limited or, occasionally, no signal. Moving further away, the signal steadily improves until it reaches an optimum level and then gets progressively weaker.

In order to use mobile phones whenever and wherever we are, a network of radio base stations is required to maintain a continuous signal or ‘network service’ across a geographical area. The network is designed so that the cells from each radio base station slightly overlap. Travelling even a short distance may take us through a number of cell areas. Mobile phones are designed to monitor the strength of signal from surrounding radio base stations and automatically select the clearest signal, which often comes from the nearest site. As you approach the edge of the cell area, the phone will automatically select the adjoining radio base station, to provide a continuous service. This process is known as ‘call handover’.

2.3 Factors affecting network services

The siting of a radio base station is largely dependent on the characteristics of the radio signals which they transmit. Physical features such as buildings or landscape can obstruct the signals. In open rural areas one base station can typically cover several kilometres in radius. However in urban areas where surrounding buildings will obstruct the signal, this range can be reduced to as little as a few hundred metres.

2.4 Network Capacity

Radio base station sites can only receive and transmit a limited number of simultaneous calls to and from mobile phones. In areas where the use of phones is particularly high, such as major towns or cities, many sites will reach the maximum number of calls they can process. When a customer attempts to make a call in an area where the network has reached its full capacity, the ‘network busy’ message is displayed on their mobile phone. In order to continue to meet customer demand and improve the quality of services in these areas, there is a need to increase the capacity of the network to allow more calls to be made.

2.5 Technical Requirements

Vodafone / Telefónica radio engineers identify the need for a new radio base station where the existing signal strength is insufficient to support network requirements, or where demand on the system is such that we need to increase capacity. The location of each radio base station is determined by the following factors:-

- The proximity of adjacent radio base stations and the signal coverage from them.
- The terrain height of the area and surrounding topography.
- The height and density of the buildings and structures within the area.
- The potential customer demand within the area.
- The service type that is required.

3.0 SITE SELECTION PROCESS

The following site selection procedures apply to each new installation to identify and sequentially discount alternative site options:-

1. Following a technical review which identifies need, Vodafone / Telefónica radio engineers undertake a desktop analysis to identify the best way of meeting the site requirement. This is completed by using computerised radio propagation modelling tools. These tools show every site on the existing networks and identifies those areas where insufficient signal level exists or where there is a need to increase capacity.
2. The desktop search also identifies other operators’ existing telecommunications installations. This interrogation of databases ensures any mast-sharing opportunities are maximised. Where available the LPA’s mast register is also reviewed.
3. The radio engineers define a search area, which is then issued to an acquisition agent who undertakes a detailed ground search with the radio engineer to identify suitable options.
4. The acquisition agent will obtain site-specific details to identify those sites that are viable options. The possible options are short-listed according to those that combine the following: location within or close to the search area, a willing landlord with acceptable commercial terms, adherence to planning and environmental policy, and other site specific issues such as initial power and link availability. These options are then returned to the radio engineers for a computer modelling assessment, taking into account the ground height, potential available antenna height and surrounding obstructions.
5. Discussions are offered to the local planning authority to consider local policies and any protected areas and to agree additional public consultation if required. These discussions are used to identify a ‘preferred’ option.

6. A plan for local consultation is drawn up, and where appropriate, a consultation exercise is undertaken with the local community.

7. Finally a site survey provides a full structural analysis of the site including confirming power routes and how the site will be linked into the network. Terms with the landlord are then finalised, detailed plans prepared and the application submitted.

Vodafone and Telefónica are committed to ensuring the number and visual impact of any additional sites is minimised.

4.0 PLANNING POLICY GUIDANCE ON TELECOMMUNICATIONS - NATIONAL PLANNING FRAMEWORK (NPF), SCOTTISH PLANNING POLICY (S.P.P) AND PAN 62

National Planning Framework (NPF3):

Connectivity is not just about enabling physical movement, but also virtual links. High quality mobile and fixed broadband connections have become essential to support communities and business development in both rural and urban areas. At present, there remains a significant gap between our most and least connected areas, with digital access being considerably better in more accessible urban areas. Many parts of rural Scotland have little or no connection and require public investment to rebalance the distribution of infrastructure. (para 5.8).

To further reduce the need to travel and ensure continuing economic competitiveness, we will see a step change in digital connectivity in the coming years, supporting our broader aspirations for growth across the country. This will require significant investment in digital infrastructure to ensure coverage extends to our most remote, but asset-rich, rural and island communities. As well as providing new infrastructure to connect existing areas, future developments will build in digital connectivity as a matter of course. We are extending permitted development rights to facilitate this. (para 5.15).

Strengthened digital infrastructure will support our aspirations for more sustainable cities which attract new business. We can expect cities to become significantly 'smarter' in the next few years, using population density and shared infrastructure to further increase access to high performing digital services. (para 5.16).

Scottish Planning Policy (2014):

SPP recognises that the NPF3 sets the context for supporting digital connectivity and highlights the importance of digital infrastructure, across towns and cities, and in particular in more remote rural and island areas. The economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland. (para 292).

Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a "not spot" – consideration should be given to the benefits of this connectivity for communities and the local economy. (para 298).

4.1 Need for development

Planning authorities should not question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds. The planning system should not be used to secure objectives that are more properly achieved under other legislation.

The planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum (para 293).

Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities. (para 294).

Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. (para 295).

4.2 Siting and design

All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account. (para 299).

In order to achieve sensitive siting and design, para 295 of SPP signposts a series of options to be considered when selecting sites and designs for base stations. This is a checklist rather than a rigid set of steps

PAN 62 advises that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings. This can be achieved in two ways. Firstly by minimising contrast between equipment and people's expectations of a particular scene, such as assimilating a streetworks proposal with street furniture, and secondly by minimising contrast between equipment and its immediate setting or background by using existing features to screen or act as a backdrop to the proposal.

5.0 SITE / MAST SHARING

Vodafone and Telefónica actively encourage and support site sharing for both commercial and environmental reasons. All operators are required to explore site-sharing opportunities under the terms of their licence. In addition S.P.P advocates mast and site sharing within the series of options for consideration for the sensitive siting and design of mobile radio base stations. Vodafone and Telefónica have implemented a number of measures to identify and maximise site-sharing opportunities.

6.0 COUNCILS

6.1 Moratoria

Government guidance on mobile telecommunications installations advises that local authorities should make suitable council owned property available to network operators for base station development. If suitable council sites are not made available, operators may have to look for alternative sites which the local community might find less acceptable.

Moratoria may also increase the number of new sites needed as council owned buildings are often better suited for base stations e.g. tall buildings. The operators believe it is preferable to deal with proposed developments on council property on a case by case basis.

6.2 Mast register

The Mobile Operators Association (MOA) welcomes the provision of registers of base stations by local authorities in addition to Ofcom's public database of UK base stations. <http://www.ofcom.org.uk/sitefinder/>.

7.0 CONSULTATION

S.P.P. recognises the importance of operators and their agents establishing an informed working relationship with planning authorities and encourages pre-application discussion. PAN 62 provides further information at paragraph 114 and Annex E on the Mobile Operators Association Ten Commitments to Best Siting Practice. Commitments 1 and 2 relate to pre-application consultation with the community and the planning authority. Such consultation is undertaken in accordance with MOA's Traffic Light Rating & Site Selection & Planning Model.

The operators fully comply with the Guidance on pre application consultation with schools and colleges. They provide evidence to the local planning authority that they have consulted the relevant body of the school or college.

A recent report stated there is no scientific basis for siting base stations away from schools (NRPB report, January 2005)

8.0 LEGAL CASES

The following legal cases may be helpful:-

8.1 Harrogate case November 2004

The Court of Appeal gave a judgment that Government Planning Guidance in PPG8 and now replaced by the NPPF (in England) is perfectly clear in relation to compliance with the health and safety standards for mobile phone base stations. The Court of Appeal and the High Court both upheld Government policy in response to a planning inspector's decision that departed from that policy and failed to give adequate reasons for doing so.

8.2 Winchester case November 2004

The Court of Appeal decision upheld an earlier decision by Mr Justice Sullivan that a mobile phone network operator should not use its compulsory acquisition powers as part of its day to day radio base station siting processes.

The Court of Appeal agreed with Mr Justice Sullivan that these far-reaching statutory powers were never intended for use in day to day planning situations and should be used by an operator only as a last resort when there is no other siting alternative. The House of Lords on 16 March 2005 refused leave to appeal the Court of Appeal ruling.

9.0 FURTHER INFORMATION

We trust the above answers your main queries regarding our planned installation.

The enclosed site-specific details will identify any alternative discounted options and reasons why they were rejected and how the proposed site complies with national and local planning policies. The following websites may also be of interest:

Scottish Government Planning:

<http://www.gov.scot/Topics/Built-Environment/planning>

<http://www.gov.scot/Topics/Built-Environment/planning/National-Planning-Framework>

<http://www.gov.scot/Topics/Built-Environment/planning/Policy>

Mobile Operators Association : <http://www.mobilemastinfo.com/>

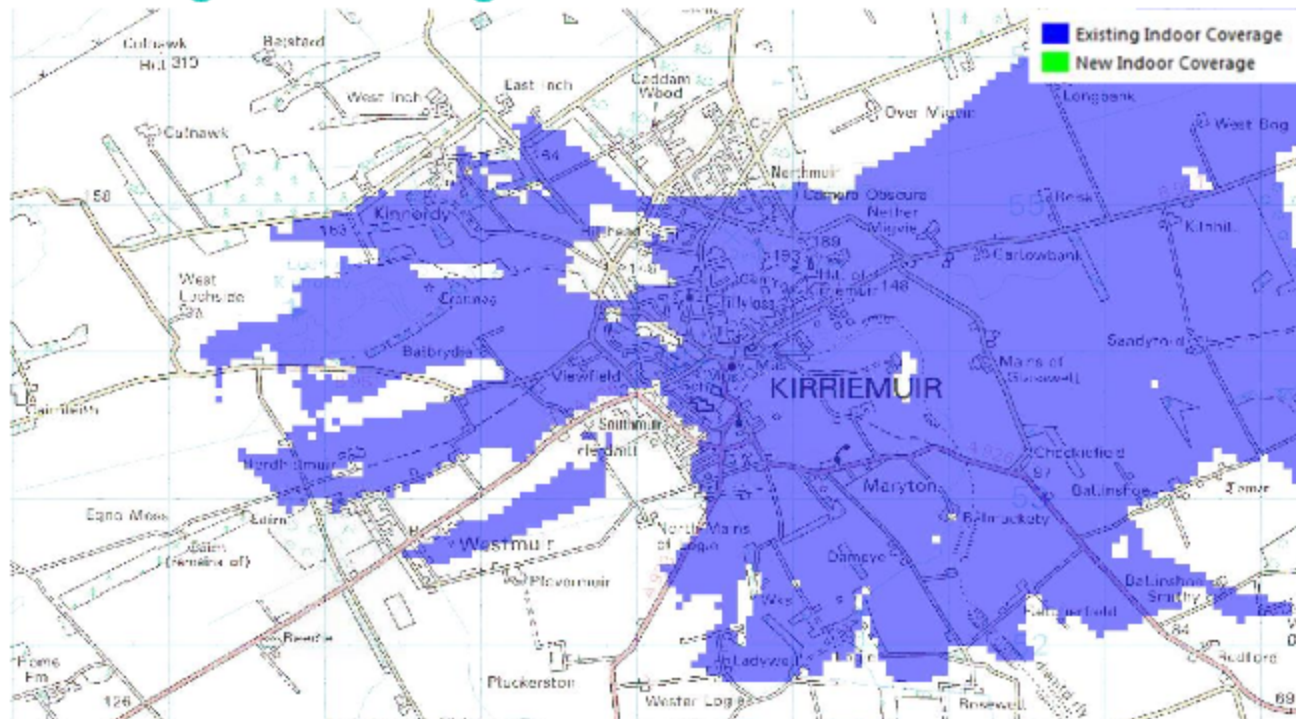
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CSR 80786 - Kirriemuir Thistle

Coverage Plots for Planning Application use only

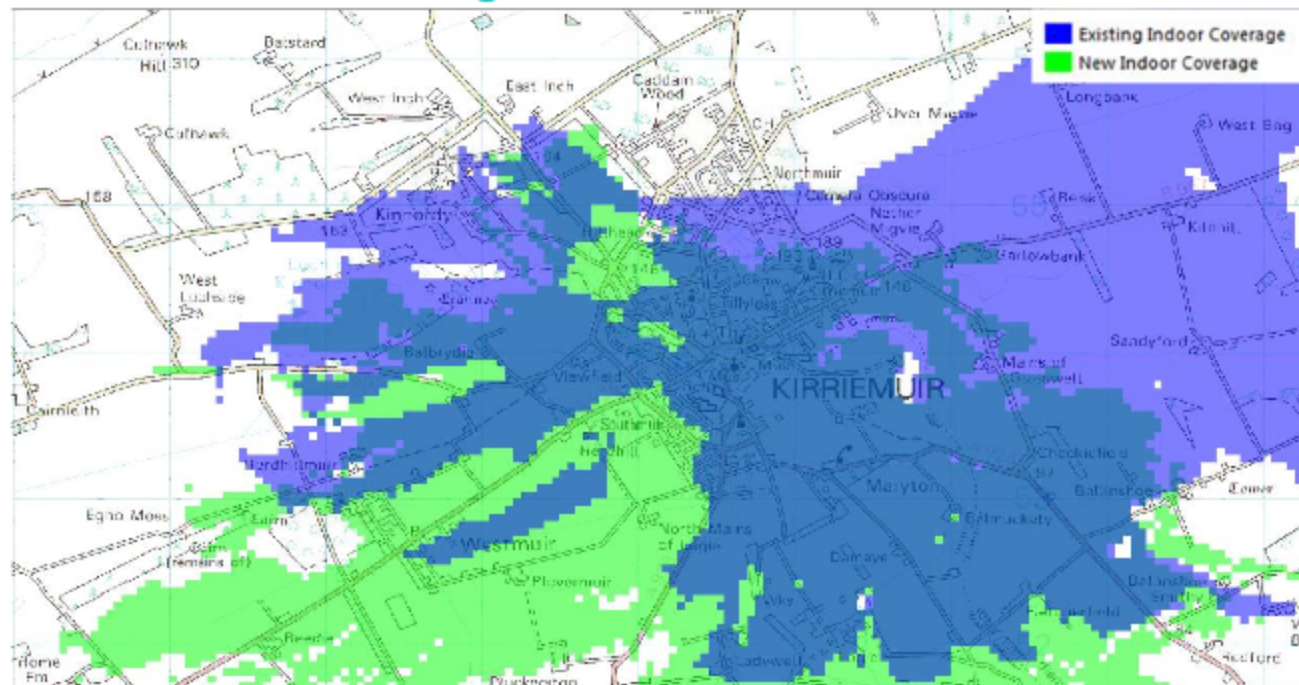
Existing 2G Coverage



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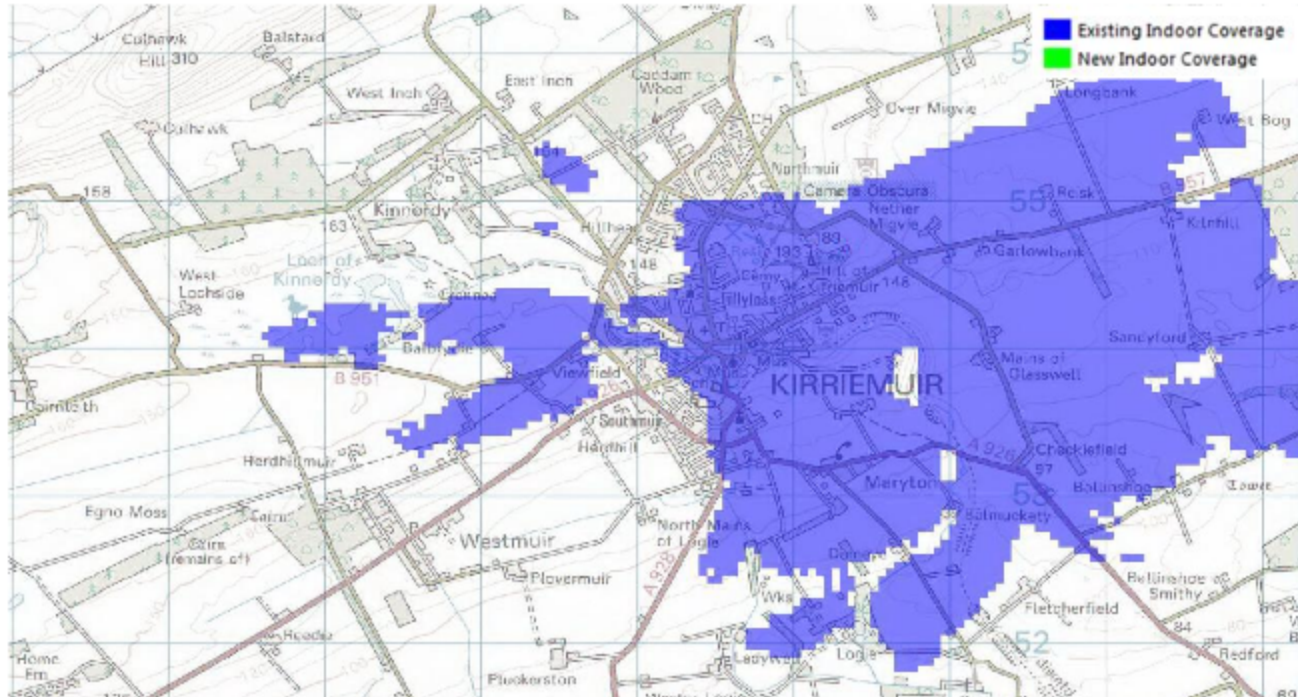
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Planned 2G Coverage



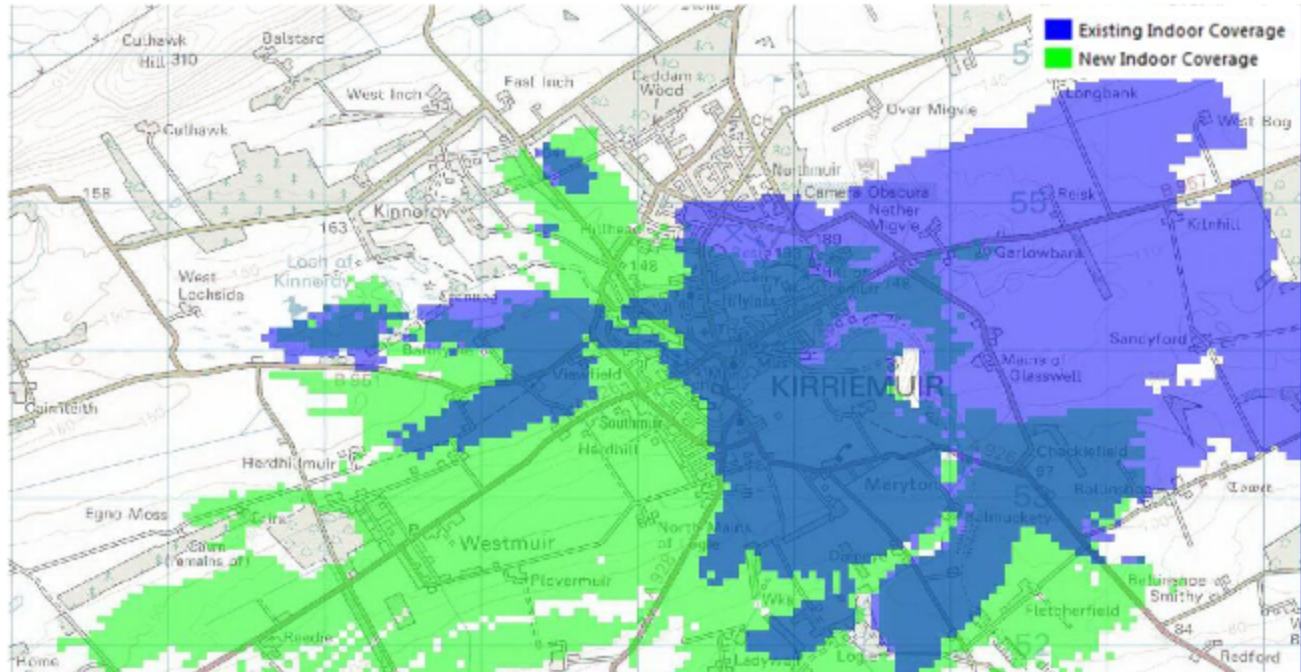
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Existing 3G Coverage



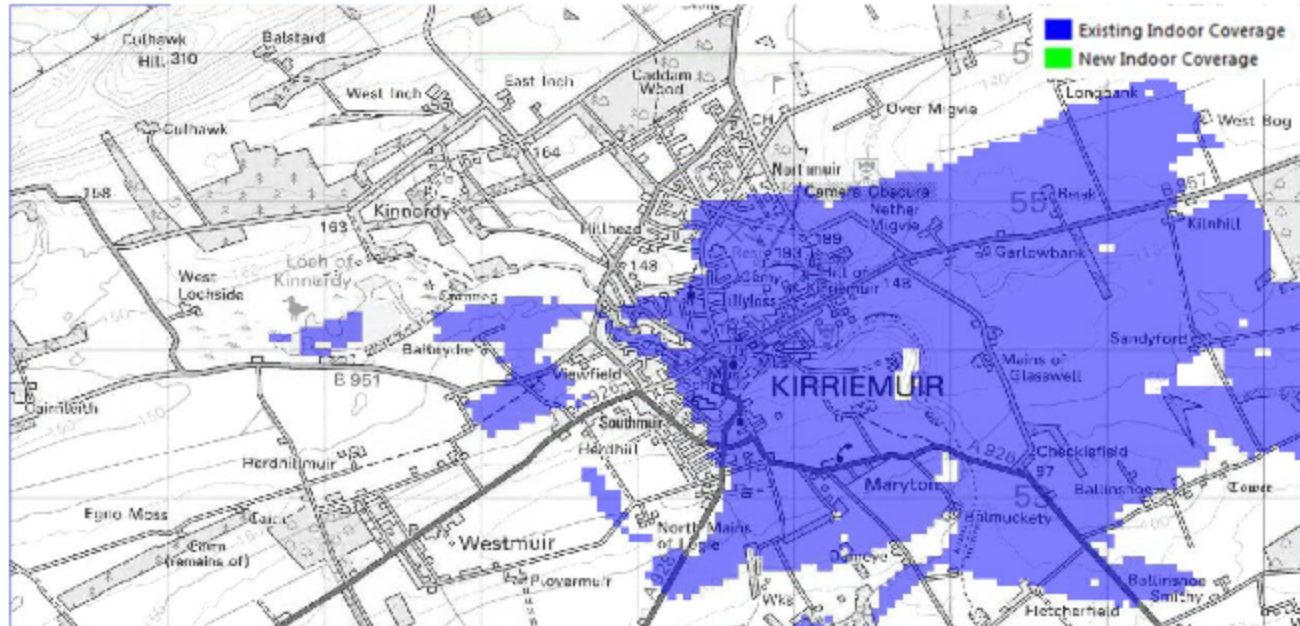
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Planned 3G Coverage



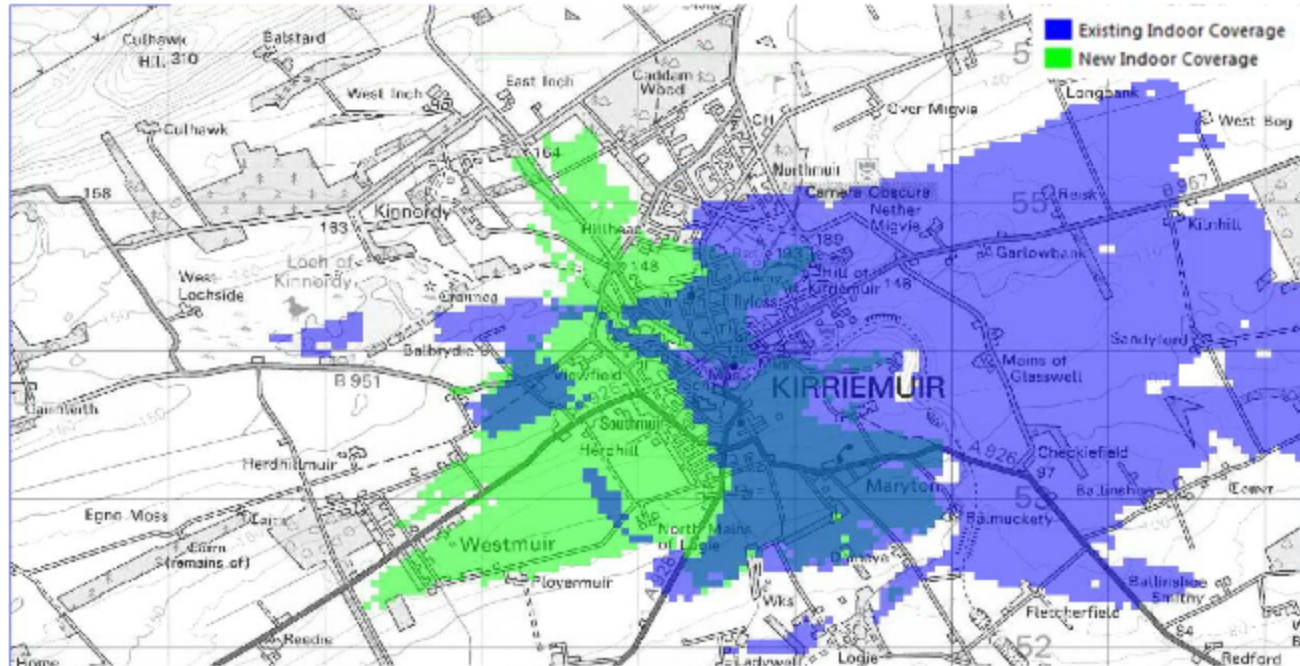
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Existing 4G Coverage



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Planned 4G Coverage



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DESIGN AND ACCESS STATEMENT

CTIL 236275 TEF 80786

This Design and Access Statement is provided in conjunction with the Supplementary Information Template, drawings and supporting material that was submitted with this planning application.

In accordance with published Government guidance, this proposal was drawn up having regard to the need for good design.

In particular:

- Considerations of design and layout are informed by the context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology all help to determine the character and identity of the development.
- The scale, massing and height of proposed development have been considered in relation to that of adjoining buildings; the topography, the general pattern of heights in the area; and views, vistas and landmarks.

The following general design principles have been taken into account in respect of this proposed telecommunications development:

- A proper assessment of the character of the area concerned.
- That the design shows an appreciation of context;

SITE CONDITIONS, TECHNICAL CONSTRAINTS, LANDSCAPE FEATURES AND CAPACITY REQUIREMENTS

Introduction

It needs to be borne in mind that the proposed development is for a mobile telecommunications installation. Hence, access is deliberately restricted, where appropriate, for the security of the installation.

Pre Application Discussions and Negotiations

Pre Application Consultation letters were issued to Angus Council, ward councillors and the local community council on 18th May 2017. Angus Council raised the following points:

- No drawings have been provided with the consultation and efforts should be made to minimise visual impact upon the surrounding area.
- The proposal should demonstrate the prospect of sharing existing facilities and be reasonably discounted. The consultation does offer alternative sites which have been discounted but does not consider utilising existing infrastructure.
- A coverage map would also be required for a future application.
- Site is not located in a sensitive area but is located within an area of Open Space Protection and suitable justification would need to be put forward with regards to the loss of open space.

These points have been addressed by the applicant in the Supplementary Supporting Information.

No comments have been received to date from the ward councillors and the local community council.

Documentation Submitted with Application

- Plans and elevations
- Supporting statement

Design Component

- Use proposed – to provide continued 2G/3G and new 4G coverage to Kirriemuir
- Amount – a new 15.0m lattice mast with antennae, dishes and ancillary equipment cabinets
- Layout – all works to be located within the compound

- Scale – 1no. 15.0m lattice mast with 3no. antennae bringing the overall height to 18m, and 2no. 300mm dishes. 1no. RBS1300mm x 700mm x 1450mm and 1no. ISC 600mm x 500mm x 1535mm.
- Landscaping – no new landscaping is proposed.
- Appearance – the structure has been to be the minimum height and mass possible whilst still meeting the technical requirements of the operator. It will be partially screened by the boundary wall between the football ground and the adjoining petrol station and garage.

Access

Access to the development is by definition limited to the operator and its authorised agents.

Access to the compound containing the base station will be obtained via the existing gate into the footballground from the A926.



Our ref: CTIL 236275 TEF 80786

19th June 2017

Planning Service
Angus Council
County Buildings
Market Street
Forfar
DD8 3LG

Dear Sir/Madam

CLARIFICATION OF THE DECLARATION OF ICNIRP COMPLIANCE ISSUED AS PART OF THE PLANNING APPLICATION ATTACHED FOR SITE CTIL 236275 TEF 80786 AT KIRRIEMUIR THISTLE FC, WESTVIEW PARK, KIRRIEMUIR, ANGUS, DD8 5AZ

I refer to the Declaration of Conformity with ICNIRP Public Exposure Guidelines ("ICNIRP Declaration"), sent with this application in relation to the proposed telecommunications installation as detailed above.

The "ICNIRP Declaration" certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999.

This ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.

The radio emission compliance calculation is based upon the maximum possible cumulative values.



All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

If you have any further enquiries concerning the "ICNIRP Declaration" certificate or anything else in this letter then please contact the CTIL EMF UNIT on 01753 564306.

Yours sincerely



Paul Street
PROJECT MANAGER



Our ref: CTIL 236275 TEF 80786

Declaration of Conformity with ICNIRP Public Exposure Guidelines
(“ICNIRP Declaration”)

Telefonica
260 Bath Road
Slough
Berkshire
SL1 4DX

Declares that the proposed equipment and installation as detailed in the attached planning/GPDO application at;

Kirriemuir Thistle FC
Westview Park
Kirriemuir
Angus
DD8 5AZ

NGR: E 337963 N 753663

is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12 July 1999 * “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”.

* Reference: 1999/519/E

Date: *19/06/2017*

Signed: _____

Name: _____

Position: _____

Paul Street

Project Manager

HEALTH AND MOBILE PHONE BASE STATIONS

We recognise that the growth in mobile technology has led, in some cases, to public concern about perceived health effects of mobile technology and its deployment, in particular about siting masts close to local communities. Quite naturally, the public seeks reassurance that masts are not in any way harmful or dangerous.

We are committed to providing the latest independent peer-reviewed research findings, information, advice and guidance from national and international agencies on radiofrequency (RF) electromagnetic fields.

Vodafone and Telefónica ensure that our radio base stations are designed, built and operated so that the public are not exposed to radio frequency fields above the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In fact, radio base stations operate at low power and emit low levels of radiofrequency fields, typically hundreds of times lower than the ICNIRP general public guidelines.

Research Reviews

The World Health Organisation notes that *“In the area of biological effects and medical applications of non-ionizing radiation approximately 25,000 articles have been published over the past 30 years. Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).* The scientific community have collated, summarised and assessed these publications into research reviews. The most influential in the UK being the Mobile Phones and Health Report (also known as the Stewart Report) by the Independent Expert Group on Mobile Phones under the chairmanship of Professor Sir William Stewart. These research reviews are used by Governments to develop policy on exposure to radiofrequency signals.

The Stewart Report concluded that the balance of evidence did not suggest that exposures to radio frequency fields below international guidelines could cause adverse health effects, although it is acknowledged that biological effects might occur below these values. The report stressed, however, that a biological effect does not necessarily mean a negative impact on health. Walking, drinking a glass of water or listening to music all produce biological effects. One of the recommendations of the Stewart report was a research programme to address uncertainties regarding mobile phone base stations and health. This programme was called the Mobile Telecommunications and Health Research (MTHR) Programme. The final report from this programme was published in February 2014. The report noted that the research conducted found no evidence of biological or adverse health effects from the radio waves produced by mobile phones or their base stations.

Since the Stewart Report, over 30 further reviews have been carried out, carefully considering many hundreds of pieces of research. Most have made similar recommendations and have come to similar conclusions: that research should continue to address any gaps in the knowledge; and that overall, the possibility of adverse health effects from mobile communications remains unproven.

In April 2012 the Health Protection Agency’s independent Advisory Group on Non-ionising Radiation (AGNIR) published a report entitled “Health Effects from Radiofrequency Electromagnetic Fields”. This report concluded that there is no convincing evidence that mobile phone technologies cause adverse effects on human health.

The World Health Organisation (WHO) noted that *“A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use”* WHO factsheet 193: Electromagnetic fields and public health: mobile telephones, 2014.

Compliance with International Exposure Guidelines

All Vodafone and Telefónica installations are designed, constructed and operated in compliance with the precautionary ICNIRP public exposure guidelines as adopted 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). These guidelines have been set following a thorough review of the science and take into consideration both thermal and non-thermal effects. They protect all members of the public 24 hours a day. In addition, precautionary measures have been taken into account when setting relevant guideline limits for the public (i.e. in the UK a safety factor of 50 times is applied to the public exposure guideline).

When measured, field strengths are typically hundreds of times lower than the precautionary ICNIRP general public guidelines.

An ICNIRP certificate is provided with every planning application and this verifies that the mobile phone base station, when operational, will meet the precautionary ICNIRP guidelines. We also provide further documentation to clarify that the ICNIRP certificate addresses emissions from all mobile phone network operators' equipment at the proposed site.

ICNIRP Guidelines

The radiofrequency public exposure limits for EMF fields were developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <http://www.icnirp.org> following evaluation of all the peer-reviewed scientific literature, including thermal and non-thermal effects. ICNIRP is a non-governmental organisation formally recognised by WHO. Established biological and health effects have been used as the basis for the ICNIRP exposure restrictions. The ICNIRP guidelines have been adopted for use in the European Union and the UK.

In August 2009, ICNIRP published a review of the guidelines for limiting RF exposure and concluded that *"it is the opinion of ICNIRP that the scientific literature published since the 1998 guidelines has provided no evidence of any adverse effects below the basic restrictions and does not necessitate an immediate revision of its guidance on limiting exposure to high frequency electromagnetic fields."*

Further Information:

World Health Organisation EMF Project - <http://www.who.int/peh-emf/en/>

International Commission on Non-Ionizing Radiation Protection (ICNIRP)

<http://www.icnirp.org/>

Public Health England (formally HPA)

<https://www.gov.uk/government/collections/electromagnetic-fields>

Or contact:

EMF Enquiries, CTIL

The Exchange, Arlington Business Park, Theale, Berks, RG7 4SA

Tel. 01753 564306, community@ctil.co.uk

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**KIRRIEMUIR THISTLE FOOTBALL & SOCIAL CLUB, WESTVIEW PARK,
KIRRIEMUIR**

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Appeal Statement and Appendices



County Buildings Market Street Forfar DD8 3LG Tel: 01307 461 460 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100068454-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Galliford Try		
Ref. Number:	TEF080786	You must enter a Building Name or Number, or both: *	
First Name: *	Jodie	Building Name:	
Last Name: *	Kane	Building Number:	51
Telephone Number: *	07920110583	Address 1 (Street): *	Melville Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 7HL
Email Address: *	jodie.kane@gallifordtry.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="260"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Bath Road"/>
Company/Organisation	<input type="text" value="Telefonica UK Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Slough"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="SL1 4DX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Kirrie Thistle FC"/>
--

Northing	<input type="text" value="753663"/>	Easting	<input type="text" value="337963"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

The installation of 15m lattice mast with 3no. antennas, 2no. 300mm dishes and ancillary equipment cabinets. (Overall height 18m).

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Provision of panoramic photograph assessment for operational justification and evidence of visibility. (See appendix 6)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See list of appendices within Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00517/FULL

What date was the application submitted to the planning authority? *

22/06/2017

What date was the decision issued by the planning authority? *

24/08/2017

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

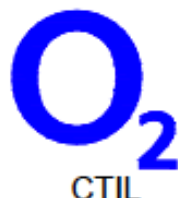
Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Jodie Kane

Declaration Date: 09/10/2017

TEF080786 Kirrie Thistle FC – Local Review Body Appeal

**CTIL & Telefónica UK Limited****CTIL236275 / TEF080786****Local review Body Planning Appeal****Against the Refusal of Full Planning Permission****By****Angus Council****For****A New Telecommunications Base Station Development****at****Kirrie Thistle Football and Social Club, Westview Park, Off A926, Kirriemuir, Angus, DD8 5LG****Local Planning Authority Reference: 17/00517/FULL**

Version	Name	Company	Review date
1	J Kane	Galliford Try	26/09/2017
2	J Kane	Galliford Try	03/04/2017
3	E Hansberry	CTIL	06/10/2017
4	J Kane	Galliford Try	09/10/2017

CONTENTS

Section 1	Introduction Details of the proposed development, the Council's reason for refusal and why an appeal is being submitted
Section 2	Operational Context Why the proposed development is required and the operator's associated network requirements
Section 3	Cell Area and Site Description This section of the statement describes the characteristics of the target coverage area and the setting of the appeal site itself.
Section 4	Background to the Appeal How the proposed site and design has been identified along with a detailed description of the planning process that has preceded the refusal of planning permission.
Section 5	Planning Policy and Other Material Considerations Reference to the national and local planning policy that is applicable to the proposed development.
Section 6	Case for the Appellant An assessment of the Council's reason for refusal including a full evaluation of the merits of the proposed development, clarifying why the siting and appearance of the proposal is acceptable.
Section 7	Conclusion A summary of why the appeal of this planning permission refusal should be upheld

LIST OF APPENDICES

- Appendix 1 Pre-Application Consultation
- Site specific pre-application correspondence to Local Planning Authority, dated 18 May 2017
 - Local Planning Authority pre-application response, dated 24 May 2017
- Appendix 2 Full Planning Application Submission, dated 22 June 2017
- Cover letter
 - Application Form
 - Site Specific Supplementary Information (SSSI)
 - ICNIRP Declaration
 - Planning Drawings
 - Owner Notice
 - General Background Information on Telecommunications Development
 - Health and Mobile Phone Base Stations
- Appendix 3 Post application correspondence with Local Planning Authority
- Local Planning Authority registration letter, dated 27 June 2017, confirming planning reference 17/00517/FULL
 - Correspondence between Local Planning Authority and Agent, dated 03 July 2017 to 09 August 2017 including 2No. sets of coverage plots, (i.e. 2G, 3G and 4G site and design specific plots submitted on 03 July 2017 and comparison 4G plots provided on 15 August 2017)
- Appendix 4 Delegated Report
- Appendix 5 Decision Notice, dated 24 August 2017
- Appendix 6 Panoramic Assessment
- Appendix 7 Planning Consent or Relevance (Council Ref: 16/00776/FULL, DPEA Ref: PPA-120-2044)
- Planning Drawings
 - Appeal Decision Notice

1.0 Introduction

- 1.1 This appeal is submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 on behalf of Telefónica UK Limited, (the Appellant), against the refusal of planning permission by the Angus Council, (the Council), as Local Planning Authority, (LPA).
- 1.2 An application for planning permission was registered under reference 17/00517/FULL seeking consent for the following development:
- 15m high slim line lattice mast
 - 3m head frame
 - 3No. antennas
 - 3No. Remote Radio Units (298x127x351mm)
 - 2No. 300mm dish
 - 2No. cabinets (1No. 1300x700x1450mm; 1No. 600x500x1535mm)
 - Foundation
 - 1.8m high closed board timber fence
 - All ancillary development
- 1.3 The overall height of the mast is 18m and the site is located within the north-eastern sections of the Kirriemuir Thistle Football and Social Club property at Westview Park, off the A926, in south western Kirriemuir. The grid reference of the development is 337963, 753663.
- 1.4 The development forms one of only 3No. 2G, 3G and 4G base station sites that the Appellant and their partner operator, Vodafone Limited, have designed within their network plans to serve the Kirriemuir settlement.
- 1.5 With no objections having been received, the application was determined under delegated powers on 24 August 2017. A decision notice, dated the same, was issued stating the following reason for refusal:
- “The proposal is contrary to Policy TC13 Digital Connectivity and Telecommunications Infrastructure and Policy DS4 Amenity of the Angus Local Development Plan (2016) and Angus Council's Advice Note 26 Telecommunications Development because the sitting and appearance of the proposed apparatus would not minimise impact on the visual amenity of residential property in the surrounding area.”*
- 1.6 However, in refusing this proposal the Council's Development Management Department has failed to take full account of the significant efforts employed by the Appellant to ensure that the subject site and proposed design solution strikes the most appropriate balance between operational requirements and the environmental considerations of all relevant National and Local planning policy, including National Planning Framework 3, Scottish Planning Policy, Planning Advice Note 62 - Radio Telecommunications and the Angus Local Development Plan 2016.

2.0 Operational Context

- 2.1 Having evolved from being merely a convenience, mobile communication is now a key part of sustainable development and a vital tool in people's personal lives and business operations. Modern society now expects to be able to make use mobile devices where people live, work and travel and there is currently a drive by the Government to ensure that all communities, both urban and rural, have access to the most up to date mobile technology as there are clear social and economic benefits for doing so. Good connectivity allows people to access a wide range of essential services including, but not limited to emailing; downloading apps; social media; helping with homework; researching local events, businesses or transport timetables; managing personal finances; smart meter reads for utilities such as gas or electric; shopping; contacting local authorities; arranging medical appointments; general business functions; and much, much more.
- 2.2 The dynamic nature of technological advances in the telecommunications industry coupled with ever increasing demand from subscribers dictates a continual reinvestment programme on the part of the operators and as a result, and in line with their licence requirements, companies such as the Appellant are constantly developing their networks as well as refining and modernising their infrastructure.
- 2.3 In this instance, the Appellant is an Electronic Communications Code Systems Operator licensed under the terms of the 2003 Communications Act to provide mobile personal communications networks in the UK. The subject proposal seeks to provide infrastructure for improved 2G and 3G benefits and new 4G network services to those living, working and travelling in south western Kirriemuir.
- 2.4 Each of these generations of mobile communications provide the following services:
- 2G used digital technology to improve call quality and helped reduce handset and battery size
 - 3G provided fast broadband speeds to support a wide array of media services, such as internet connections and real time streaming of visual media and applications
 - 4G operates at superfast broadband speeds granting a far greater range of data hungry applications, such as streaming High Definition visual media
- 2.5 Cellular networks are made up of a number of individual cell areas, each of which has a base station within it. A good analogy is that of a patchwork quilt with each cell area being one of the many patches making up the network. The base stations themselves will require a supporting structure, like a mast or high building, to support antennas and dish whilst elevating them above clutter, such as tall trees, buildings, or topography that could otherwise impede signal. Associated cabinets for housing radio equipment and power connections are also deployed to service the antennas.
- 2.6 These base stations then receive and transmit to mobile devices using radio waves. The antennas operate like an aerosol spray with signal transmitted along a central orientation and dissipating with distance. The dish operate on a direct line of sight basis, linking with dishes on other base station sites elsewhere within the wider network. The dish links also link the base station to a master control centre that manages the call handover process that occurs when a mobile user moves from one cell area to another. They also provide telemetric monitoring to ensure the site is working properly and offer remote maintenance.
- 2.7 In the early days of mobile communications, peripheral locations, high-level topographies and large scale masts were often identified in order that transmission from a new base station could cover an expansive geographical area. However, whilst this approach was viable for 1G and then 2G network coverage, the number of mobile handset users has dramatically increased with time, as have the advancements in mobile technology itself. As a result, the cellular network construction and operational criteria have changed too.
- 2.8 Because (3G and) 4G networks use higher frequencies with faster data rates whilst serving significantly increased numbers of mobile device users, typical network cell areas (i.e. the geographical area targeted for coverage for which a base station development provides a solution), are now smaller in their geographical expanse and tend to be directly proportionate to the number of users within it. They are also therefore greater in their number with base stations operating at a lower power output than their

predecessors. It is therefore imperative that new 3G and 4G base station development be located within the area it is to serve with transmission being limited to the target coverage area to prevent each base station, which has a limited connection capacity, from being oversubscribed and to also reduce interference within and between cell solutions. However, the increased number of base stations that networks now require often mean that it is impossible to avoid development within a context of sensitive properties and restrictive planning policy areas.

- 2.9 In the case of the subject coverage requirement, the upgrade of existing infrastructure and/or the deployment of new infrastructure outside of the target coverage area does not offer an operationally viable solution. The development of a new Telefónica UK Limited base station within the target coverage area is therefore the last and only available option, as has been outlined in the sequential approach to the site selection detailed within the original application and later within this statement.

3.0 Cell Area and Description

3.1 The Appellant, Telefónica UK Limited, requires several new 4G base stations to provide network coverage within the Angus Council area to meet the current demand for high quality and up-to-date mobile communications services. The Appellant currently supplies Kirriemuir with mobile communications services from the established infrastructure deployed on the Arqiva owned mast at Hill of Kirriemuir. Although this site was upgraded in September 2016 and now provides 2G, 3G & 4G coverage to network users, the limitations of 4G technology ensures the coverage provided from this installation does not deliver an acceptable level of service to the west and the south west of Kirriemuir; hence the need for the subject proposal and that of the recent planning applications under references 16/00776/FULL, (DPEA Ref: PPA-120-2044), and 17/00539/FULL.

3.2 The search area, within which a solution must be found, is centred upon the Knowehead road, which runs northeast/southwest through the south-western sections of the settlement. Please note that the search area is issued as a general guide for site finding and should not be taken as a strict boundary. Furthermore, it does not mean that any site within this parameter will be operationally viable, merely that development within this area would be considered a possibility for addressing the coverage requirement when set in a context of the planned network. Please refer to **Fig.1** below for further details.

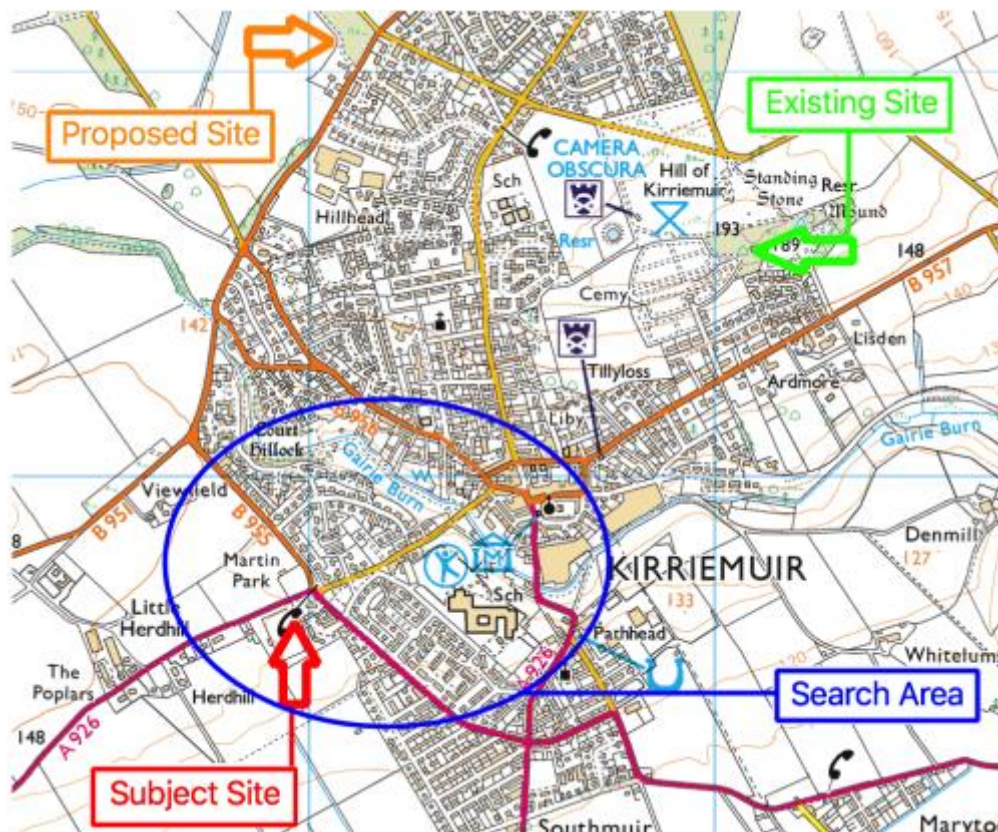


Fig. 1: Search Area, Subject Site, Existing Site and Other Proposed Site Locations

3.3 The landuse within the settlement limits of the target area is predominantly residential and characterised by a mix of dwelling types. Other landuses present include commercial, recreational and educational. Those sections of the search area that lie outside of the settlement limits area are in agricultural use. The topography of the area is relatively flat, rising gradually in a south westerly and north easterly direction. Whilst there are built heritage designations present within the north-eastern peripheries of the search area, none lie within a close or visual proximity of the proposed site. Further to this, there are no ecological sensitivities present on site or in proximity. There are no existing telecommunications sites present in the

search area and therefore, as noted in **Section 2**, development must take place within this locale if an effective coverage solution is to be provided.

- 3.4 The development is located within the Kirrie Thistle Football and Social Club property. The current Angus Local Development Plan confirms the property is designated as a protected “open space” within the settlement boundary. The site itself is located upon a gravelled area in the north-eastern section of the host property, 12m north of the clubhouse, adjacent to the access track that serves it, and parallel with the property’s eastern boundary. The land to the south west is occupied by the host property’s pitch with mature trees along its western boundary and agricultural fields beyond this. There is a recreational ground and car park on the opposite side of the A926 to the north with a petrol station and commercial premises on the neighbouring land to the east. The latter accommodates a number of large storage containers. There are 2-storey terraced residential properties within Westfield to the south east. Other features of note and street furniture elements present within the immediate area include floodlights, street lights, telegraph poles, a flagpole and mix of mature trees and planting.

4.0 Background

- 4.1 As detailed within the subject application which forms the basis of this appeal, Telefónica UK Limited has entered into a network sharing agreement with Vodafone Limited pursuant to which the two companies plan to jointly operate and manage a single network grid across the UK. These arrangements will be overseen by Cornerstone Telecommunications Infrastructure Ltd (CTIL) which is a joint venture company owned by Telefónica UK Limited and Vodafone Limited. This agreement allows both organisations to:
- Pool their basic network infrastructure, while running two, independent, nationwide networks
 - Maximise opportunities to consolidate the number of base stations
 - Significantly reduce the environmental impact of network development
- 4.2 Vodafone Limited and Telefónica UK Limited will continue to compete in the telecoms market to retain and win customers and both will continue to differentiate themselves on the quality of the customer experience. Although they are sharing infrastructure, they will operate entirely independently as businesses with separate network strategies. Accordingly, the key focus will be on the joint build of new sites and consolidation of existing sites. As part of both operators’ continued network improvement program there is a specific requirement for a new radio base station at this location to provide improved 2G and 3G coverage and new 4G coverage within the south western area of the Kirriemuir settlement.
- 4.3 Upon identification of this coverage deficit, CTIL first sought to investigate if there were any other existing Vodafone Limited or Telefónica UK Limited base stations within the wider local area that, if altered or upgraded, could provide a solution for the subject coverage requirement. However, none existed. In fact, current coverage to Kirriemuir for both Telefónica UK Limited and Vodafone Limited is supplied by infrastructure installed on the primary telecommunications site in the settlement area; an existing Arqiva owned tower located at Hill of Kirriemuir, south of the East Hill and West Hill, NGR: 339111, 754600, (Telefónica Cell Ref: 003810; Vodafone Cell Ref: 10101). Please refer to **Fig.1** for confirmation of this site’s context with the search area and subject site.
- 4.4 As the upgrade of an established Vodafone Limited and/or Telefónica UK Limited base station was not viable, WFS Telecom were appointed as Acquisition and Planning Agents, (the Agent), to identify and progress both planning and acquisition for a new base station development proposal. A site search with the local area for a new base station was undertaken in late 2016 and with full respect for both national and local planning policy preferences, a sequential approach to site selection was adopted involving options for mast sharing, co-location or sharing alongside existing telecommunications development; installing equipment on existing buildings or tall structures; using small scale equipment; and finally, erecting a new ground based mast.
- 4.5 The process confirmed that there were no available mast/site sharing opportunities present and therefore, considering its context within the Appellant’s network, a new base station development was deemed necessary. No operationally viable buildings or other structures were available for use either and so a ground based mast was the last and only available option. In assessing all available site options the subject site was considered to strike the best balance between operational and planning considerations.
- 4.6 An extract from the abovementioned survey and that formed the basis of the planning justification supplied with the subject application is provided below in **Fig. 2** below.

Site	Reason for not choosing
Land Adjacent to 25 Knowehead Road	Whilst considered viable for a 15m high street furniture style mast development, further investigation confirmed that the land is not publicly adopted and would not therefore be available for use under the New Roads and Streetworks Act.

Robb Vehicles 15 Prosen Road	Whilst considered viable for a 20m high mast development, further investigation confirmed that the landowner could not offer sufficient space to accommodate the development.
Martin Park Slade Road	Consideration was given to the use of a new ground based mast in this recreational ground. However, proposals to develop sites within public parks are often not possible due to title restrictions prohibiting commercial opportunities. They can also often result in significant public opposition and therefore only tend to be progressed as a last resort and where no other viable site opportunities exist, which is not the case in this instance.
Private land at 2 Westfield	The land is not available for use due to title issues and use for accessing other neighbouring land.
The Golden Palace 38 Lindsay Street	Consideration was given to a 20m+ high mast development at this property due to low lying topography but further investigation confirmed that there was insufficient space to accommodate the development. A mast structure of such size was also considered to have less planning and operational merit than the subject solution.
Webster's Sports Centre	Although Angus Council may consider hosting a new development proposal where no other viable site opportunities exist, this is not the case in this instance.
Private land at Slade Road	This site remains a possible option but was considered to hold lesser planning merit than the subject site due to potential for having a greater degree of impact upon residential amenity.
Adopted Highways Land at Slade Road	The development of a new 15m high street furniture style mast was considered for this location but was deemed to have a greater potential for impacting upon residential amenity than the subject site.
Alternative street furniture development Herdhill	Several street furniture style development options within this area were given consideration but none was considered to offer a more viable solution due to greater impact upon residential amenity; lack of compliance with Highways safety; conflict with underground utilities; and, physical and operational conflict with existing development.
Other sites within the host property	The development site proposed is considered to strike the best available balance between planning considerations, operational criteria and limited impact upon the use of the host property. Locating the development proposal in the southern/western sections of the grounds was considered to be too far removed from the target area to provide adequate indoor coverage levels. An alternative location south of the clubhouse was also considered but this would have put the mast directly adjacent to the rear of the residential properties in Westfield. No other site options were considered viable by the club.

Fig.2 Discounted Site Information

4.7 Following the Appellant's selection of the subject site, a detailed site survey was undertaken in May 2017 to devise a design solution that would best fit the site context, the operational need and to ensure that a balance with planning policy guidance was struck. To determine the minimum height required for both dish and antennas to transmit without infringement by surrounding clutter, specifically the presence of residential development, a Panoramic Photograph Assessment was undertaken. Upon doing so it was

confirmed that a minimum height of 14m and 15m would be required for clear dish and antenna transmission, respectively. Please refer to the attached panoramic report in **Appendix 6** which not only confirms the presence of surrounding features and gives a clear indication as to where the antennas at the very top section of the mast, i.e. a mid-antenna point of 16.7m, will be visible from when viewed from the surrounding area.

- 4.8 With the abovementioned transmission equipment heights and orientations determined, both a monopole and lattice style mast with open headframe were considered viable. However, the use of a lattice style mast was considered to be the more appropriate solution due to its transparency against the available backdrop and to minimize any views that may be afforded against the skyline. The tower that has been chosen is also the slimmest lattice structure available within the operators' design portfolio. The transmission apparatus was limited to an operational minimum with 3No. multi generation antennas, 2No. 300mm transmission and 2No. associated ground based cabinets being proposed.
- 4.9 Site and design specific pre-application consultation was undertaken with the LPA and dated 18 May 2017. Although design specific planning drawings were not included, details of the public consultation undertaken and full discounted site information including search area parameters was supplied. (See **Appendix 1**). Detailed pre-application comments were received from the LPA via email, dated 24 May 2017. A wider pre-application consultation was also undertaken on the same date as that of the consultation to the LPA, as documented in the submitted Site Specific Supplementary Information document included within the application.
- 4.10 All planning matters, including a recent appeal decision for the adjoining cell area, (DPEA Ref: PPA-120-2044), (see **Appendix 7**), were reconsidered in detail by the Appellant prior to it being deemed appropriate to progress the proposal to a formal planning stage with the submission of a Full Planning application on 22 June 2017. A copy of the application and all necessary notifications are provided in **Appendix 2**.
- 4.11 Written confirmation that the application had been registered as valid under planning reference 17/00517/FULL was issued by the LPA, dated 27 June 2017. Further correspondence between the Agent and the LPA took place between 03 July and 15 August 2017. Initially, the LPA had questioned what the relationship was between the subject development and the development proposals that formed the basis of both the abovementioned appeal decision (which could not be implemented due to a breakdown in negotiations with the landowner), and its subsequent replacement proposal, Ref: 17/00539/FULL. It was confirmed by both Galliford Try and WFS Telecom on 03 July 2017 that the 2No. development proposals formed individual solutions for neighbouring cell areas and coverage requirements. The Agent for the subject application also provided a set of 2G, 3G and 4G Coverage Plots showing current and proposed network services associated with the subject development for the LPA review.
- 4.12 After a site visit, on 20 July 2017 the LPA Case Officer questioned if the development could be relocated to an alternative position within the host property or if the required antennas could be installed on the existing floodlights. However, as the Agent confirmed by response on the same date no alternative site within the host property was considered viable due to operational issues, planning considerations or lack of availability. It was also confirmed that the existing structures, both within the host property and the adjacent park, could not be used to accommodate the required transmission equipment due to their lightweight nature and low height. On 09 August 2017, the LPA case officer confirmed that whilst the discounting of existing buildings and structures had been accepted, the subject site was considered too close to the neighbouring dwellings within Westfield and could not be supported. It was again proposed that the Appellant seek to relocate the apparatus to the south west of the host property to minimise impact upon residential amenity. Following further consideration by the Appellant's network planning team, the Agent responded on 15 August 2017 clarifying why the alternative site would not be operationally viable and providing operational justification in the form of comparison coverage plots showing the level of coverage that would be supplied with antennas at heights of both 15m and 20m in the suggested location. It was also suggested to the LPA that a monopole with open head frame could be used as an alternative design. However, no feedback to this suggestion was given by the LPA prior to the determination of the application. Please see **Appendix 3**.

4.13 The LPA case officer maintained the view that the proposal was unacceptable and prepared a Delegated Report recommending the refusal of planning permission, dated 18 August 2017. A decision notice confirming the refusal was subsequently issued, dated 24 August 2017. A copy of the Committee Report and the Decision Notice is supplied in **Appendices 4** and **5**, respectively.

5.0 Planning Policy and Other Material Planning Considerations

5.1 In devising the subject proposal, the following planning policy was given full consideration:

5.2 National Planning Framework 3 (NPF)

5.3 NPF¹ recognises the role that modern communications systems must play in achieving sustainable economic growth and advocates a general presumption in favour of allowing the development for modern communications. It encourages a more positive approach to how LPAs view new development proposals with an emphasis on the important benefits modern communications bring, for example helping to achieve sustainable economic growth and the need for access to high quality mobile services in all areas, both rural and urban.

5.4 In preparing their professional recommendation for the subject application, the LPA have referred to the NPPF. However, the Decision Notice does not include any reference to it.

5.5 The Scottish Planning Policy (SPP)

5.6 The SPP² recognises the importance of the contribution of high quality electronic communications to economic growth, and states that planning authorities should take account of the economic and social benefits of proposed infrastructure when determining applications. It also reiterates that development should be designed as sensitively as possible in a context of the specific technical requirements faced by the operator, acknowledging that technical constraints often place limitations on design flexibility and options.

5.7 Paragraph 293 of the SPP clarifies this, stating:

“The planning system should support:

- *development which helps deliver the Scottish Government’s commitment to world-class digital connectivity;*
- *the need for networks to evolve and respond to technology improvements and new services;*
- *inclusion of digital infrastructure in new homes and business premises; and*
- *infrastructure provision which is sited and designed to keep environmental impacts to a minimum.”*

5.8 Paragraph 299 goes on to confirm that:

“All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities.”

5.9 With regards to the issue of health and safety, Paragraph 300 provides the following guidance:

“Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. 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”.

5.10 In preparing their professional recommendation for the subject application, the LPA has considered the SPP. However, again, no reference to it is included in the Decision Notice.

¹ <http://www.gov.scot/Resource/0045/00453683.pdf>

² <http://www.gov.scot/Resource/0045/00453827.pdf>

5.11 Planning Advice Note 62 – Radio Telecommunications (PAN62)

5.12 The PAN³ gives advice on the sequential process of site selection and design, illustrating how transmission and associated equipment can be sensitively installed. It also explains why additional base stations are needed to serve the growth in customer demand and in response to changing technical requirements, including the third generation of mobile phones.

5.13 In preparing their professional recommendation for the subject application, the LPA has considered the PAN62. However, again, the Decision Notice does not refer to it.

5.14 Angus Local Development Plan (Adopted 2016)

5.15 Angus Council adopted of a Local Development Plan on 23 September 2016. The aim is to provide up to date Development Plan coverage for Angus. The Angus Local Development Plan's (ALDP)⁴ Policy TC13 Digital Connectivity and Telecommunications Infrastructure is therefore the primary policy test for the subject proposal. This policy states:

“Proposals for telecommunications development will be permitted provided that the following criteria are met:

- *The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;*
- *If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;*
- *If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.*
- *If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.*

When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.”

5.16 In determining the subject application, the Council has referenced the above suggesting that the proposal would not adhere to the stated criteria. They have also suggested a conflict with Policy DS4 Amenity and have referred to the Angus Council Planning Advise Note 26 Telecommunications Development. The localised policy context will be dealt with in **Section 6** of this Statement.

5.17 Angus Council Planning Advise Note 26: Telecommunications Development

5.18 In determining the subject application, the Council has referenced the above suggesting that the proposal would not adhere to the stated criteria. However, the Council's Advice Note⁵ is now an outdated document and its context will be dealt with in **Section 6** of this Statement.

³ <http://www.gov.scot/Publications/2001/09/pan62/pan62->

⁴ http://www.angus.gov.uk/downloads/download/425/angus_local_development_plan_adopted_september_2016

⁵ <http://www.angus.gov.uk/sites/angus-cms/files/Telecommunications%20development.pdf>

5.19 Other

5.20 Please also note that the proposal should be considered in a context of the following recent Government publications:

- The Scottish Government Consultation on the relaxation of Planning Controls for Digital Communications Infrastructure, August 2016

The Consultation⁶ confirms that:

“World class digital connectivity is vital to Scotland’s economy, whether in relation to: improving the ability of business to operate effectively in attracting inward investment; the delivery of public services; contributing to a low carbon environment and having strong, connected communities in urban and rural areas. Digital connectivity takes on greater significance in Scotland, helping to address some of the disadvantages of physical distances between places.”

- The Scottish Government Mobile Action Plan, June 2016

The Action Plan⁷ outlines its aims as this:

“Ensuring high quality digital connectivity across all of Scotland is a priority for the Scottish Government (SG). We have set out an ambition for the availability of world class digital connectivity across Scotland, and we recognise that improved mobile connectivity is an integral part of delivering that ambition”

- Digital Strategy for Scotland, March 2017

The Strategy⁸ sets out a vision for Scotland setting out plans to ensure:

“...that we put digital at the heart of everything we do – in the way in which we deliver inclusive economic growth, reform our public services and prepare our children for the workplace of the future...”

“It recognises the profound challenges that digital poses for the nature of work, for society and for both the world and domestic economies. It also accepts that no single organisation can hope to have the answers to these questions and therefore looks to create a culture and environment of partnership in which we take collective action to ensure that nobody is left behind and we all remain safe, secure and confident about the future.”

5.21 The fact that each of these publications are very recent and are on a national basis places significant weight on the benefits attached to proposals for improved communications and infrastructure and provide a counter balance to any perceived visual/environmental impact.

5.22 Policy Summary

5.23 It is important that Decision Makers apply appropriate weighting to general policy criteria when seeking to determine telecommunications applications. In such cases where a specific telecommunications policy exists then this must be taken as the primary policy test along with the NPPF. Appropriate weighting must also be applied to more general policy principles. It is our contention that in submitting the subject application the Appellant has paid due consideration to the abovementioned National and Local Planning

⁶ <http://www.gov.scot/Publications/2016/08/5901>

⁷ <http://www.gov.scot/Topics/Economy/digital/Publications/SGMAP>

⁸ <http://www.gov.scot/Resource/0051/00515583.pdf>

Policy in that they have:-

- Provided operational justification for the development.
- Investigated the use of all reasonably viable alternative site options offering full details as to why each was less appropriate and therefore discounted.
- Identified a site that does not impact upon historical and ecological assets or restrictive planning policy designations.
- Proposed a mast sharing opportunity for Vodafone Limited.
- Minimised visual impact as far as operationally possible by limiting all elements of the development to a minimum operational size and amount, and incorporating a simplistic, disguised and appropriate design whilst making best use of existing streetscape/landscape features for contextual and backdrop purposes.
- Provided confirmation of ICNIRP compliance.

6.0 Case for the Appellant

- 6.1 As we have outlined previously, the proposed apparatus will provide improved 2G / 3G network capacity and new 4G network coverage and services for the Appellant, Telefónica UK Limited, and their partner operator, Vodafone Limited, within the predominantly residential area of south west Kirriemuir via the deployment of a new base station development consisting of a slimline lattice mast, transmission equipment, ground based cabinets and associated infrastructure. This development will act as an integral part of the operators' wider cellular networks.
- 6.2 In refusing the subject application the Council have considered the proposed development would have a detrimental impact upon residential amenity. They have specifically identified the following as main points of contention:
- Inappropriate siting
 - Incongruous design
 - Impact upon residential amenity
 - Lack of compliance with Local Development Plan Policy TC13: Digital Connectivity and Telecommunications Infrastructure
 - Lack of compliance with Local Development Plan Policy DS4: Amenity
 - Lack of compliance with Advice Note 26: Telecommunications Development
- 6.3 Whilst it is understood why the Council has concerns on the matters included within the decision notice, this section of the statement will seek to clarify that these are unfounded by addressing each and other relevant issues in a more specific and individual context below. In doing so it will be clearly demonstrated that in their refusal of the subject proposal the Council has not fully appreciated the operational justification for the development, nor the social and economic benefits and planning merits of the subject proposal. Furthermore, the Council has sought to apply inappropriate weighting to a general planning policy principle when considering the merit of this niche infrastructural development. The Council has not, therefore, acted in line with both National Government guidance, which clearly seeks to promote access to modern communications for all. It is therefore contended that the proposal does in fact comply with both National and Local Policy objectives.

6.4 Siting

- 6.5 In determining the subject application, the Council has not questioned the need for the development but has suggested that the site is inappropriate and to the detriment of local amenity. However, in doing so, they appear not to appreciate that there are no better site options available for use and that the siting of any new base station proposal is intrinsically linked to operational need, the availability of sites and the land uses present within the target area. The design of a new base station is in turn dictated by function and the context of the nominated site. So, to understand if a development proposal is acceptable it is imperative that there is an appreciation of the development's operational requirements in considering how the subject site was identified for use.
- 6.6 Within **Sections 2, 3 and 4** above, evidence has been supplied confirming that new development within the local area is unavoidable if the required 2G, 3G and 4G network coverage is to be supplied. There should, therefore, be no doubt that development within the south western Kirriemuir area is absolutely necessary to address the coverage requirements of the Appellant and their partner operator, Vodafone Limited.
- 6.7 In seeking to identify a viable site from a technical and operational perspective, the location of a base station must take account of the following factors:
- Location within the target coverage area
 - The need to provide an acceptable level of coverage over the target coverage area by the sector antennas

- The need to achieve direct line of sight for transmission dish links
- Access to a power source
- Access for construction, maintenance and decommissioning purposes

6.8 Because of the various limiting factors faced by the Appellant, including the specific indoor coverage requirement; the locational requirements of both 3G and 4G technology; the presence of dense residential development; the lack of any existing telecommunications base station sites; and, the shortage of other available or viable structures upon which to locate the necessary apparatus, the development of a new ground based mast is the last and indeed only available option.

6.9 Details of the Appellant’s search area and its context has been provided in **Fig. 1, Section 3** above and, as one will appreciate, a large percentage of the land within the target coverage area is in tight knit residential use with properties lining each of the public roads that serve them. Other land uses that exist within the search area are limited and are made up of recreational, educational and commercial uses; each of which have been discounted as being unavailable for the reasons stated in **Fig. 2, Section 4**.

6.10As was explained by the agent in their email to the LPA dated 15 August 2017, (**Appendix 3**), the designated search area issued to the Agent for use is a general parameter within which a solution should be sought. It does not mean that any development within this parameter will be operationally viable. Furthermore, there should be no doubt that the provision of effective indoor coverage to residential properties cannot be achieved if the necessary infrastructure is not located close in proximity. The limited nature of the discounted sites clearly reflects the availability of viable site options and it has been clarified that the subject site is already located on the peripheries of operational viability. The Appellant nominated the subject site as it is one of the few available non-sensitive land uses in close context of the predominantly residential target area whilst also offering a visual context of other vertical street furniture structures and mature vegetation.

6.11 Whilst we appreciate the Council’s concerns over the potential impact of the site upon residential amenity, it is important to realise that when seeking to nominate a new development site in a predominantly residential area for the provision of indoor network coverage, it is often impossible to prevent some degree of visual impact. Although the site is set within proximity of residential development, namely that at Westfield to the south east, none of these dwellings will look directly toward the site. Whilst offset views will be afforded from the rear of No.s 17-22 Westfield, these will be set in a context of and partially screened by the stage units on the commercial property to the north and the clubhouse of the host property to the west. The site will be set north west of the gable end associated with No.s 23-31 Westfield and will therefore be set at an even more oblique angle, away from vistas associated with the habitable rooms in these dwellings. There will be mid-long distance views afforded to dwellings in the wider locale, most these are well screened or limited to rear and side vistas. Although those along the eastern side of Slade Road will be afforded clearer views towards the site, these will again be offset, from distance, across the intervening petrol station and associated commercial yard, and set in a visual context of other vertical features and against a backdrop of the mature trees along the western boundary of the host property. One must appreciate that any other operationally viable location in the target area would be overlooked by an equal or greater number of residential properties and would benefit from a lesser visual context and separation distance.

6.12 Although the site would be visible to customers visiting the petrol station and associated commercial premises to the east and the recreational land beyond the A926 to the north, such views will be temporary and are less sensitive than those associated with residential properties. Road users of A926/B955/Knowehead network will also be afforded views of the site. However, the site is set 25m back from the A926 and is offset from the direct views associated with traffic travelling east/west along the nearest section of this road to the north. The site is also set approximately 75m south west of the B955/A926/Knowehead road junction. Although these roads represent main thoroughfares within the area, the offset nature of the views when taken with the presence of existing street furniture elements, roadside and private trees, and existing buildings occupying neighbouring land, will each soften the impact of development at the subject site.

6.13 The above points are each verified by the appended Location Plan 100 submitted with the subject application, (see **Appendix 2**), and the Panoramic Photograph Assessment, (see **Appendix 6**).

6.14 The details contained within both the Committee Report and Decision Notice, **Appendices 4 and 5**, confirm that the site does not conflict with any built or natural heritage designations and whilst the LPA are suggesting that a more appropriate site be sought, no party has put forward a viable alternative to that being progressed. We would, therefore, suggest that in proposing the subject site the Appellant has exhausted all viable alternative site options and would contest the Council's argument that the proposed development at the subject site would cause an unacceptable degree of harm to residential amenity.

6.15 Design

6.16 As the reader will be aware from **Section 4**, following the Appellant's selection of the subject site, a detailed site survey was undertaken to devise a design solution that would best fit the site context, the operational need, and to strike a balance with planning policy guidance. To do so the Appellant first sought determine what antenna and dish orientation was required to satisfy both the necessary coverage requirement in a context of the adjoining cell areas and direct line of sight for transmission dish links with other base stations within the wider network. This was done via a panoramic photographic assessment, whereby a 360° viewpoint is undertaken at several height intervals above the ground. An extract from this report, see **Appendix 6**, confirmed that a respective minimum antenna and dish height of 15m and 14m would be required to achieve clear transmission above surrounding clutter along the required orientations. An open head frame was also required to allow specific antenna tilt and orientation. On this basis, the Appellant had the option of proposing either a slim line lattice or monopole type structure, with the former being deemed best suited to the site as this would allow a degree of transparency that the monopole would not.

6.17 In light of the abovementioned operational requirements a 15m high slimline structure with a 3m headframe to accommodate the necessary antennas was settled upon. The proposed tower, by very nature of the operational criteria outlined earlier in this **Statement**, will protrude above the surrounding manmade and natural features within the wider landscape. However, without this, the development would be ineffective. The mast structure itself is simplistic and functional in form and represents an accepted design for telecommunications network infrastructure. It has been proposed that the tower have a dull galvanised grey finish, which was considered to contrast least with the views that may be afforded against the predominantly cloudy British skyline and mix of surrounding natural and manmade features. The proposed ground based cabinets will be of standard design reflecting the general appearance of any infrastructural service cabinets deployed by statutory undertakers across the UK. All apparatus would be enclosed within a compound surrounded by timber board fence. All elements of the proposal have been limited to an operational minimum in terms of both size and amount to effectively address the coverage requirement.

6.18 Impact upon Amenity

6.19 Due to the operational nature of any new infrastructure, it is almost impossible to introduce new development in a way that will enhance the setting in which it is located and, often with telecommunications infrastructure, all that can be done is the seek to limit impact to an absolute minimum through sensitive siting and design practices, and as outlined above, this has been the case.

6.20 Despite its size, it is considered that the proposed tower will have an insignificant impact upon the views associated with most surrounding public and private viewpoints. Evidence in relation to visibility of the development is available within the Panoramic Assessment contained in **Appendix 6**. This clearly shows what private and public properties will be afforded of the mast at a mid-antenna point from both close and mid to long distance perspectives within the surrounding area. The clearest view of the development is that afforded from within the host property and to the play area and car park associated with the recreational land on the northern side of the A926. Other views from within this recreational ground will be partially screened by the mature planting along its southern boundary. (Please refer to the views along 270-360° of the Panoramic Assessment). The adjacent commercial properties to the east will also be afforded clear views of the development. (Please refer to the views along 30-90° of the Panoramic

Assessment). However, like the recreational ground, those visiting these premises will do so for short periods of time; hence why impact upon these properties is deemed to be less important than that of residential properties.

6.21 Given their proximity the nearby residential properties located within Westfield to the south east could be deemed most sensitive to the development. Those at the southern end of the B955/Slade Road to the north east could also be impacted upon. However, as has been explained earlier in this **Section**, each of these dwellings looks directly over the road network that serves them and therefore none is orientated to look directly toward the development. Whilst offset views will be afforded from the rear of No.s 17-22 Westfield, all but the top half of the mast screened by the storage units on the commercial premises east of the subject proposal and the clubhouse of the host property to the south of the development. The development will be set north west of the northern gable end associated with No.s 23-31 Westfield and will therefore offer a lesser opportunity for views given the more oblique angle. (Please refer to the views along 90-150° of the Panoramic Assessment). The views associated with the dwellings along Slade Road are considered to be mid-distance views and will again be offset, from distance, across the intervening petrol station and associated commercial yard, and set in a visual context of other vertical features and against a backdrop of the mature trees along the western boundary of the host property. (Please refer to the views along 0-60° and backdrop views along 180-240° of the Panoramic Assessment).

6.22 As touched upon previously, the development will be visible to road users. However, any perspectives afforded to traffic and pedestrians will be transient and constantly changing in nature and are therefore considered to be less sensitive than those associated with residential properties. One must also note that the development is a distance of 25m from the public highway at its nearest point with the presence of existing buildings and other features undoubtedly helping to absorb the impact of development when viewed by those travelling along the nearby road network.

6.23 When considering impact upon general amenity one must also appreciate that there is a distinct difference between visibility and detrimental impact. We would take this opportunity to reiterate that the appended 360° Panoramic Assessment provides clear evidence that actual views of the development will be limited to those using the host property, parts of the recreational land that lie directly to the north and from within the commercial premises to the east; none of which is deemed to be overly sensitive. All other views are limited. We would also reiterate that, like street lighting, road networks, signage, bus stops or any other utilities/infrastructural elements, telecommunications apparatus is a functional piece of infrastructure that is now considered both necessary and an accepted element in modern urban/suburban street scenes.

6.24 It is not disputed that the mast structure will be visible in part from surrounding public/private vistas. However, it is our contention that this is not a sensitive setting. Furthermore, it could not be reasonably argued that the limited visibility of slim line lattice tower which offers a degree of transparency whilst being set in a context of other vertical features and buildings, would have an unacceptable level of impact upon the amenity of the wider area. In weighing up impact, one must consider if this is outweighed the social economic and public benefits outlined in **Section 2**. Whilst it could be argued that the development does not physically enhance the character of the locale, the development of modern communications infrastructure brings with it many benefits to those living, working and travelling within it and one could argue that economic and social enhancement outlined in **Paragraph 2.1** above well outweigh the physical impact.

6.25 Planning Policy

6.26 Due to the operational nature of any new infrastructure it is important for decision makers to apply appropriate weighting to more general policies and to ensure that policy that is specific to communications infrastructure be used as the primary policy test. In this instance, there is a valid Local Development Plan Policy that is specific to telecommunications in the form of “Policy TC13: Digital Connectivity and Telecommunications Infrastructure”. However, the decision to refuse the subject application includes reference to a lack of compliance with this policy. The Decision Notice also refers to an outdated Advice Note, namely 26, devised by the Council a significant period of time before the fruition of 4G network development “Policy DS4: Amenity”. Whilst one can appreciate why these have been considered, it could

be deemed unreasonable if an appropriate weighting and an appreciation for the operational criteria of proposed telecommunications networks has not been applied.

6.27 Details of how the proposal adheres to each individual criterion outlined in Policy TC13 is provided below:

“Proposals for telecommunications development will be permitted provided that the following criteria are met:

- *The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;*

The proposal is for a new mast and associated development at a recreational/social club property set within a non-sensitive area inside the southwestern peripheries of the Kirriemuir settlement boundary. An exhaustive site selection process has preceded the nomination of the subject site and no better site option is deemed to exist. As mentioned earlier under the heading “Design”, it is almost impossible to introduce new development in a way that will enhance the setting in which it is located and with telecommunications infrastructure all that can be done is to limit impact as far as is reasonably possible, as has been the case. All elements of the proposal have been limited to a minimum size and amount for addressing the 2G, 3G and 4G coverage requirement that exists. It has already been explained within the paragraphs under the heading “Impact upon Amenity” that, despite visibility, the development will not have an unacceptable level of impact upon the public realm or nearby residential vistas.

- *If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;*

Not applicable

- *If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.*

The tight knit residential nature of much of the target area places significant limitations upon the availability of viable site options. Indeed, the limited extent of the alternative sites provided in **Fig. 2, Section 4** is evidence of this. There are no existing masts present in the target area and there are no other structures that could accommodate the required apparatus, physically, structurally or in terms of operational viability. The use of a Council owned building was given consideration, i.e. the Webster Sport Centre. However, Angus Council only consider hosting a new development proposal where no other viable site opportunities exist, which is not the case in this instance. Details of all site options were provided with the subject application and the Appellant engaged with the LPA at a post-application stage to confirm why their suggested site option would not be operationally viable, even with a 20m high structure being used to support the necessary antennas.

- *If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.*

The subject site lies within the settlement boundary and has been set within a close context of a mix of established commercial, social and residential buildings. The site could not be said to be located within a residential or sensitive area as it is quite clearly within an area of Open Space, as defined by the Angus Council Local Development Plan Kirriemuir Map (inset map 5), an extract of which is provided in **Fig.3** below. Further to this, as is evident from the Case

Officer’s Delegated Report and the subsequent Decision Notice, the development has not impact upon any listed building or restrictive planning policy designation.

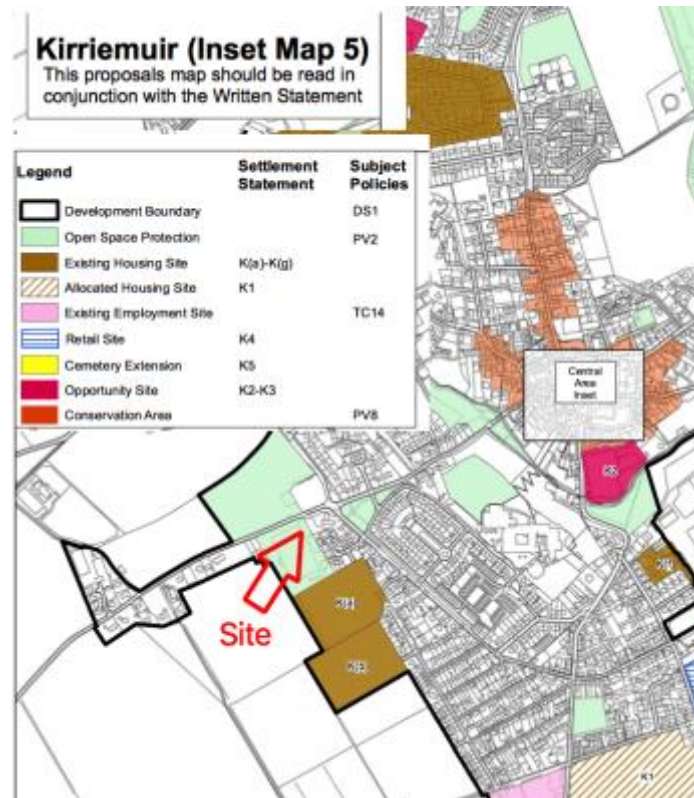


Fig.3: Site context with Angus Local Development Plan Proposals Map

When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.”

As has been clearly outlined in Section 2, 4G technology provides superfast broadband speeds granting a far greater range of data hungry applications, such as streaming High Definition visual media. The use of the site by the Appellant will achieve an efficient 2G, 3G and 4G coverage solution not just for themselves but also for their partner operator, Vodafone Limited, via the use of a slim line lattice mast and equipment cabinets, negating the need for separate base stations. Further to this, written operational justification was supplied with the subject application and in post-application correspondence with the LPA. This included the provision of coverage plots for each generation and in relation to the suggested alternative site proposed by the LPA.

6.28The Decision Notice has also included reference to Policy DS4 Amenity and whilst the Council may consider this to be relevant, it is important for decision makers to appreciate that the design of any infrastructural element must be led by function and operation. To expect it to do otherwise would be unreasonable. Therefore, appropriate weighting must be given to more general policy principles such as the criteria outlined in DS4. As the reader will appreciate, the LPA has suggested that it is visual impact upon residential amenity that is the main concern with the proposed development. However, DS4 states the following:

“All proposed development must have full regard to the opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing and future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing”*

6.29 At no point in time in their assessment of the subject application does the LPA Case Officer refer to the many benefits associated with modern communications, (please see **Section 2**), instead focusing solely on visual impact. As such, there has been no real balancing of all material planning considerations within the assessment. If one were to apply a more balanced and appropriately weighted consideration to this very general policy, one would note that modern communications promotes sustainability and environmental wellbeing through the reduction in need to travel via remote access to employment and vital services such as banking, shopping, education and health. It also provides a medium for social inclusion and interaction for the less-able members of society. People also now expect to be able to make use of their mobile handsets and devices at home, work and on the move with younger generations placing even more emphasis on this. Therefore, high quality indoor network coverage would offer a positive impact upon current and future occupiers of nearby properties; a matter that could be supported by the fact that the subject proposal did not receive any objections.

6.30 With regards to the Policy’s bullet point on “residential amenity”, one must not ignore the fact that the proposed development is not overlooked by any direct residential vista, nor will the development result in the loss of privacy, sunlight or daylight for any neighbouring resident or property. Further to this, the site lies north west of the nearest dwelling, so with the sun’s transition from east to west with the passing of each day, no shadowing impacts will befall residents.

6.31 Whilst it is noted that the Council has a telecommunications specific Advice Note, namely Advice Note 26, the Appellant would remind the reader that this document was produced at a time when 3G technology was coming to fruition. Evidence of this historic nature is clear in its second paragraph which states:

“The Scottish Executive has amended the planning regulations to require the majority of telecommunications developments to seek planning approval. Previously only the most significant developments required planning permission but this has now been reversed to exclude only the most minor developments.”

Angus Council Advice Note 26

6.32 There are also references to the now obsolete National Planning Policy Guideline 19 Radio Telecommunications.

6.33 Although it is appreciated that the principles of the Advice Note remain, the document was produced before the extent of 3G’s technical requirements were fully appreciated. Therefore, it could not possibly be reasonably applied to 4G technology in its current form. One would also highlight that, in light of the importance of digital connectivity and effective mobile communications networks, the Scottish Government has now reversed the process referred to in the quoted extract above, having reduced the need for Full Planning Permission for the majority of telecommunications development proposals.

6.34 Case Summary

6.35 Unfortunately, the operational criteria and functionally led design process behind this proposal has not been afforded any balanced consideration by the LPA Case Officer with none of the many benefits that such infrastructure brings, including that of sustainable living by allowing people and business access to services, home working benefits and negating the need for travel, having been referenced in their Report. Frustratingly, the LPA also appear to be focused on the aesthetical nature of the proposal, ignoring its operational context and the fact that no party objected to this proposal.

6.36 To put this proposal into context, one would also take this opportunity to refer the decision makers to the recent Department of Environmental and Planning Appeals (DPEA) decision referred to earlier in this

Statement, namely that of the successful appeal of the planning application, as refused under reference 16/00776/FULL, and granted at appeal under DPEA reference: PPA-120-2044. (Please refer to **Appendix 7** for details). In this case, the Reporter has applied a very balanced and inclusive view on all material planning considerations. This case is also similar to the subject proposal in that the development incorporated a lattice mast structure within a close context of residential properties, within a non-sensitive setting and with mature trees acting as a backdrop; hence why it is so relevant. However, in this example a 25m slim line lattice structure was proposed and was located directly opposite the rear vistas of a number of residential properties. In considering the appeal, the DPEA Reporter confirmed that despite its size and visibility to nearby residents:

“I find that, in accordance with policy TC13 Digital Connectivity and Telecommunications Infrastructure, the siting and appearance of the mast, the need for which the council does not dispute, is located in a manner that minimises its impact on visual amenity, and on both the character and appearance of the surrounding area. I am also satisfied that the appeal proposal would not adversely impact on the amenity of adjacent householders by virtue of noise, smell, light pollution, overlooking and overshadowing. Thus the appeal proposal does not conflict with development plan policy DS4 Amenity. Accordingly, I find that the appeal proposal would be in accordance with the development plan.”

Paragraph 9, Appeal Decision DPEA Ref: PPA-120-2044

6.37 The Reporter concluded that:

“...the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission”

Paragraph 14, Appeal Decision DPEA Ref: PPA-120-2044

6.38 Too conclude, we would reiterate that, as with the appeal example, the subject proposal accords with the relevant provisions of the Local Development Plan and there too are no material considerations that would justify the refusal of planning permission. We would also reiterate that if the Council's approach to this application were to be applied on a nationwide scale, then large sections of the UK would simply never benefit from modern communications services. This approach would also sit at odds with the Scottish Government's aim to promote and provide access to modern communications for all.

6.39 It is our contention that in devising the proposed design; a sharable, multi-generation, solution incorporating both a minimum amount and size of apparatus at a non-sensitive location, the Appellant has afforded full respect for the amenity of the surrounding residential area, whilst having also adhered to the guidance of both National and Local Planning Policy.

6.40 It is therefore considered that in their refusal of the subject application, the Council has failed to appreciate the operational, design and planning justification for the proposal; has misinterpreted the guidance held within all relevant Local and National Planning Policy criteria.

7.0 Conclusion

- 7.1 In refusing planning permission for this much-needed telecommunications development; an integral part of the proposed Telefónica UK Limited 4G network within the Angus Council area, the Council has failed to pay due consideration to the operational limitations faced by the Appellant in terms of the locational requirements, site availability and the operational need to avoid surrounding clutter.
- 7.2 Whilst the locale is not considered to be sensitive the Appellant, in line with best practice, has made the utmost of efforts to limit impact upon general and residential amenity through the use of an exhaustive site selection process and well considered design analysis. The deployment of a new base station solution is necessary given the lack of existing telecommunications sites within the target area; the deployment of a new ground based mast having been considered the last and only available option due to there being no available existing structures or buildings upon which to locate the necessary antennas or that could provide an acceptable coverage solution whilst offering better planning merit.
- 7.3 The Appellant has identified an appropriate site that is located well within a non-sensitive property, adjacent to a petrol station and commercial premises, and offset from residential vistas whilst also benefitting from an appropriate visual context/backdrop of buildings and natural features, each of which allow integration within the wider streetscape. The Appellant has also proposed a simplistic and functional design and we would further reiterate that the apparatus has been limited to a minimum operational size and amount. The subject application received no objections and the development will provide an annual rental income for the landowner, Kirrie Thistle Football and Social Club; thus sustaining its financial wellbeing.
- 7.4 Telecommunication base station developments are now considered to be an accepted infrastructural element in today's modern society with current Government guidance in the form of the NPF3, SPP and PAN62 confirm that high quality electronic communications infrastructure is an essential component of sustainable economic growth within Scotland and its wider UK context. On this basis, Local Planning Authorities should support the expansion of the electronic communications networks, including telecommunications, broadband and digital infrastructure, through the application of appropriate development plan and development management decisions, taking full account of the economic and social implications of not having efficient coverage or capacity within any given area. Without doing so the Government's objective to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities cannot be achieved.
- 7.5 It is considered that the Appellant has fulfilled their role in seeking to achieve the above. However, they have been prevented from doing so by the Council in their refusal of the subject application.
- 7.6 As such, we would therefore respectfully request that the Review Body upholds this appeal and grants the Appellant planning approval for the subject proposal.

From: John Church <john.church@wfstelecom.co.uk>
Date: Thursday, 18 May 2017 at 15:44
To: "planning@angus.gov.uk" <planning@angus.gov.uk>
Subject: Pre Application Consultation for proposed mobile phone base station at Westview Park Kirriemur CTIL 237625

Dear Sir,

PROPOSED BASE STATION INSTALLATION AT KIRRIEMUR THISTLE FC, WEST VIEW PARK, KIRRIEMUIR, DD8 5AZ.

Telefónica is in the process of progressing a suitable site in the west of Kirriemur area for a radio base station. We aim to work with you to progress a proposal that is both acceptable to your authority and meets Telefónica's technical network requirements. This approach accords with Telefónica's Best Practice Commitments to ensure consultation with Local Planning Authorities and other appropriate key stakeholders.

As part of Telefónica's continued network improvement program, there is a specific requirement for a radio base station at this location to provide improved 3G and new 4G coverage in the area).

Mobiles can only work with a network of base stations in place where people want to use their mobile phones or other wireless devices. Without base stations, the mobile phones and other devices we rely on simply won't work.

This letter therefore invites the Local Planning Authority, in accordance with planning policy guidance and Best Practice Commitments, to enter pre-application discussions with regard to our preferred site option prior to a formal planning submission. Several steps in the site identification process have already been undertaken. The Local Planning Authority must register and our records of other potential sites have been reviewed, the policies in the Development Plan have been taken into account and we have examined the inter-operator site sharing database.

Our technical network requirement is as follows:

- CTIL 236725 TEF 80786 Kirriemuir
- The site is required to fill a coverage gap in the west of Kirriemur area for 3G services. The site will provide new 4G services to this area.

Several options have been assessed in respect of the site search process and the preferred Telefónica option is as follows:

- Kirriemur Thistle FC, Westview Park, Kirriemur E337964 N753663
- The proposal is to erect a new 17.5m pole or lattice mast on which will be installed up to 6 antennae and four micro-wave dishes. Ancillary equipment cabinets will be installed at the foot of the mast within a secure compound. Access to the site will be via the existing entrance to Westview Park.

Alternative site options considered and rejected are as follows:

1-Knowehead Road, E338172 N753767- considered for new street works 15m high monopole but the land is not adopted nor publicly maintained. No option available.

2-Robb Vehicles,15 Prosen Road, E338196 N753760 – considered for new 20m monopole – small commercial premises operating as a motor vehicle repair business – no space available, no option.

3-Martin Park, Slade Road E337949 N753713 – considered for new 15m monopole or replacement of existing floodlight poles. The existing poles are not shareable and would need replaced. This location is also a public sport and play area therefore discounted on planning grounds on the basis that there is a better alternative available.

4- Land off Westfield E338065 N753609 – considered for new 15m monopole – land appears to be part of access strip in new development. Discounted on ownership grounds.

5- The Golden palace, Lindsay Street E338121 N753603 – considered for new 20m monopole in yard space behind premises. Space very limited and low lying land in comparison to target area. Discounted on technical grounds.

6-Sports Centre, Prosen Road E 338259 N753718 – considered for a rooftop installation or replacement of existing floodlight poles. However, this is a council owned sports facility and we have thus discounted it in favour of the proposed option.

7- Land at Slade Road E337941 N753761 – considered for new 17.5m monopole – land is available for use but is closer to residential properties than preferred option. Discounted on planning grounds that a better alternative is available but may be brought forward if preferred option fails.

8- Footway at Slade Road E337941 N753853- considered for new 15m street works pole - land is available for use but is closer to residential properties than preferred option. Discounted on planning grounds that a better alternative is available but may be brought forward if preferred option fails.

We look forward to receiving your comments on the preferred option identified above and alternatives discounted. We would also like to take this opportunity to extend an invitation to meet with you to discuss the proposal and undertake a tour of the options considered, should you consider this to be beneficial.

All Telefónica installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). These guidelines have the support of UK Government, the European Union and they also have the formal backing of the World Health Organisation. A certificate of ICNIRP compliance will be included within the planning submission.

We would be grateful if you would therefore please forward copies of the Council's planning application forms as appropriate and advise us of any pending telecommunications applications or recent planning decisions in this area so these can be evaluated.

Finally, we would be interested in any local stakeholders or groups that you consider would like to know more about our proposals.

We enclose a copy of our Consultation Plan and welcome your suggestions.

We look forward to receiving your response within 14 days of the date of this letter.

Yours faithfully

John Church
Senior Acquisition Manager | WFS Telecom Ltd
Suite 152, Pavilion 4
St. James Business Park, Linwood Road
Paisley PA3 3AT
E john.church@wfstelecom.co.uk
E 0141 375 7670
M 07768 034193

From: PorterSG [mailto:PorterSG@angus.gov.uk]

Sent: 24 May 2017 15:37

To: John Church <john.church@wfstelecom.co.uk>

Subject: Pre-Application Enquiry - Proposed Erection of New Mobile Phone Base Station at Westview Park, Herdhill, Kirriemuir OUR REF: 17/00402/PREAPP YOUR REF: CTIL 237625

Dear Sirs,

Proposed Erection of New Mobile Phone Base Station at Westview Park, Herdhill, Kirriemuir, DD8 5LG

Planning Reference: 17/00402/PREAPP

I write in reference to your email with accompanying information regarding the above proposal, which was received by this Service on 18th of May 2017.

The submitted enquiry relates to the formation of a new mobile phone base station and mast at Westview Park, Herdhill, Kirriemuir.

In considering the possible suitability of the development, planning legislation indicates that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In terms of the Angus Local Development Plan (2016), the relevant policies to an application of this nature would include the following;

- Policy DS1 : Development Boundaries and Priorities
- Policy DS3 : Design Quality and Placemaking
- Policy DS4 : Amenity
- Policy TC13 : Digital Connectivity & Telecommunications Infrastructure
- Policy PV2 : Open Space Protection

Assessment

The primary policy test in relation to a development of this nature would be Policy TC13 Digital Connectivity & Telecommunications Infrastructure Proposals for telecommunications development will be permitted provided that the following criteria are met:

- The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.
- If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.

When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.

With regard to the siting and appearance of the proposal, drawings have not been provided illustrating the exact design or location of the proposal, however I would note efforts should be made to minimise visual

impact of the development on visual amenity, character or appearance of the surrounding area. The proposal does not appear to relate to equipment on an existing building.

The submitted information suggests there is an operational need for the development in this area, however it would be advantageous if this proposal is to be pursued that it is demonstrated that the prospect of sharing existing facilities has been considered, and reasonably discounted. The currently submitted details include considerations of alternative sites but doesn't appear to consider the possibility of utilising existing infrastructure. The consideration of existing sites submitted alongside this enquiry should be supplied with any possible application. A coverage map would also be required to support such a proposal should a future application be submitted.

The site does not appear to be located in a sensitive area however it would be located within an area of Open Space Protection and as such Policy PV2 would apply. Policy PV2 states;

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

The criteria of this policy should also be considered and suitable justification put forward in regards to the loss of open space.

To conclude, in this case given the nature of the enquiry and the level of information submitted, I am afraid that I cannot provide a more definite indication of the likely outcome of a planning application for this proposal. However, the matters highlighted above would be relevant in the determination of an application and you should take cognisance of them if you choose to progress to submission of a planning application.

Whilst enquiries and pre-application discussions are encouraged, it should be stressed that the above advice is given without the benefit of a site visit and external consultations or full and comprehensive information and as such the expressed opinion is given without prejudice and is not binding upon the Council.

I trust the above proves helpful but if you have any further questions or wish to discuss any of the above, please do not hesitate to contact me.

Yours faithfully,

Stephanie Porter

Stephanie Porter | Planning Officer | Communities | Planning & Place | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

Our ref: CTIL 236275 TEF 80786
On line ref; 100055989-001

The Chief Planning Officer
Planning Service
Angus Council
County Buildings
Market Street
Forfar
DD8 3LG

22/6/17

Dear Sir/Madam,

**PROPOSED BASE STATION INSTALLATION AT KIRRIEMUIR THISTLE FC, WESTVIEW PARK,
KIRRIEMUIR, ANGUS, DD8 5AZ**

This is a full planning application, and notice in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003, for permission for the development of:

The installation of a 15.0m lattice mast with 3no. antennae, 2no. 300mm dishes and ancillary equipment cabinets at Kirriemuir Thistle FC, Westview Park, Kirriemuir, Angus, DD8 5AZ. NGR:E 337963 N 753663.

This application is submitted for and on behalf of CTIL and Telefónica UK Ltd

The application comprises:

- Planning drawings - Ref. No's: 100, 201, 301
- Prescribed fee - £401.00
- General Background Information for Telecommunications Development
- Site Specific Supplementary Information
- Design and Access Statement
- Health and Mobile Phone Base Stations document
- ICNIRP declaration & clarification statement

This application has been prepared in accordance with the industry Ten Commitments to Best Siting Practice.

The enclosed application, is identified as the most suitable site option and design that balances operational need with local planning policies and national planning policy guidance.

Furthermore we would like to assist the council and would like to arrange a presentation or meeting with your officers and members to discuss the issues if appropriate.

We are committed to maintaining a positive relationship with all Local Planning Authorities and we would be happy to provide any additional information in relation to this application.

We look forward to receiving your acknowledgement and decision in due course.

Yours faithfully



Joh
Senior Acquisition Manager | WFS Telecom Ltd
Suite 152, Pavilion 4
St. James Business Park, Linwood Road
Paisley PA3 3AT
E john.church@wfstelecom.co.uk
W 0141 375 7670

(for and on behalf of CTIL and Telefónica UK Ltd)



County Buildings Market Street Forfar DD8 3LG Tel: 01307 461 460 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100055989-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The installation of a 15.0m lattice mast with 3no. antennae, 2no. 300mm dishes and ancillary equipment cabinets.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	WFS Telecom		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Suite 152
Last Name: *	Church	Building Number:	4
Telephone Number: *	0141 375 7670	Address 1 (Street): *	Pavilion 4, St James Business Park
Extension Number:		Address 2:	Linwood Road
Mobile Number:		Town/City: *	Paisley
Fax Number:		Country: *	Scotland
		Postcode: *	PA3 3AT
Email Address: *	john.church@wfstelecom.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	260
Last Name: *		Address 1 (Street): *	Bath Road
Company/Organisation	Telefonica	Address 2:	
Telephone Number: *		Town/City: *	Slough
Extension Number:		Country: *	England
Mobile Number:		Postcode: *	SL1 4DX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Kirriemuir

Northing

753663

Easting

337963

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

100.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Tarmac area of Kirriemuir Football Club

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Site does not produce waste

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Jonathen Smith

Address:

Kirriemur Thistle FC Westview Park, Westview Park, Kirriemuir , UK, DD8 5AZ

Date of Service of Notice: *

22/06/2017

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: John Church

On behalf of: Telefonica

Date: 22/06/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr John Church

Declaration Date: 22/06/2017

Payment Details

Cheque: Galliford Try Infrastructure Ltd , 703691

Created: 22/06/2017 15:02

SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:	Kirriemuir Thistle FC	Site Address:	Kirriemuir Thistle FC, Westview Park, Kirriemuir, Angus, DD8 5AZ
National Grid Reference:	E 337963 N 753663		
Site Ref Number:	CTIL 236275 TEF 80786	Site Type: ¹	Macro - Greenfield

2. Pre Application Check List

Site Selection

Was an LPA mast register used to check for suitable sites by the operator or the LPA?		No
If no explain why: No maintained register in place.		
Was the industry site database checked for suitable sites by the operator:	Yes	There are no existing masts or structures in the area which can be shared or which will meet the operator's technical requirements.
If no explain why: N/A		

Annual rollout consultation with LPA

Date of last annual rollout information/submission:	13 th October 2016
Name of Contact:	E Taylor and T McCann
Summary of outcome/main issues raised:	N/A

Pre-application consultation with LPA

Date of written offer of pre-application consultation:	18 th May 2017	
Was there pre-application contact:	Yes	No
Date of pre-application contact:	24 th May 2017	
Name of contact:	Stephanie Porter	
Summary of outcome/main issues raised:		
<ul style="list-style-type: none"> - No drawings have been provided with the consultation and efforts should be made to minimise visual impact upon the surrounding area. - The proposal should demonstrate the prospect of sharing existing facilities and be reasonably discounted. The consultation does offer alternative sites which have been discounted but does not consider utilising existing infrastructure. - A coverage map would also be required for a future application. - Site is not located in a sensitive area but is located within an area of Open Space Protection and suitable justification would need to be put forward with regards to the loss of open space. 		

¹ Macro or Micro

Ten Commitments Consultation

Rating of Site under Traffic Light Model:	Green		
Outline of consultation carried out: Pre Application Consultation letters issued to ward councillors and the local community council on 18 th May 2017.			
Summary of outcome/main issues raised: No comments have been received to date.			

School/College

Location of site in relation to school/college: The proposed site is not within a reasonable distance of any schools.
Outline of consultation carried out with school/college: The site will have no direct visual impact on any schools and therefore no prior consultation was considered necessary in this instance.
Summary of outcome/main issues raised: N/A

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation

Will the structure be within 3km of an aerodrome or airfield?		No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?		No
Details of response: N/A		

Developer's Notice

Copy of Developer's Notice enclosed?	Yes	
Date served:	22/6/17	

3. Proposed Development

The proposed site:

The site will be located to the western outskirts of Kirriemuir. The development will comprise of a 15.0m lattice mast with 3no. antennae bringing the overall height to 18m, 2no. 300mm dishes and ancillary equipment cabinets. The design has been selected as it is the least visually intrusive that is also capable of providing adequate coverage to the target area. Access will be taken via the existing tarmac track in to Westview Park.

There are no existing masts or structures in the area which can be shared or which will meet the operator's technical requirements.

Enclose map showing the cell centre and adjoining cells:

Coverage plots are in preparation and will be forwarded in due course.

Type of Structure:

Description: Lattice mast

Overall Height: 18.0m to top of antennae

Height of existing building: N/A

Equipment Housing: 1no. RBS and 1no. ISC

Width: 1no. RBS 1300mm and 1no. ISC 600mm

Depth: 1no. RBS 700mm and 1no. ISC 500mm

Height: 1no. RBS 1450mm and 1no. ISC 1535mm

Materials:

Tower/mast etc – type of material and external colour:	Galvanised grey steel
--	-----------------------

Equipment housing – type of material and external colour:	Green RAL 6009
---	----------------

Reasons for choice of design:

The proposed lattice mast offers the best design solution in terms of the technical requirements of the operator and minimising visual impact. The open lattice structure is a better solution in that it minimises the bulk and mass of the structure. The height has been kept to the minimum possible in order to meet the technical requirements of the site and provide coverage to Kirriemuir.

4. Technical Information

<p>ICNIRP Declaration attached</p> <p>ICNIRP public compliance is determined by mathematical calculation and implemented by careful location of antennas, access restrictions and/or barriers and signage as necessary. Members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines.</p> <p>When determining compliance the emissions from all mobile phone network operators on the site are taken into account.</p>	<p>Yes</p>	
--	------------	--

<p>Frequency:</p>	<p>GSM 900, UMTS 900/2100 and LTE 800</p>
<p>Modulation characteristics²</p>	<p>GSM, UMTS, LTE</p>
<p>Power output (expressed in EIRP in dBW per carrier)</p>	<p>Further details will be available on request</p>
<p>In order to minimise interference within its own network and with other radio networks, Telefonica operates its network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision</p> <p>As part of Telefonica's network, the radio base station that is the subject of this application will be configured to operate in this way.</p> <p>All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.</p> <p>The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.</p>	
<p>Height of antenna (m above ground level)</p>	<p>15.4m to the underside of antennae</p>

² The modulation method employed in 2G (GSM) is GMSK (Gaussian Minimum Shift Keying) which is a form of Phase modulation

The modulation method employed in 3G (UMTS) is QPSK (Quad Phase Shift Keying) which is another form of Phase Modulation

The modulation method employed in 4G (LTE) is 64 QAM (Quadrature Amplitude Modulation) which is another form of Phase Modulation

5. Technical Justification

The site is intended to provide improved 2G, 3G and new 4G services and coverage to Kirriemuir.

The search area is within a residential suburb of Kirriemuir. There are no existing structures within the area which could accommodate the equipment. The proposed site has been selected as it is not in direct view of residential properties and it is on the outskirts of the target area.

6. Site Selection Process – alternative sites considered and not chosen, please also refer to Appendix 1:

Site ³	Site Name and address	NGR	Reason for not choosing ⁴
(1) GF – Knowehead Road Streetworks	25 Knowehead Road, Kirriemuir, Angus, DD8 5AL	E 338172 N 753767	Technical - Considered for a new 15m streetworks monopole but the land is not adopted nor publicly maintained. No option available.
(2) GF – Robb Vehicles	Robb Vehicles, 15 Prosen Road, Kirriemuir, Angus, DD8 5AU	E 338196 N 753760	Technical - Considered for new 20m monopole. Small commercial premises operating as a motor vehicle repair business – no space available, no option.
(3) GF/ES – Martin Park	Martin Park, Slade Road, Kirriemuir, Angus, DD8 5AZ	E 337949 N 753713	Planning - Considered for new 15m monopole or replacement of existing floodlight poles. The existing poles are not shareable and would need replaced to accommodate required equipment. This location is also a public sport and play area and therefore discounted on planning grounds on the basis that there is a better alternative available.
(4) GF – Land off Westfield	2 Westfield, Kirriemuir, Angus, DD8 5AZ	E 338065 N 753609	Site Provider - Considered for a new 15m monopole. Land appears to be part of the access strip in new development. Discounted on ownership grounds.
(5) GF – The Golden Palace	The Golden Palace, 38 Lindsay Street, Kirriemuir, Angus, DD8 5AP	E 338121 N 753603	Technical - Considered for a new 20m monopole in the yard space behind premises. Space very limited and low lying land in comparison to target area. Discounted on technical grounds.
(6) RT – Webster's Sports Centre	Webster's Sports Centre, 36 Prosen Road, Kirriemuir, Angus, DD8 5AU	E 338259 N 753718	Planning - Considered for a rooftop installation or replacement of existing floodlight poles. However, this is a council owned sports facility and we have thus discounted it in favour of the proposed option.

³ ETS – Existing Telecomm site, ES – Existing Structure, RT – Roof Top, GF – Greenfield

⁴ SP – Site Provider, RD – Redevelopment Not Possible, T – Technical Difficulties, P – Planning, O - Other

(7) GF – Land at Slade Road	Slade Road, Kirriemuir, Angus, DD8 5AJ,	E 337941 N 753761	Planning - considered for a new 17.5m monopole. Land is available for use but is closer to residential properties than preferred option. Discounted on planning grounds that a better alternative is available but may be brought forward if preferred option fails.
(8) GF – Footway at Slade Road	Slade Road / B955, Kirriemuir, Angus, DD8 5AJ	E 337941 N 753853	Planning - Considered for new 15m streetworks pole. Land is available for use but is closer to residential properties than preferred option. Discounted on planning grounds that a better alternative is available but may be brought forward if preferred option fails.
General comment	Herdhill area of Kirriemuir, Angus		The area is made up of residential properties with pitched roofs which are not suitable for accommodating telecommunication equipment. There are no existing structures within the area.

If no alternative site options have been investigated, please explain why:

Environmental information: N/A

Land use planning designations: There are no restrictive or heritage land policies which directly affect the proposed site.

Additional relevant information:

Siting

The site is required to provide improved 3G and new 4G services and coverage to the Herdhill area of Kirriemuir. The proposed site has been selected on the basis that it will address existing coverage deficiencies and fit into the operators existing network of sites. All efforts have been made to identify locations which offer either sharing of an existing mast or the use of existing buildings or structures. However, there are none suitable within the search area.

It does not affect the Open Space Protection policy of Angus Council as it is wholly enclosed within the Kirriemuir Thistle FC football ground

Visual Appearance

As you will appreciate, it is very difficult for any base station development to improve the local amenity of the area in which it is to be sited; all that can be done is to mitigate impact as far as is operationally possible. In this location, a lattice mast structure is proposed on the grounds that it will have the least impact upon the visual amenity of the landscape by virtue of minimising the bulk of the structure and its open lattice style structure allowing light to pass through.

The height and design type of the mast have been kept the minimum possible which will meet the operator's technical requirements for the cell. The colour of the mast will be galvanised grey steel although this may be changed should the planning department wish to specify a different colour. The equipment cabinets will be painted green. No new landscaping is proposed.

The site is situated next to a high boundary wall between the football ground and the adjoining the petrol station and garage. The surrounding buildings offer some screening of the site from residential properties.

General

The proposal will achieve a 2G/3G/4G coverage solution for Telefonica through the use of a new lattice mast. This type of structure is also capable of being shared if required by another operator.

We would stress that it is a direct operational requirement for the antennae to be located at a height that allows for signal transmission above any surrounding clutter; namely surrounding features such as trees, whilst also taking into account of surrounding topography. We would

stress that neither local nor national planning policy requires that any telecommunications development should be of commensurate height to such features but rather suggests that the difference between the two be limited to a minimum operational requirement, as has been the case in this instance.

The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. It is imperative that planning authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through their development management decisions, taking into account the economic and social implications of not having full or efficient coverage or capacity in the area.

We would contend that base stations such as the one which is the subject of this application are now accepted infrastructural elements of today's modern society, and, with our ever-increasing dependence upon mobile communications, their numbers continue to grow.

Access and Maintenance

Access will be taken off A926 via the existing entrance to Westview Park. No new access is being created. Maintenance will be carried out on site, there is existing vehicle parking adjacent to the proposed site.

Local Planning Policies

The Planning Act requires that applications be determined in line with the Angus Council Local Development Plan, unless material considerations indicate otherwise. The relevant local plan and telecommunications policy is Policy TC13 : Digital Connectivity & Telecommunications Infrastructure which states:

- The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.
- If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.

Angus Council also advised that the following policies would also apply to this application:

- Policy DS1 : Development Boundaries and Priorities
- Policy DS3 : Design Quality and Placemaking
- Policy DS4 : Amenity
- Policy PV2 : Open Space Protection

The proposed development meets the council's policy as set out above. There is no infringement of PV2 as the site is wholly enclosed within Westview Park.

National Planning Policies

The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. It is imperative that planning authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through their development management decisions, taking into account the economic and social implications of not having full or efficient coverage or capacity in an area.

We would contend that base stations such as the one which is the subject of this application are now accepted infrastructural elements in today's modern society, and, with our ever increasing dependence upon mobile communications, their numbers continue to grow.

This is reflected in NPF3 and SPP as follows: -

NPF3 goes to great lengths to point out the importance of improved connectivity for Scotland economically. As the Scottish Government states, one of the Visions for Scotland is for it to be "a connected place. The whole country has access to high-speed fixed and mobile digital networks."

SPP includes a section entitled 'Supporting Digital Connectivity' which recognises that NPF3 sets the context for supporting digital connectivity and highlights the importance of digital infrastructure, across towns and cities, and in particular in more remote rural and island areas. The economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland (para 292).

Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document (para 298).

SPP is very supportive of the social and economic benefits of connectivity and the infrastructure required to provide it. Therefore, where a technical and operational justification is merited for a proposal, provided there are no other compelling planning reasons to justify a refusal of a planning application, it is expected that significant weight will be attached to the technical and operational justifications for a proposed telecoms development in line with National Planning Policy objectives.

As recommended by PAN62, in proposing this solution the operators have: -


The operators have successfully achieved the following requirements in preparation of their proposal:-

- Investigated the use of all reasonably viable alternative site options
- Avoided any sensitive planning policy designation or sites of historic note
- Minimised visual impact as far as operationally possible by limiting all elements of the development to a minimum operational size and amount
- Provided a relevant ICNIRP Certificate

In summary, the applicant has followed the relevant planning policy and guidelines and has submitted this application on the grounds that it is the best available option and therefore recommends consent is given for the proposed development.

Confirmation that submitted drawings have been checked for accuracy

Contact Details

Name: (Agent)	<u>John Church</u>	Telephone:	<u>0141 375 7670</u>
Operator:	<u>Telefonica</u>	Fax no:	<u></u>
Address:	<u>Suite 152, Pavilion</u> <u>4, St James</u> <u>Business Park,</u> <u>Linwood Road</u> <u>Paisley, PA3 3AT</u>	Email Address:	<u>john.church@wfstelecom.co.uk</u>
Signed:		Date:	<u></u>
Position:	<u>Senior Acquisition</u> <u>Manager</u>	Company:	<u>WFS Telecom Limited</u>
		(on behalf of CTIL and above operator)	<u></u>



Our ref: CTIL 236275 TEF 80786

19th June 2017

Planning Service
Angus Council
County Buildings
Market Street
Forfar
DD8 3LG

Dear Sir/Madam

CLARIFICATION OF THE DECLARATION OF ICNIRP COMPLIANCE ISSUED AS PART OF THE PLANNING APPLICATION ATTACHED FOR SITE CTIL 236275 TEF 80786 AT KIRRIEMUIR THISTLE FC, WESTVIEW PARK, KIRRIEMUIR, ANGUS, DD8 5AZ

I refer to the Declaration of Conformity with ICNIRP Public Exposure Guidelines (“ICNIRP Declaration”), sent with this application in relation to the proposed telecommunications installation as detailed above.

The “ICNIRP Declaration” certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999.

This ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.

The radio emission compliance calculation is based upon the maximum possible cumulative values.



All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

If you have any further enquiries concerning the "ICNIRP Declaration" certificate or anything else in this letter then please contact the CTIL EMF UNIT on 01753 564306.

Yours sincerely



Paul Street
PROJECT MANAGER



Our ref: CTIL 236275 TEF 80786

Declaration of Conformity with ICNIRP Public Exposure Guidelines
(“ICNIRP Declaration”)

Telefonica
260 Bath Road
Slough
Berkshire
SL1 4DX

Declares that the proposed equipment and installation as detailed in the attached planning/GPDO application at;

Kirriemuir Thistle FC
Westview Park
Kirriemuir
Angus
DD8 5AZ

NGR: E 337963 N 753663

is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12 July 1999 * “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”.

* Reference: 1999/519/E

Date: *19/06/2017*

Signed: _____

Name: _____

Paul Street

Position: _____

Project Manager

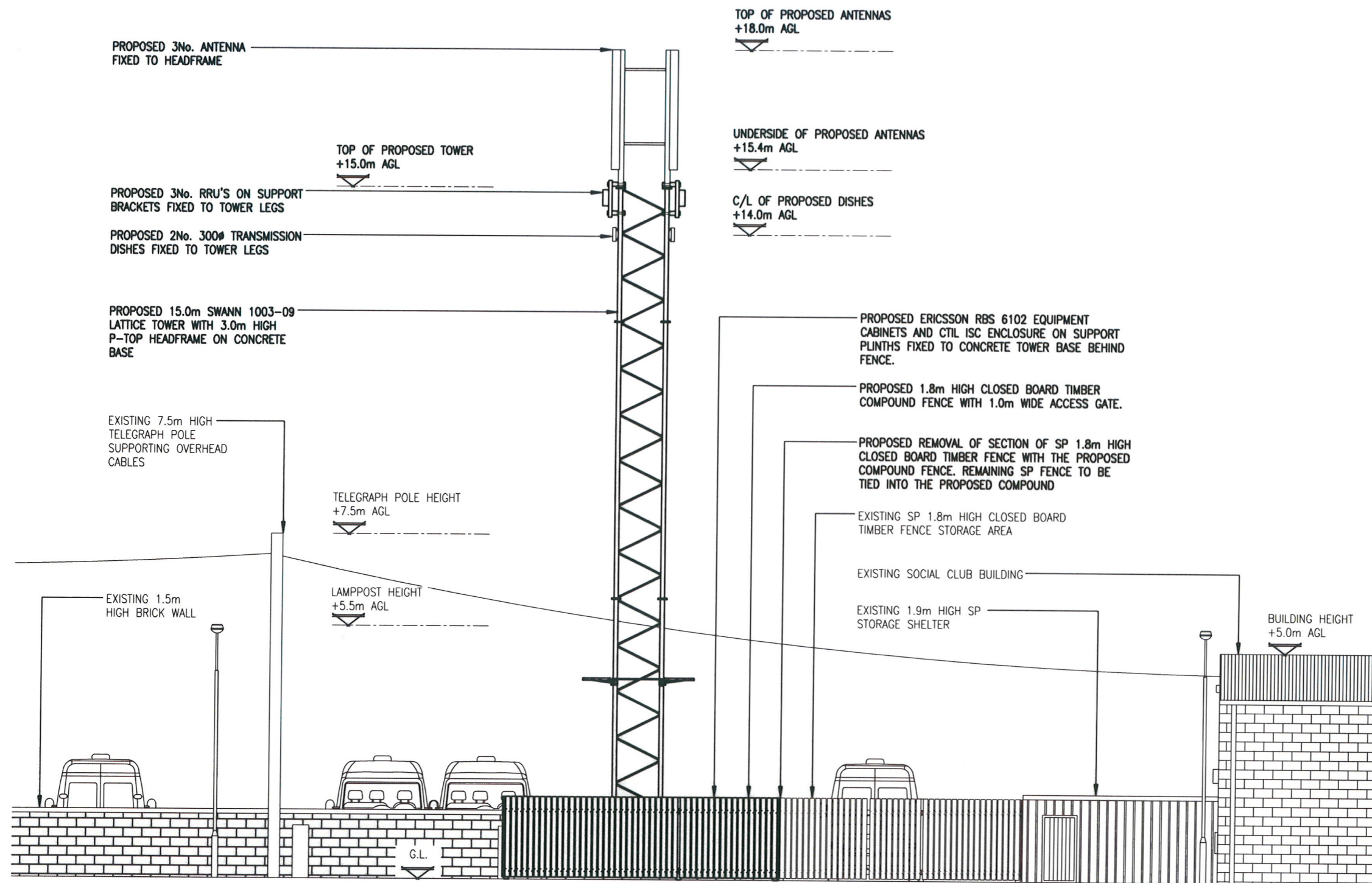
ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 337963 N: 753663

CONCESSION REQUIRED NO

NOTES:

- GEOTECH REQUIRED
- POWER QUOTE REQUIRED
- STATUTORY SERVICES INFORMATION REQUIRED



PROPOSED SOUTH WEST ELEVATION

(1:100) 5000 0 5000 10000

ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

A	Issued for Approval	SSC	NDS	18.05.17
REV	MODIFICATION	BY	CH	DATE

GallifordTry
WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

O₂
CTIL

Cell Name ATT_76 Opt. C

Cell ID No		
CTIL	TEF	VF
236275	080786	NA

Site Address / Contact Details
KIRRIEMUIR THISTLE FC
WESTVIEW PARK
KIRRIEMUIR
ANGUS
DD8 5AZ

Drawing Title: PROPOSED SITE ELEVATION

Purpose of issue: PLANNING

Drawing Number: 301

Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: SSC	Date: 18.05.17	Checked: NDS Date: 18.05.17

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 288326 N: 643987

CONCESSION REQUIRED | NO

NOTES:

TOP OF PROPOSED POLE +20.00m AGL



TOP OF PROPOSED ANTENNAS +20.00m AGL

U/S OF PROPOSED ANTENNAS +18.00m AGL



C/L OF PROPOSED DISHES +16.00m AGL



FOR ILLUSTRATION ONLY.

PROPOSED 20m HIGH CU PHOSCO PHASE 4.5 MONOPOLE C/W 6No. ANTENNAS & 2No. DISHES INSTALLED ON CONCRETE BASE

PROPOSED VF 1No. ALIFABS TSC PAINTED RAL6009 (FIR GREEN) ON CONCRETE BASE CABINET: 600(W)x600(D)x1415(H)

PROPOSED VF ALIFABS SLIMLINE METER CABINET PAINTED RAL6009 (FIR GREEN) ON CONCRETE BASE WITHIN FENCELINE. CABINET: 655(W)x260(D)x1015(H)

PROPOSED VF 1No. HUAWEI 3900AL CABINET PAINTED RAL6009 (FIR GREEN) ON TOWER BASE. CABINET: 770(W)x750(D)x1925(H)

PROPOSED 2.1m HIGH CHAINLINK FENCE PAINTED RAL6009 (FIR GREEN) C/W PEDESTRIAN ACCESS GATE - PARTIALLY OMITTED FOR CLARITY

RIDGE HEIGHT +4.38m AGL



EAVES HEIGHT +4.38m AGL



G.L.



PROPOSED NORTH WEST ELEVATION (1:100)



ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines. Designed in accordance with CTIL document: SDN0008

REV	MODIFICATION	BY	CH	DATE
A	Issued for Approval	BH	MT	21.04.17



Cell Name	Opt.	
SCOUT CENTRE	-	
Cell ID No		
CTIL	TEF	VF
242032	-	13714

Site Address / Contact Details

27 QUARRYKNOWE
LANARK
LANARKSHIRE
ML11 7AH

Drawing Title: PROPOSED SITE ELEVATION

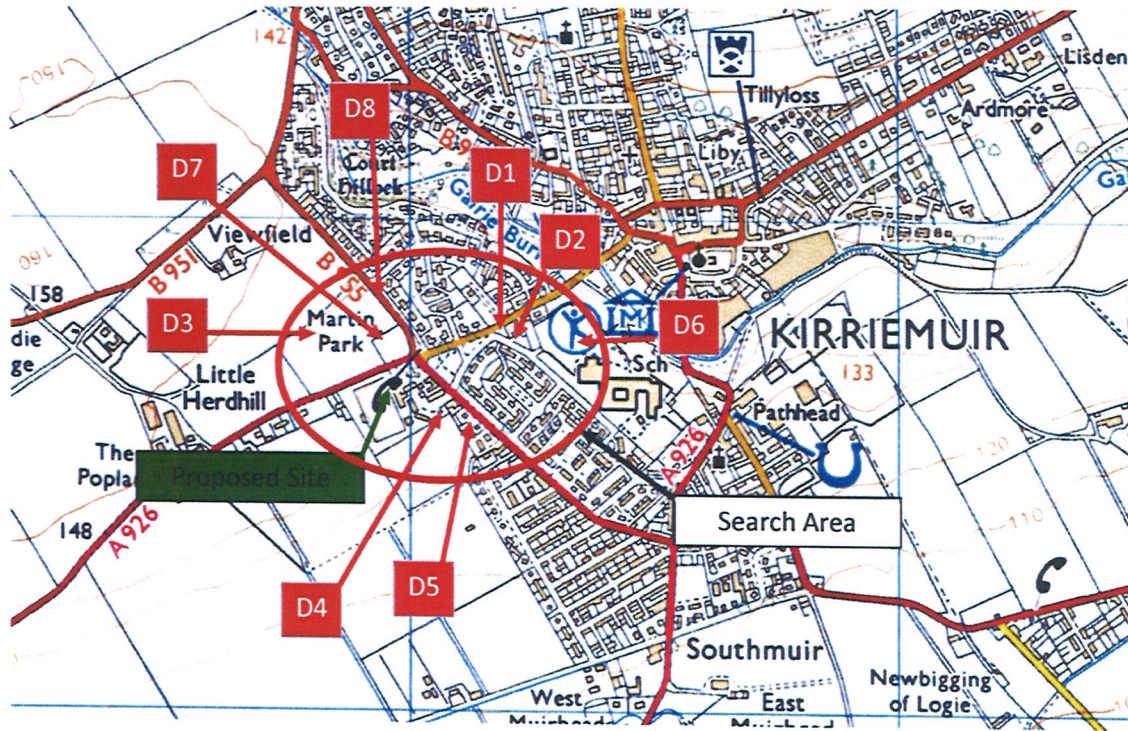
Purpose of issue: PLANNING Dwg Rev:

Drawing Number: 301 A

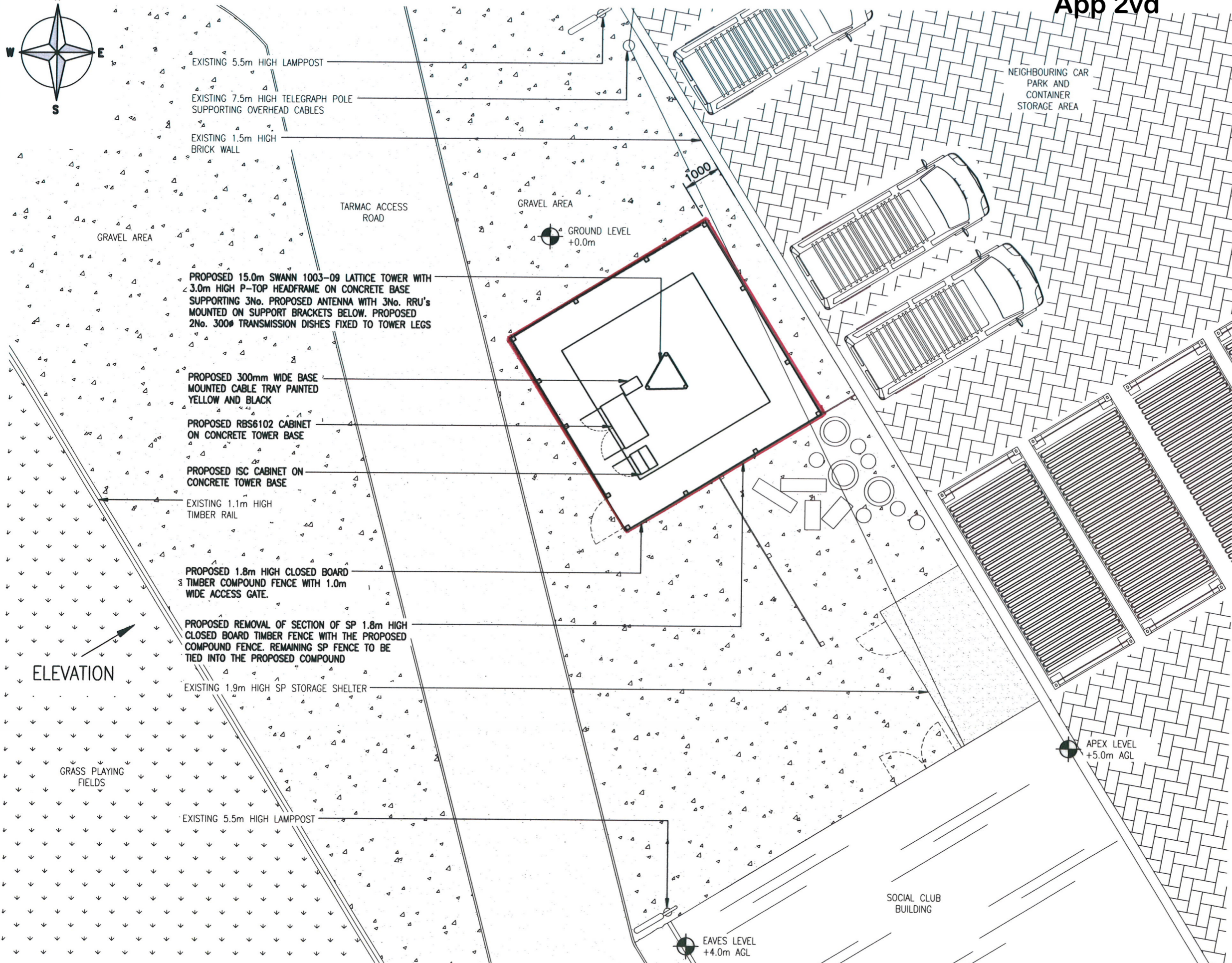
Surveyed By: FC Original Sheet Size: A3 Pack Issue:

Drawn: BH Date: 21.04.17 Checked: MT Date: 21.04.17 A

Appendix 1 XTIL 237625 TEF 80786 Proposed Site, Search area and discounted options.



App 2vd



PROPOSED SITE PLAN

(1:100) 5000

ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R. E: 337963 N: 753663

CONCESSION REQUIRED NO

NOTES:

- GEOTECH REQUIRED
- POWER QUOTE REQUIRED
- STATUTORY SERVICES INFORMATION REQUIRED

A	Issued for Approval	SSC	NDS	18.05.17
REV	MODIFICATION	BY	CH	DATE

WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

Cell Name Opt.
ATT_76 C

Cell ID No		
CTIL	TEF	VF
236275	080786	NA

Site Address / Contact Details
KIRRIEMUIR THISTLE FC
WESTVIEW PARK
KIRRIEMUIR
ANGUS
DD8 5AZ

Drawing Title: PROPOSED SITE PLAN

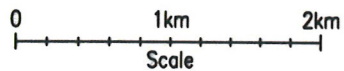
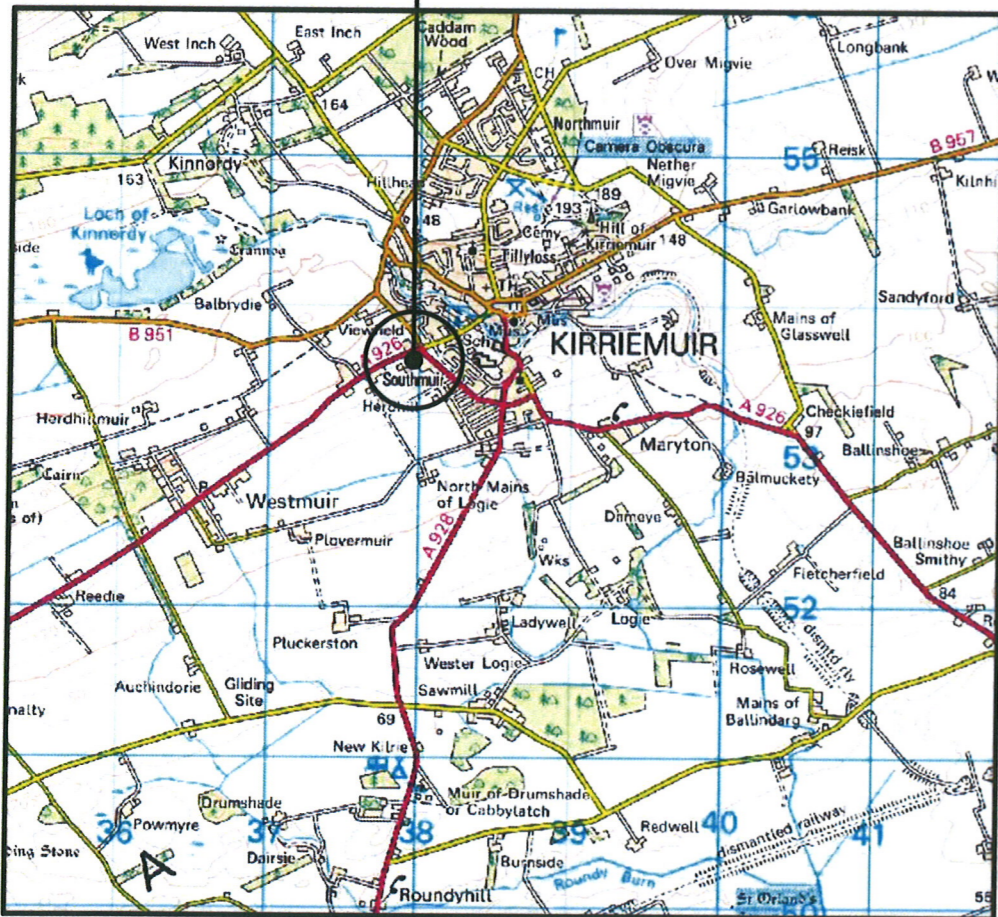
Purpose of issue: PLANNING

Drawing Number: 201

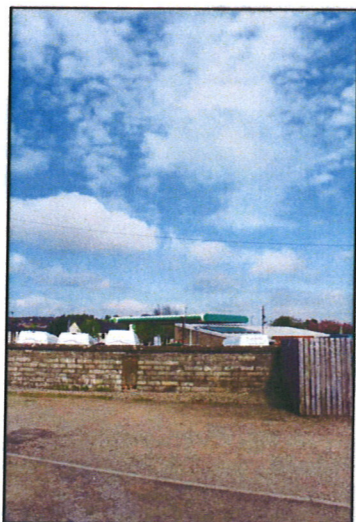
Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: SSC	Date: 18.05.17	Checked: NDS
Date: 18.05.17	Date: 18.05.17	

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

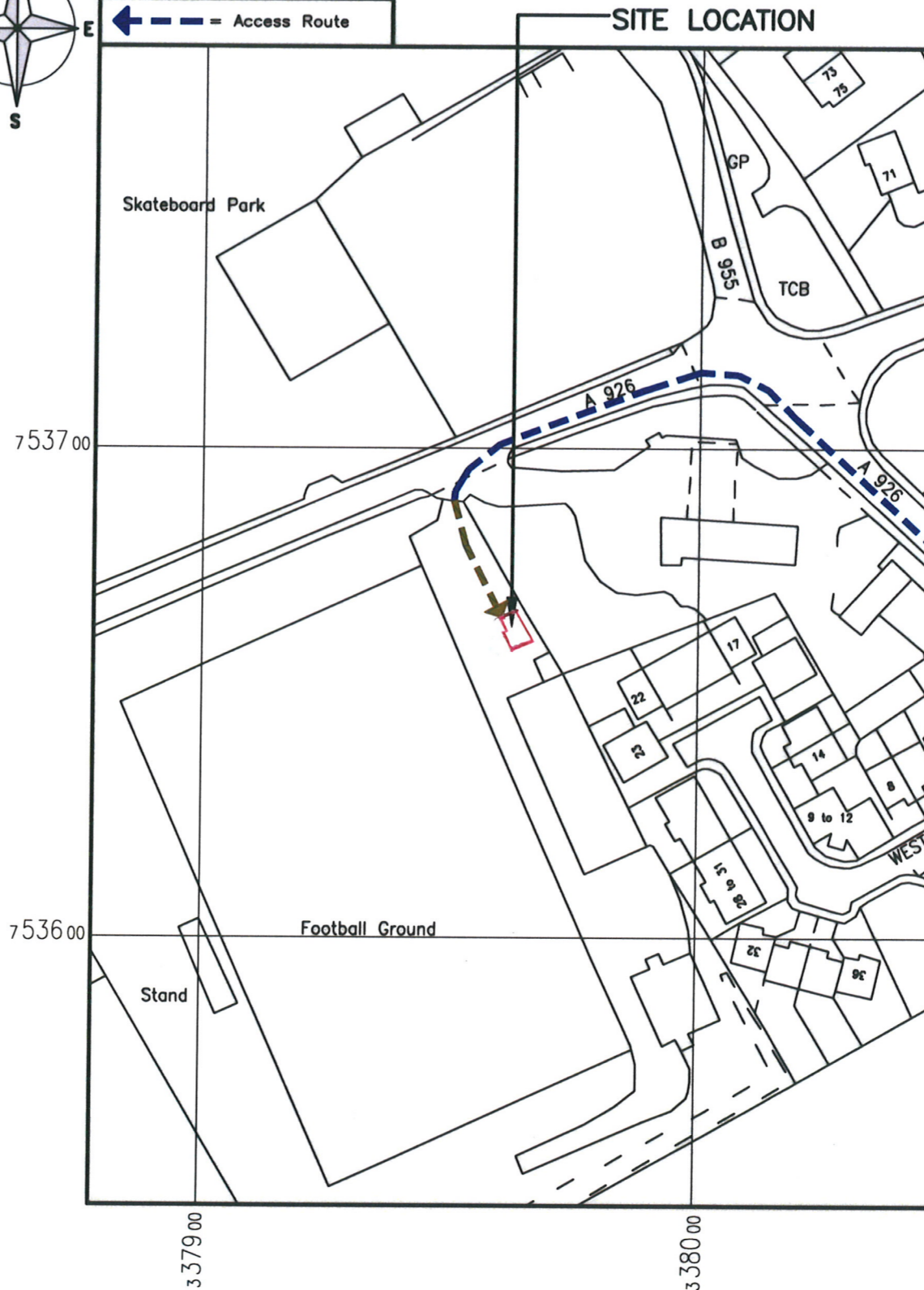
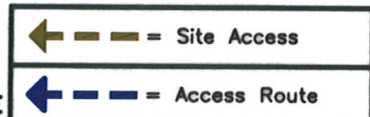
SITE LOCATION



SITE LOCATION
(Scale 1:50000)
Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office Licence No. 0100023487 Crown copyright.



SITE PHOTOGRAPH



DETAILED SITE LOCATION

(Scale 1:1250)
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ORIGINAL SCALE AT A3 - 1:5000

ALL DIMENSIONS IN METRES

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 337963 N: 753663

CONCESSION REQUIRED NO

DIRECTIONS TO SITE:
FROM DUNDEE TAKE THE A90 NORTH UNTIL THE JUNCTION WITH THE A926. TAKE THE A926 WESTBOUND TO KIRRIEMUIR. ENTERING THE TOWN, STAY ON THE WEST SIDE OF THE TOWN. AT THE TOP OF THE HILL ON LLNSYAY STREET TAKE THE FIRST EXIT LEFT AT THE ROUNDABOUT OUTSIDE THE BP PETROL STATION. TAKE THE NEXT LEFT INTO THE FOOTBALL GROUND, THE SITE IS LOCATED ON THE LEFT BESIDE THE TIMBER ENCLOSURE IN FRONT OF THE SOCIAL CLUB

NOTES:

A	Issued for Approval	SSC	NDS	18.05.17
REV	MODIFICATION	BY	CH	DATE

WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

CTIL

Cell Name		Opt.
ATT_76		C
Cell ID No		
CTIL	TEF	VF
236275	080786	NA

Site Address / Contact Details
KIRRIEMUIR THISTLE FC
WESTVIEW PARK
KIRRIEMUIR
ANGUS
DD8 5AZ

Drawing Title: **SITE LOCATION MAPS**
Purpose of issue: **PLANNING**
Drawing Number: **100**

Surveyed By:	NDS	Original Sheet Size:	A3	Issue:	A
Drawn:	SSC	Date:	18.05.17	Checked:	NDS
		Date:	18.05.17		

To

Name (if Known):

Mr Jonathen Smith

Address:

Kirriemur Thistle FC Westview Park, Westview Park, Kirriemuir , UK, DD8 5AZ

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

Notice under regulation 15(1) of application for planning permission for service on owners and tenants of agricultural land

Proposed development at [Note 1]

Kirriemuir Northing - 753663, Easting - 337963

TAKE NOTICE:

That application is being made to the

[Note 2]

Angus Council

by

[Note 3]

Telefonica

For planning permission to

[Note 4]

The installation of a 15.0m lattice mast with 3no. antennae, 2no. 300mm dishes and ancillary equipment cabinets.

2. If you wish to obtain further information on the application or to make representations about the application, you should contact the council at

[Note 5]

County Buildings, Market Street, Forfar, DD8 3LG

(The grant of planning permission does not affect owner's rights to retain or dispose of their property unless there is some provision to the contrary in an agreement or lease.

Signed

John Church

On behalf of: *

Telefonica

Date

22/06/17

* delete where inappropriate

[Note 1] Insert address of location of proposed development.

[Note 2] Insert name of Council.

[Note 3] Insert name of applicant.

[Note 4] Insert description of proposed development.

[Note 5] Insert address of Council.

General Background Information for Telecommunications Development

This document is designed to provide general background information on the development of the Vodafone and Telefónica networks. It has been prepared for inclusion with planning applications and supports network development proposal with generic information.

1.0 INTRODUCTION

Over 25 years ago under the Telecommunications Act 1984, a licence was granted to Vodafone and Telefónica to provide a wireless (or mobile) phone service utilising unused radio frequencies adjacent to those transmitted for over 50 years by the television industry. Initially, because this wireless technology was new and the number of potential customers unknown, a number of tall masts were used to provide basic radio coverage to the main populated areas. The design strategy used was similar to that used by local radio/television i.e. tall masts to cover large distances over all types of topography.

It is important to note that in recent years form has followed function and digital technology has resulted in the development of smaller equipment. In addition, smaller radio coverage areas have resulted in antenna/mast heights being generally reduced. The industry has also been able to develop low impact designs for use in sensitive planning areas such as in Conservation Areas, on Listed Buildings, and in National Parks etc. The wireless telegraph pole solution is just one example of a design which has minimised impact on visual amenity of the local neighbourhood.

2.0 DIGITAL NETWORKS

The Vodafone and Telefónica 2G digital networks were developed in the early 1990s. This digital technology is often referred to as GSM (Global System for Mobile Communications) which is the common European operating standard enabling phones to inter-connect to other networks throughout Europe and Internationally.

In April 2000, Vodafone and Telefónica were successful in their bids for two of the five licences available to provide a 'Third Generation' mobile telecommunications service known as 3G or UMTS.

In addition to voice services, this technology enables Vodafone and Telefónica to offer high resolution video and multi-media applications. Among other things this enables office services, virtual banking, e-retailing, video conferencing and high quality broadband internet access to be provided to users on the move. This is all made possible by higher rates of data transfer allowing wireless broadband access to the Internet for mobile phones and laptop computer data card users.

The 3G radio base station is designed to provide a service via cells in a similar way as the GSM (2G) system but with a few differences. Due to the increased data transfer, the location of base station sites is even more critical. Base stations must be located where the local demand exists in order to provide the required levels of service, otherwise the network will not function.

In February 2013, Vodafone and Telefónica were successful in their bids for 4G spectrum. 4G (sometimes called LTE (Long Term Evolution)) is the next major enhancement to mobile radio communications networks and will allow customers to use ultra-fast speeds when browsing the internet, streaming videos or sending emails. It also enables faster downloads. To meet this demand and improve the quality of service, additional base stations or upgrades to the equipment at an existing base station may be needed.

Vodafone and Telefónica will ensure they comply with planning policy guidance by ensuring apparatus is installed on existing buildings and structures, including masts wherever possible. However, in spite of these efforts, there are likely to be instances where there is a need to install additional base stations to provide contiguous service. This is largely due to the characteristics of radio propagation at these frequencies, demands on the service and the high data transfer rates.

It is very important to note that mobiles can only work with a network of base stations in place where people want to use their phones (or other wireless devices). Without base stations, the mobile phones we rely on simply won't work.

2.1 How the cellular radio network works

The building blocks of the mobile telecommunications network are called radio base stations which transmit and receive calls to and from mobile phones using radio waves, similar to those used in domestic television and radio equipment. Radio base stations are often associated with free-standing masts, however they can be located on, or even inside, existing buildings and other structures. Vodafone and Telefónica use "radio frequencies" to transmit and receive calls at 900 MHz or 1800 MHz for 2G whilst 3G uses slightly higher frequencies within the 2100 MHz range. 4G will use frequencies within the 800 MHz and 2600 MHz ranges.

2.2 How radio signals are transmitted

The radio signals are transmitted from antennas which are part of the radio base station and cover an area known as a "cell", hence the term "cellular phone". The size of the cell is dependent on a number of factors including: the height at which the radio base station is positioned; the topography of the surrounding landscape; anticipated demand; and the population density in the area.

Radio signal transmission from a radio base station can be likened to water being distributed from a garden sprinkler. The area immediately adjacent to the sprinkler remains almost “dry”. However the grass gets progressively wetter moving further away from the sprinkler, until a wettest point is reached. Then the further away from the centre, the ground becomes progressively drier. Radio base stations provide network services in a similar manner. The area immediately beneath the antennas receives limited or, occasionally, no signal. Moving further away, the signal steadily improves until it reaches an optimum level and then gets progressively weaker.

In order to use mobile phones whenever and wherever we are, a network of radio base stations is required to maintain a continuous signal or ‘network service’ across a geographical area. The network is designed so that the cells from each radio base station slightly overlap. Travelling even a short distance may take us through a number of cell areas. Mobile phones are designed to monitor the strength of signal from surrounding radio base stations and automatically select the clearest signal, which often comes from the nearest site. As you approach the edge of the cell area, the phone will automatically select the adjoining radio base station, to provide a continuous service. This process is known as ‘call handover’.

2.3 Factors affecting network services

The siting of a radio base station is largely dependent on the characteristics of the radio signals which they transmit. Physical features such as buildings or landscape can obstruct the signals. In open rural areas one base station can typically cover several kilometres in radius. However in urban areas where surrounding buildings will obstruct the signal, this range can be reduced to as little as a few hundred metres.

2.4 Network Capacity

Radio base station sites can only receive and transmit a limited number of simultaneous calls to and from mobile phones. In areas where the use of phones is particularly high, such as major towns or cities, many sites will reach the maximum number of calls they can process. When a customer attempts to make a call in an area where the network has reached its full capacity, the ‘network busy’ message is displayed on their mobile phone. In order to continue to meet customer demand and improve the quality of services in these areas, there is a need to increase the capacity of the network to allow more calls to be made.

2.5 Technical Requirements

Vodafone / Telefónica radio engineers identify the need for a new radio base station where the existing signal strength is insufficient to support network requirements, or where demand on the system is such that we need to increase capacity. The location of each radio base station is determined by the following factors:-

- The proximity of adjacent radio base stations and the signal coverage from them.
- The terrain height of the area and surrounding topography.
- The height and density of the buildings and structures within the area.
- The potential customer demand within the area.
- The service type that is required.

3.0 SITE SELECTION PROCESS

The following site selection procedures apply to each new installation to identify and sequentially discount alternative site options:-

1. Following a technical review which identifies need, Vodafone / Telefónica radio engineers undertake a desktop analysis to identify the best way of meeting the site requirement. This is completed by using computerised radio propagation modelling tools. These tools show every site on the existing networks and identifies those areas where insufficient signal level exists or where there is a need to increase capacity.
2. The desktop search also identifies other operators’ existing telecommunications installations. This interrogation of databases ensures any mast-sharing opportunities are maximised. Where available the LPA’s mast register is also reviewed.
3. The radio engineers define a search area, which is then issued to an acquisition agent who undertakes a detailed ground search with the radio engineer to identify suitable options.
4. The acquisition agent will obtain site-specific details to identify those sites that are viable options. The possible options are short-listed according to those that combine the following: location within or close to the search area, a willing landlord with acceptable commercial terms, adherence to planning and environmental policy, and other site specific issues such as initial power and link availability. These options are then returned to the radio engineers for a computer modelling assessment, taking into account the ground height, potential available antenna height and surrounding obstructions.
5. Discussions are offered to the local planning authority to consider local policies and any protected areas and to agree additional public consultation if required. These discussions are used to identify a ‘preferred’ option.

6. A plan for local consultation is drawn up, and where appropriate, a consultation exercise is undertaken with the local community.

7. Finally a site survey provides a full structural analysis of the site including confirming power routes and how the site will be linked into the network. Terms with the landlord are then finalised, detailed plans prepared and the application submitted.

Vodafone and Telefónica are committed to ensuring the number and visual impact of any additional sites is minimised.

4.0 PLANNING POLICY GUIDANCE ON TELECOMMUNICATIONS - NATIONAL PLANNING FRAMEWORK (NPF), SCOTTISH PLANNING POLICY (S.P.P) AND PAN 62

National Planning Framework (NPF3):

Connectivity is not just about enabling physical movement, but also virtual links. High quality mobile and fixed broadband connections have become essential to support communities and business development in both rural and urban areas. At present, there remains a significant gap between our most and least connected areas, with digital access being considerably better in more accessible urban areas. Many parts of rural Scotland have little or no connection and require public investment to rebalance the distribution of infrastructure. (para 5.8).

To further reduce the need to travel and ensure continuing economic competitiveness, we will see a step change in digital connectivity in the coming years, supporting our broader aspirations for growth across the country. This will require significant investment in digital infrastructure to ensure coverage extends to our most remote, but asset-rich, rural and island communities. As well as providing new infrastructure to connect existing areas, future developments will build in digital connectivity as a matter of course. We are extending permitted development rights to facilitate this. (para 5.15).

Strengthened digital infrastructure will support our aspirations for more sustainable cities which attract new business. We can expect cities to become significantly 'smarter' in the next few years, using population density and shared infrastructure to further increase access to high performing digital services. (para 5.16).

Scottish Planning Policy (2014):

SPP recognises that the NPF3 sets the context for supporting digital connectivity and highlights the importance of digital infrastructure, across towns and cities, and in particular in more remote rural and island areas. The economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland. (para 292).

Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a "not spot" – consideration should be given to the benefits of this connectivity for communities and the local economy. (para 298).

4.1 Need for development

Planning authorities should not question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds. The planning system should not be used to secure objectives that are more properly achieved under other legislation.

The planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum (para 293).

Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities. (para 294).

Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. (para 295).

4.2 Siting and design

All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account. (para 299).

In order to achieve sensitive siting and design, para 295 of SPP signposts a series of options to be considered when selecting sites and designs for base stations. This is a checklist rather than a rigid set of steps

PAN 62 advises that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings. This can be achieved in two ways. Firstly by minimising contrast between equipment and people's expectations of a particular scene, such as assimilating a streetworks proposal with street furniture, and secondly by minimising contrast between equipment and its immediate setting or background by using existing features to screen or act as a backdrop to the proposal.

5.0 SITE / MAST SHARING

Vodafone and Telefónica actively encourage and support site sharing for both commercial and environmental reasons. All operators are required to explore site-sharing opportunities under the terms of their licence. In addition S.P.P advocates mast and site sharing within the series of options for consideration for the sensitive siting and design of mobile radio base stations. Vodafone and Telefónica have implemented a number of measures to identify and maximise site-sharing opportunities.

6.0 COUNCILS

6.1 Moratoria

Government guidance on mobile telecommunications installations advises that local authorities should make suitable council owned property available to network operators for base station development. If suitable council sites are not made available, operators may have to look for alternative sites which the local community might find less acceptable.

Moratoria may also increase the number of new sites needed as council owned buildings are often better suited for base stations e.g. tall buildings. The operators believe it is preferable to deal with proposed developments on council property on a case by case basis.

6.2 Mast register

The Mobile Operators Association (MOA) welcomes the provision of registers of base stations by local authorities in addition to Ofcom's public database of UK base stations. <http://www.ofcom.org.uk/sitefinder/>.

7.0 CONSULTATION

S.P.P. recognises the importance of operators and their agents establishing an informed working relationship with planning authorities and encourages pre-application discussion. PAN 62 provides further information at paragraph 114 and Annex E on the Mobile Operators Association Ten Commitments to Best Siting Practice. Commitments 1 and 2 relate to pre-application consultation with the community and the planning authority. Such consultation is undertaken in accordance with MOA's Traffic Light Rating & Site Selection & Planning Model.

The operators fully comply with the Guidance on pre application consultation with schools and colleges. They provide evidence to the local planning authority that they have consulted the relevant body of the school or college.

A recent report stated there is no scientific basis for siting base stations away from schools (NRPB report, January 2005)

8.0 LEGAL CASES

The following legal cases may be helpful;-

8.1 Harrogate case November 2004

The Court of Appeal gave a judgment that Government Planning Guidance in PPG8 and now replaced by the NPPF (in England) is perfectly clear in relation to compliance with the health and safety standards for mobile phone base stations. The Court of Appeal and the High Court both upheld Government policy in response to a planning inspector's decision that departed from that policy and failed to give adequate reasons for doing so.

8.2 Winchester case November 2004

The Court of Appeal decision upheld an earlier decision by Mr Justice Sullivan that a mobile phone network operator should not use its compulsory acquisition powers as part of its day to day radio base station siting processes.

The Court of Appeal agreed with Mr Justice Sullivan that these far-reaching statutory powers were never intended for use in day to day planning situations and should be used by an operator only as a last resort when there is no other siting alternative. The House of Lords on 16 March 2005 refused leave to appeal the Court of Appeal ruling.

9.0 FURTHER INFORMATION

We trust the above answers your main queries regarding our planned installation.

The enclosed site-specific details will identify any alternative discounted options and reasons why they were rejected and how the proposed site complies with national and local planning policies. The following websites may also be of interest:

Scottish Government Planning:

<http://www.gov.scot/Topics/Built-Environment/planning>

<http://www.gov.scot/Topics/Built-Environment/planning/National-Planning-Framework>

<http://www.gov.scot/Topics/Built-Environment/planning/Policy>

Mobile Operators Association : <http://www.mobilemastinfo.com/>

HEALTH AND MOBILE PHONE BASE STATIONS

We recognise that the growth in mobile technology has led, in some cases, to public concern about perceived health effects of mobile technology and its deployment, in particular about siting masts close to local communities. Quite naturally, the public seeks reassurance that masts are not in any way harmful or dangerous.

We are committed to providing the latest independent peer-reviewed research findings, information, advice and guidance from national and international agencies on radiofrequency (RF) electromagnetic fields.

Vodafone and Telefónica ensure that our radio base stations are designed, built and operated so that the public are not exposed to radio frequency fields above the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In fact, radio base stations operate at low power and emit low levels of radiofrequency fields, typically hundreds of times lower than the ICNIRP general public guidelines.

Research Reviews

The World Health Organisation notes that *“In the area of biological effects and medical applications of non-ionizing radiation approximately 25,000 articles have been published over the past 30 years. Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals (<http://www.who.int/peh-emf/about/WhatIsEMF/en/index1.html>).* The scientific community have collated, summarised and assessed these publications into research reviews. The most influential in the UK being the Mobile Phones and Health Report (also known as the Stewart Report) by the Independent Expert Group on Mobile Phones under the chairmanship of Professor Sir William Stewart. These research reviews are used by Governments to develop policy on exposure to radiofrequency signals.

The Stewart Report concluded that the balance of evidence did not suggest that exposures to radio frequency fields below international guidelines could cause adverse health effects, although it is acknowledged that biological effects might occur below these values. The report stressed, however, that a biological effect does not necessarily mean a negative impact on health. Walking, drinking a glass of water or listening to music all produce biological effects. One of the recommendations of the Stewart report was a research programme to address uncertainties regarding mobile phone base stations and health. This programme was called the Mobile Telecommunications and Health Research (MTHR) Programme. The final report from this programme was published in February 2014. The report noted that the research conducted found no evidence of biological or adverse health effects from the radio waves produced by mobile phones or their base stations.

Since the Stewart Report, over 30 further reviews have been carried out, carefully considering many hundreds of pieces of research. Most have made similar recommendations and have come to similar conclusions: that research should continue to address any gaps in the knowledge; and that overall, the possibility of adverse health effects from mobile communications remains unproven.

In April 2012 the Health Protection Agency’s independent Advisory Group on Non-ionising Radiation (AGNIR) published a report entitled “Health Effects from Radiofrequency Electromagnetic Fields”. This report concluded that there is no convincing evidence that mobile phone technologies cause adverse effects on human health.

The World Health Organisation (WHO) noted that *“A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use”* WHO factsheet 193: Electromagnetic fields and public health: mobile telephones, 2014.

Compliance with International Exposure Guidelines

All Vodafone and Telefónica installations are designed, constructed and operated in compliance with the precautionary ICNIRP public exposure guidelines as adopted 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). These guidelines have been set following a thorough review of the science and take into consideration both thermal and non-thermal effects. They protect all members of the public 24 hours a day. In addition, precautionary measures have been taken into account when setting relevant guideline limits for the public (i.e. in the UK a safety factor of 50 times is applied to the public exposure guideline).

When measured, field strengths are typically hundreds of times lower than the precautionary ICNIRP general public guidelines.

An ICNIRP certificate is provided with every planning application and this verifies that the mobile phone base station, when operational, will meet the precautionary ICNIRP guidelines. We also provide further documentation to clarify that the ICNIRP certificate addresses emissions from all mobile phone network operators' equipment at the proposed site.

ICNIRP Guidelines

The radiofrequency public exposure limits for EMF fields were developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <http://www.icnirp.org> following evaluation of all the peer-reviewed scientific literature, including thermal and non-thermal effects. ICNIRP is a non-governmental organisation formally recognised by WHO. Established biological and health effects have been used as the basis for the ICNIRP exposure restrictions. The ICNIRP guidelines have been adopted for use in the European Union and the UK.

In August 2009, ICNIRP published a review of the guidelines for limiting RF exposure and concluded that *“it is the opinion of ICNIRP that the scientific literature published since the 1998 guidelines has provided no evidence of any adverse effects below the basic restrictions and does not necessitate an immediate revision of its guidance on limiting exposure to high frequency electromagnetic fields.”*

Further Information:

World Health Organisation EMF Project - <http://www.who.int/peh-emf/en/>

International Commission on Non-Ionizing Radiation Protection (ICNIRP_

<http://www.icnirp.org/>

Public Health England (formally HPA)

<https://www.gov.uk/government/collections/electromagnetic-fields>

Or contact:

EMF Enquiries, CTIL

The Exchange, Arlington Business Park, Theale, Berks, RG7 4SA

Tel. 01753 564306, community@ctil.co.uk

Rec'd 3/7/17.

WFS
17/00517/236275



Your Ref
Our Ref 17/00517/FULL

27 June 2017

WFS Telecom John Church
FAO John Church
Suite 152
4 Pavilion
4, St James Business Park
Linwood Road
Paisley
PA3 3AT

COMMUNITIES
Strategic Director:
Alan McKeown

Dear Sir/Madam

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Application Reference : 17/00517/FULL

I acknowledge receipt of your application for planning permission received on **23 June 2017** and registered on **23 June 2017** for **The Installation of a 15.0m Lattice Mast with 3no. Antennae, 2no. 300mm Dishes and Ancillary Equipment Cabinets.** at **Kirrie Thistle Football & Social Club Westview Park Herdhill Kirriemuir DD8 5LG.** I acknowledge receipt of your planning fee of **£401.**

If you require any assistance or information on the progress of your application, please contact **Stephanie Porter** on telephone number **01307 473365** approximately four weeks after the date of this letter. Your application will be assessed in relation to National and Council policies subject to any necessary consultations being carried out. Applications cannot be determined by the Authority until this process has been completed. Your application cannot be determined in less than 21 days of its registration in order to allow neighbours and other interested parties a period of time to comment. This time period may be extended in some cases e.g. if there is a requirement to advertise the application.

You may expect a determination on your application within two months of registration. The target date for this application is **22 August 2017.** It is intended that your application will be determined by delegated decision however in certain circumstances your application may require to be considered by the Development Standards Committee. If it does you will be advised of the date of the meeting at which it will be considered approximately one week in advance.

If you have not received formal notification of the decision on your application by **22 August 2017** and your application is to be determined by delegated decision, you may ask for the application to be reviewed by the Council's Local Review Body. The local review should be

The Current ePlanning facility is due to be replaced, for further information on the replacement of the ePlanning portal, please visit eDevelopment.scot at <http://eplanning.scotland.gov.uk/WAM/edevelopment.htm>

From: John Church <john.church@wfstelecom.co.uk>

Date: Tuesday, 15 August 2017 at 10:16

To: PorterSG <PorterSG@angus.gov.uk>

Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi Stephanie,

In refer to your email of the 9th August.

I've consulted with my client's radio engineer responsible for the site. He has run some forecast coverage plots based on the mast being in the south west corner of the football field as you suggest. I appreciate that it may appear that a matter of 130m or so may seem inconsequential however the engineer has assured me that there is a significant difference in potential coverage of the target area. Please refer to the attached plots which illustrate the difference in 4g coverage. As you can see even with a higher mast at the alternative location there are still significant coverage gaps compared to the existing location hence justifying the selection of the proposed location on technical grounds.

The search area is marked on the map in Appendix 1 as a general indicator of the area we are looking in rather than a strict boundary. In this area in line with national and local planning policies we undertake a sequential search for existing masts, other suitable structures or buildings and finally locations for a new ground based mast.

Existing masts or structures must be available to share and be structurally suitable for supporting the equipment. Existing buildings must be high enough and structurally suitable and be made available for use by their owners in a normal commercial lease arrangement. Where possible we avoid using schools or other sensitive buildings which may generate community concerns, these types of buildings are not generally made available for use by their owners in any event.

I refer to your comments regarding the council policy in avoiding residential areas and minimizing impact on visual amenity. Neither I nor my client feel that you have given enough balancing to the alternative sites discounted as set out in Appendix 1 and paragraph 6 of the Supplementary Supporting Statement and the sequential process in arriving at the selected location. As you can see a number of potential alternative streetworks sites within the residential area have been discounted in favour of the selected option. As I have stated previously, the selected location is not in direct line of sight of the closest houses, that is the flats to the south east. The mast will be visible only from the rear windows of some of the houses and will be offset at an oblique angle. It's in not in direct line of sight from primary windows nor will it be in line of sight of any landscape views. The views of the nearest flats are over commercial buildings and land. In these circumstances we would contend that the proposed location is not materially harmful to visual amenity and has been arrived at using the correct procedure and in line with policy.

I also asked my client's radio engineer to consider the design of the proposed mast and they have offered a compromise which you may wish to consider. The proposed lattice mast could be replaced by a monopole type mast. I've attached a specimen drawing for illustration purposes. Please note it shows a 20m pole but this would be reduced to no more than 18m as per the current lattice mast. If you think this is preferable and that the council would be prepared to approve the application based on the foregoing and the revised design please advise and I'll arrange for revised drawings to be supplied.

I look forward to your reply,

Regards ,

John Church
WFS Telecom Ltd
E 0141 375 7670

M 07768 034193

From: John Church
Sent: 10 August 2017 11:43
To: 'PorterSG' <PorterSG@angus.gov.uk>
Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi Stephanie, I need to confer with my client and will get back to you as soon as possible.

Regards

John Church
WFS Telecom Ltd
E 0141 375 7670
M 07768 034193

From: PorterSG [<mailto:PorterSG@angus.gov.uk>]
Sent: 09 August 2017 12:22
To: John Church <john.church@wfstelecom.co.uk>
Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi John,

Sorry for the delay in responding but I've only just had a chance to review the proposal in light of your response below.

The points you have mentioned suitably clarify the unacceptability of utilising existing buildings/structures within the Park to facilitate the proposed mast. However this Service would still have concerns with regards to the proposed location. The current location is too close to the existing flats located to the southeast of the site and the proposal would fail to 'minimise impact on the visual amenity' of these properties. As such the proposal would not comply with Policies TC13 and DS4 of the Angus Local Development Plan. Similarly the proposal would fail to adhere to the guidance in Angus Council's Advice Note : Telecommunications Developments, which states;

'Residential areas are best avoided as telecommunications structures are likely to be intrusive and unsightly and disturb the enjoyment by householders of their residential amenity. Where for operational reasons it is impossible to avoid predominantly residential locations, careful siting and design selection will be paramount to make a proposal acceptable.'

I acknowledge you have advised the mast is to improve coverage levels for customers within their homes and as such the mast needs to be either in or reasonably close to residential areas. In considering the operational requirements and the technical limitations of the technology, and taking note of the above guidance, I appreciate the mast would need to be located in the region of existing dwellings. However this Service is not satisfied, based on the level of details provided, that an alternative location which would be less intrusive and provide similar coverage cannot be achieved within the vicinity, i.e. the southwest corner of the Football Park. Furthermore the southwest corner of the Park appears to be within the search area highlighted in Appendix 1 which was submitted alongside the pre-application enquiry for this mast.

Therefore, based on the above the current proposal cannot be progressed positively. Due to the stage of the application this Service will proceed to refuse the application in due course unless you wish to withdraw the current application and reapply for a similar mast in an alternative, more suitable, location.

I trust this clarifies the situation for you and I would be grateful if you could confirm how you wish to proceed.

Yours sincerely,

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | County Buildings | Market Street | Forfar
DD8 3LG | (01307 473365)

From: John Church <john.church@wfstelecom.co.uk>

Date: Thursday, 20 July 2017 at 12:33

To: PorterSG <PorterSG@angus.gov.uk>

Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Hi Stephanie,

This phase of sites is designed to improve coverage levels for customers within their homes and as such the sites need to be either in or reasonably close to residential areas. Any physical object obstructing the propagation of radio signals causes a reduction in the signal strength reaching a customer's device. A common term for these objects is 'clutter'. The more obvious examples are buildings and geographical terrain such as hills and trees. Buildings cause a varying amount of signal reduction depending on their height, construction, thickness of walls, amount of windows etc. Glass causes a lower reduction in signal than brick/concrete walls. Customers will inadvertently be aware of this by finding that sometimes they need to go near windows, a higher floor of a building or even outside in order to achieve a stronger signal for their mobile devices. Accordingly there is a technical requirement to keep sites as reasonably close to the target area as possible.

We try to avoid having a direct impact on the visual amenity of residential properties or neighbourhoods by locating new sites away from strategic viewpoints or from being directly in line of sight from main windows. In this instance, the football ground was considered to be the best option as the immediate locality is leisure and commercial in character and there are several other vertical features in the land scape, for example the garage canopy and the trees forming a back drop on the far west of the football ground. Locating beside those trees was considered but the radio planning team is of the opinion that the location is too far away from the target area and will not provide adequate coverage levels. Alternative locations just to the south of the clubhouse were also looked at but these would have put the mast directly adjacent to the rear of the properties on the east side of the boundary wall. The proposed location was arrived at as although approximately 20m from the residential buildings it is located at an oblique angle and is not in direct line of sight from the windows. This together with the intervening garage use means that the mast will have no significant impact on their visual amenity.

I can confirm that we are unable to use any of the existing structures or floodlights at Westview Park or the public park opposite. They are all too low and of a lightweight construction and are unable to support the apparatus. Similarly, we have been unable to identify any suitable high buildings in the search area which could support the equipment.

I trust that this alleviates your concerns, please do not hesitate to call me if you wish to discuss the application further.

Kind regards,

John Church
WFS Telecom Ltd
E 0141 375 7670
M 07768 034193

From: PorterSG [mailto:PorterSG@angus.gov.uk]
Sent: 20 July 2017 10:17
To: John Church <john.church@wfstelecom.co.uk>
Subject: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Dear John,

I write in regards to the above planning application, where I would advise the following.

Having visit the site on Tuesday I would raise some concerns with the proximity of the mast to the flats to the southeast of the site, some 18m. Would it be possible to relocate the mast to another area of the park, a greater distance from existing properties? Could the mast be located on top of any existing structures or could the existing floodlights be used to support the apparatus?

If you have any questions please do not hesitate to contact me.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | County Buildings | Market Street | Forfar DD8 3LG | (01307 473365)

From: John Church <john.church@wfstelecom.co.uk>
Date: Monday, 3 July 2017 at 13:58
To: PorterSG <PorterSG@angus.gov.uk>
Cc: "Jodie Kane (Galliford Try)" <Jodie.Kane@Gallifordtry.co.uk>
Subject: RE: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Dear Ms Porter,

Further to Jodie Kane's email I can confirm that the Kirriemuir Thistle site is required in addition to the Kinnordy Estae site as part our client's network requirements to cover Kirriemuir. Please refer to the coverage plots which I sent to you this morning which clearly illustrates the current coverage gap and how the Kirriemuir Thistle site will rectify it.

Kind regards

John Church
WFS Telecom Ltd
E 0141 375 7670
M 07768 034193

From: "Jodie Kane (Galliford Try)" <Jodie.Kane@Gallifordtry.co.uk>
Date: Monday, 3 July 2017 at 12:37
To: PorterSG <PorterSG@angus.gov.uk>
Cc: "john.church@wfstelecom.co.uk" <john.church@wfstelecom.co.uk>
Subject: Re: TEF075315 Kinnordy Estate, Kirriemuir (LPA Ref: 17/00539/FULL)

Stephanie,

Thanks for your mail

I note your reference to the recently received proposal for Kirriemuir FC (TEF080786 & LPA Ref: 17/00517/FULL). You will note that despite there being two different agents involved the applicant in both cases is Telefonica, (John form WFS is cc'd in). The two applications are individual and separate cell area solutions within the operator's network. Mast sharing is not an option as there is only one operator involved and as you will appreciate it would not make financial sense for the operator to deploy 2No. separate sites if a single development would be able to cover this network requirement.

On the matter of tree protection, is it not a case that this can be dealt with as a pre-commencement condition of any consent that may be forthcoming?

Look forward to hearing from you

Jodie

Jodie Kane MRTPI
Mobile: 07920110583

From: PorterSG [mailto:PorterSG@angus.gov.uk]
Sent: 03 July 2017 12:30
To: John Church <john.church@wfstelecom.co.uk>
Subject: Planning Application - The Installation of a 15.0m Lattice Mast and Ancillary Equipment Cabinets at Kirrie Thistle Football & Social Club, Kirriemuir REF: 17/00517/FULL

Good Afternoon Mr Church

I write in regards to the above planning application.

I am unsure if you are aware but there was a recent planning application ref: 16/00776/FULL, approved on appeal for a mast a short distance from the above application site. Could you please address this extant permission and why mast sharing has been discounted? The above application can be viewed at the following URL: <http://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODYSHECFGCF00>

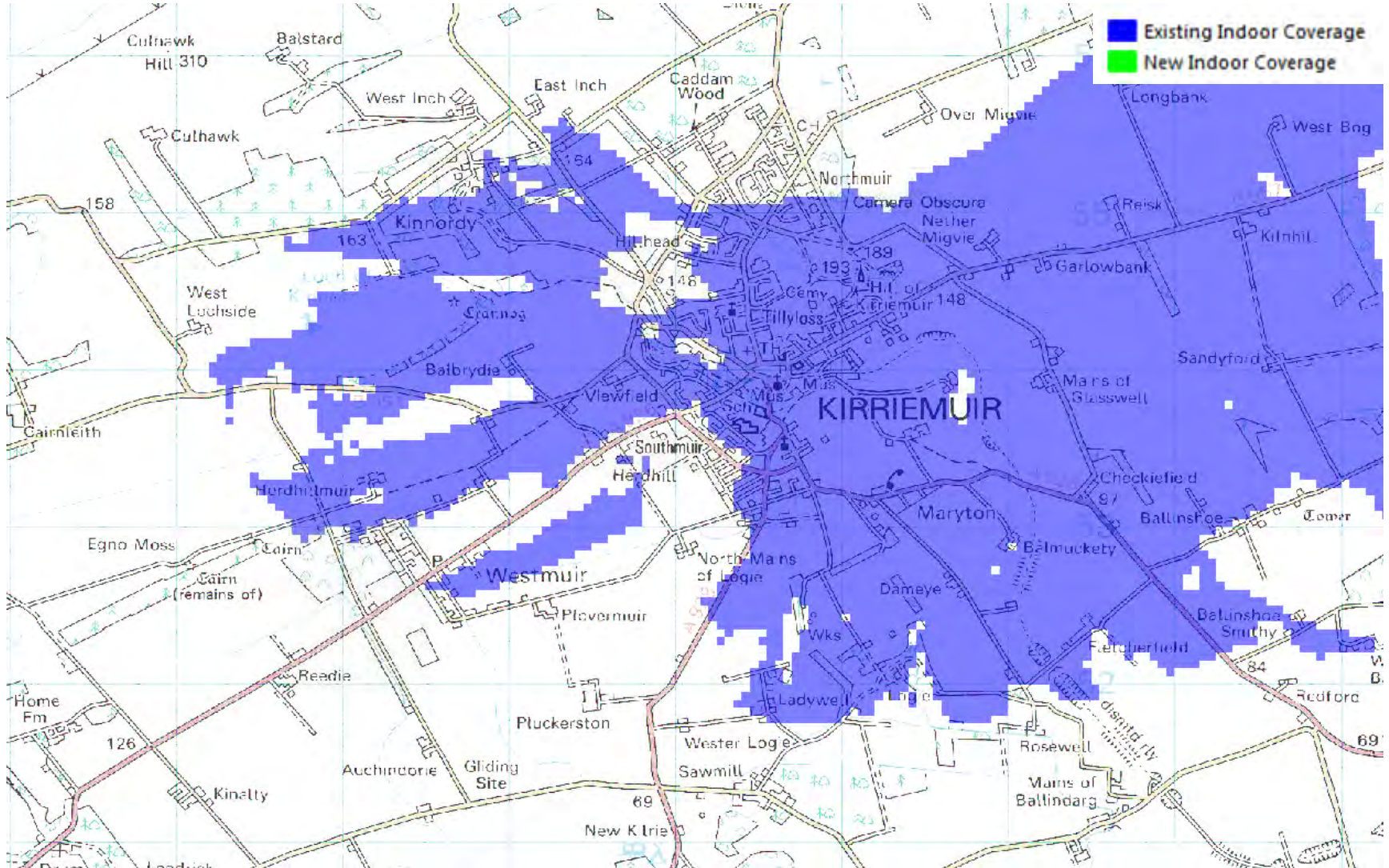
The agent for the above application has also submitted a revised application at a site adjacent to the approved site(application ref: 16/00776/FULL). This application is to be validated in due course and will be visible on the Public Access System once validated. The application can be viewed by searching reference 17/00539/FULL at the following URL: <http://planning.angus.gov.uk/online-applications/>
Again could you please advise why mast sharing has been discounted?

I trust this clarifies the situation for you but if you have any questions please do not hesitate to contact me.

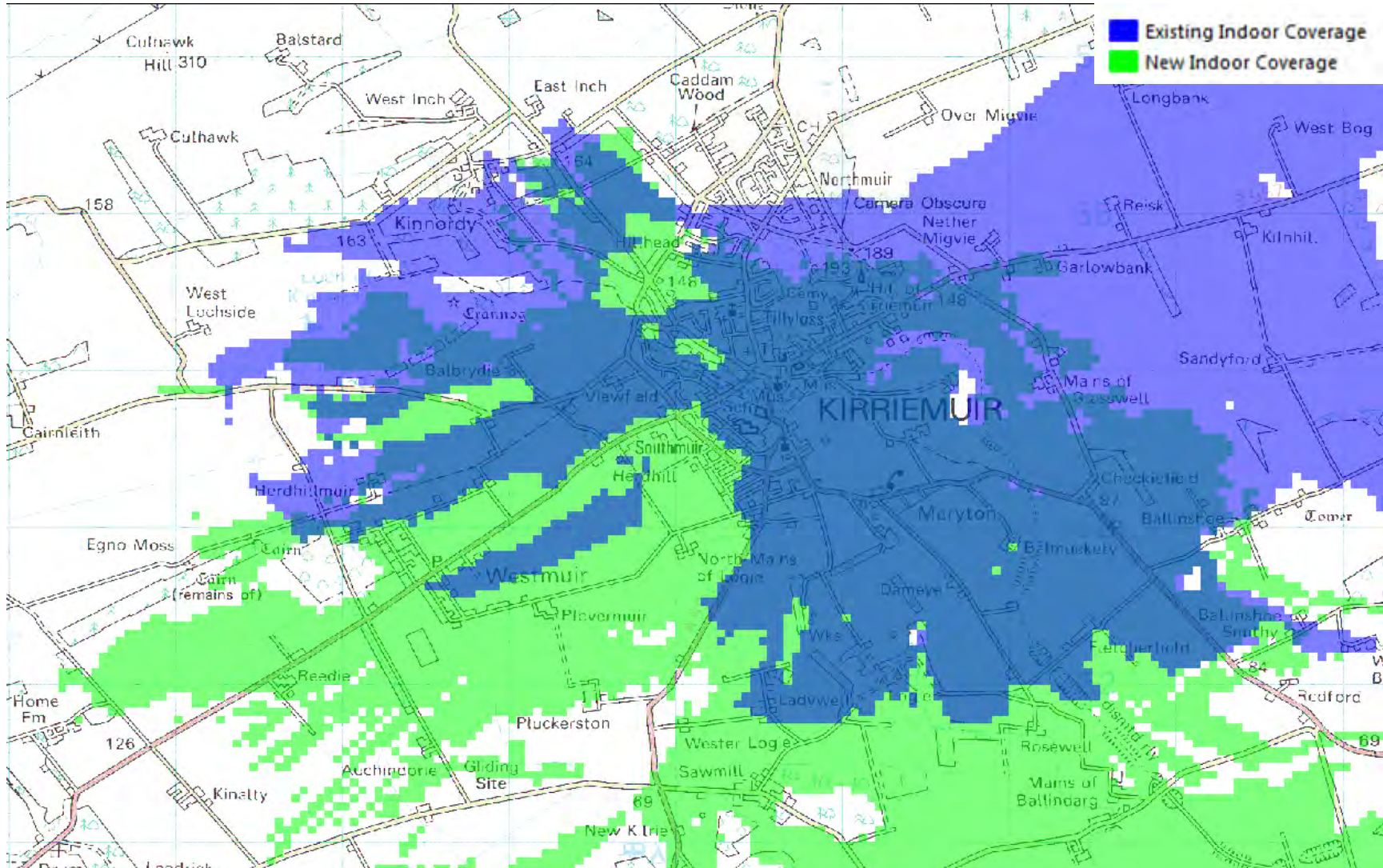
Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | County Buildings | Market Street | Forfar
DD8 3LG | (01307 473365)

Existing 2G Coverage

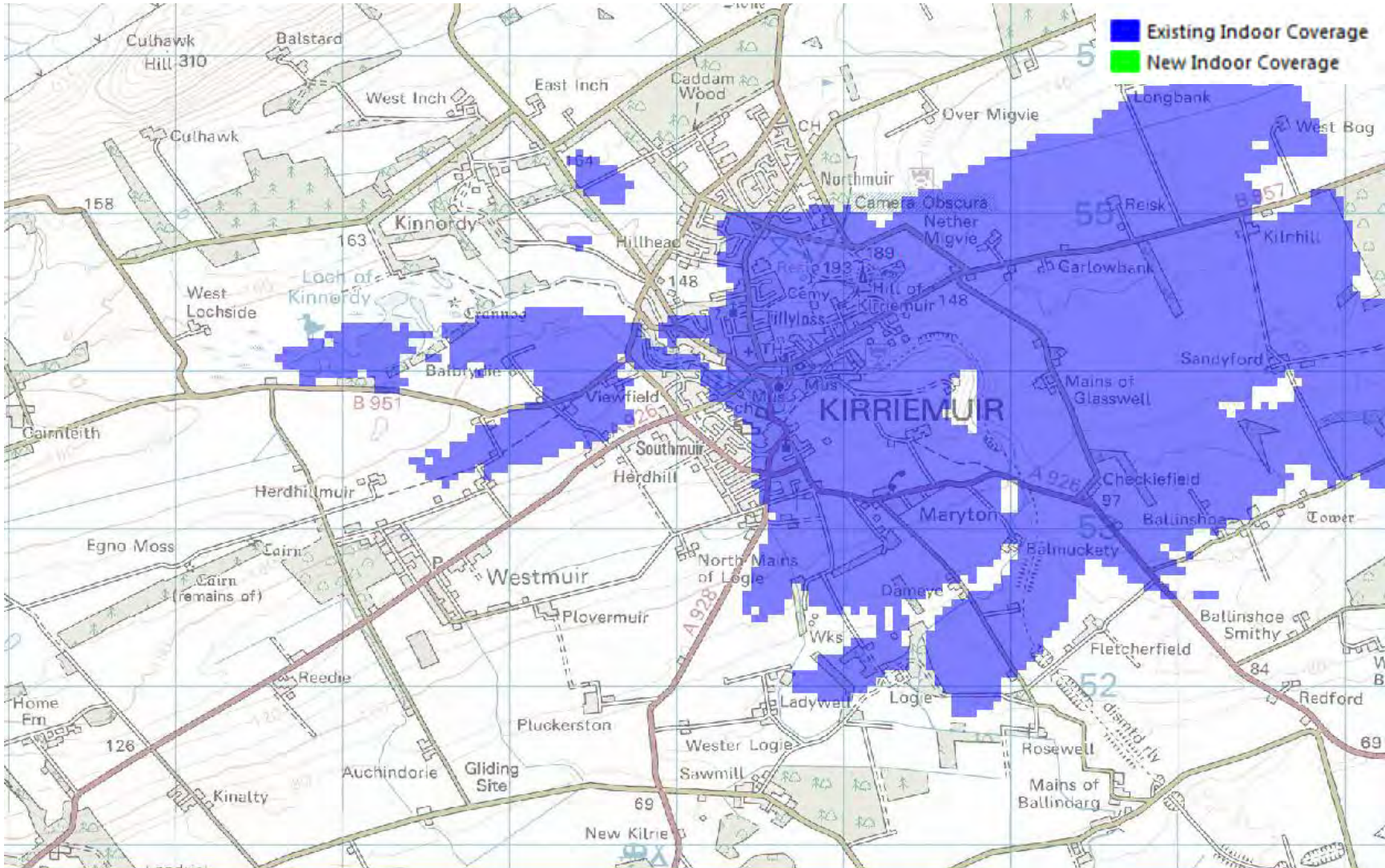


Planned 2G Coverage

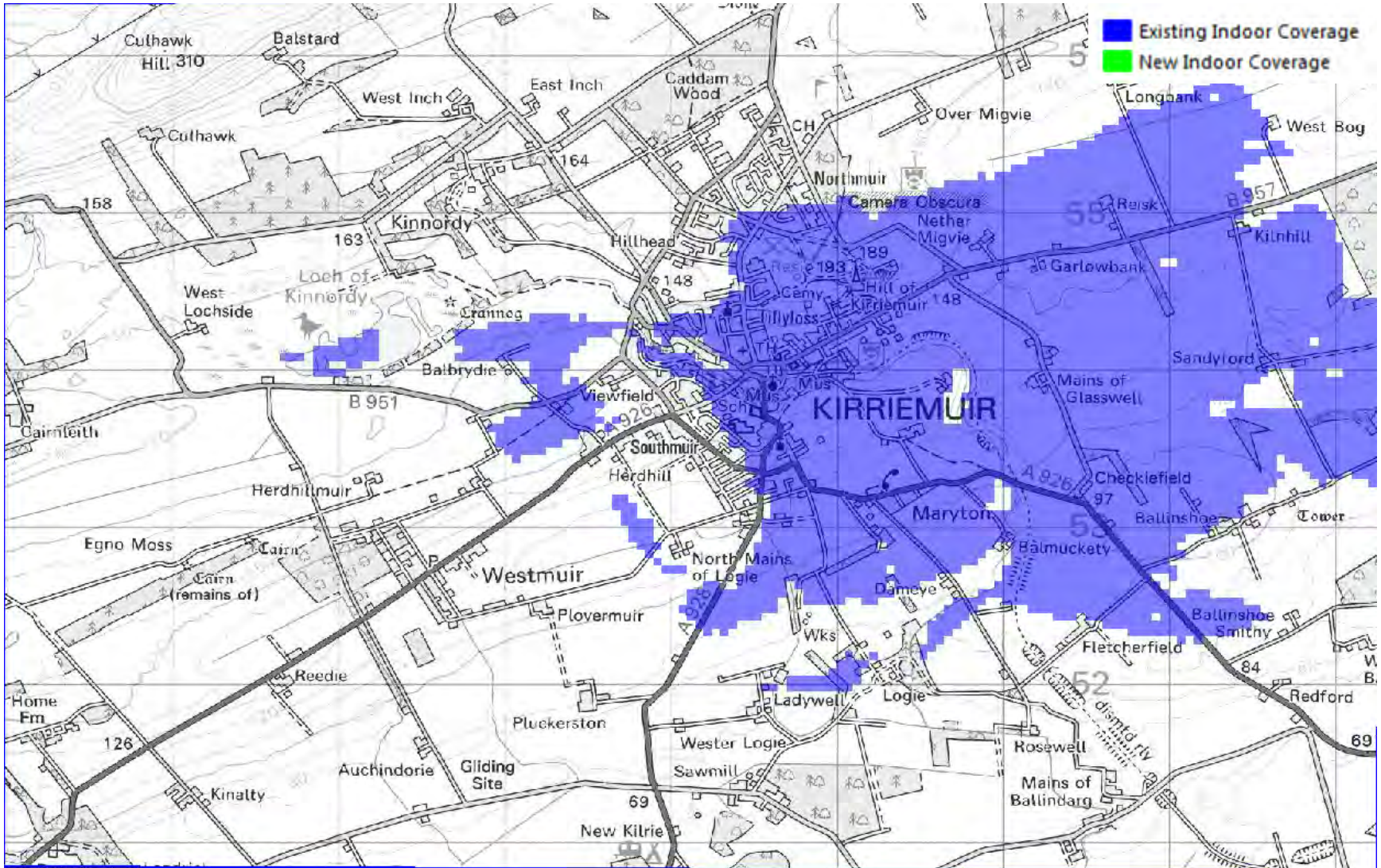




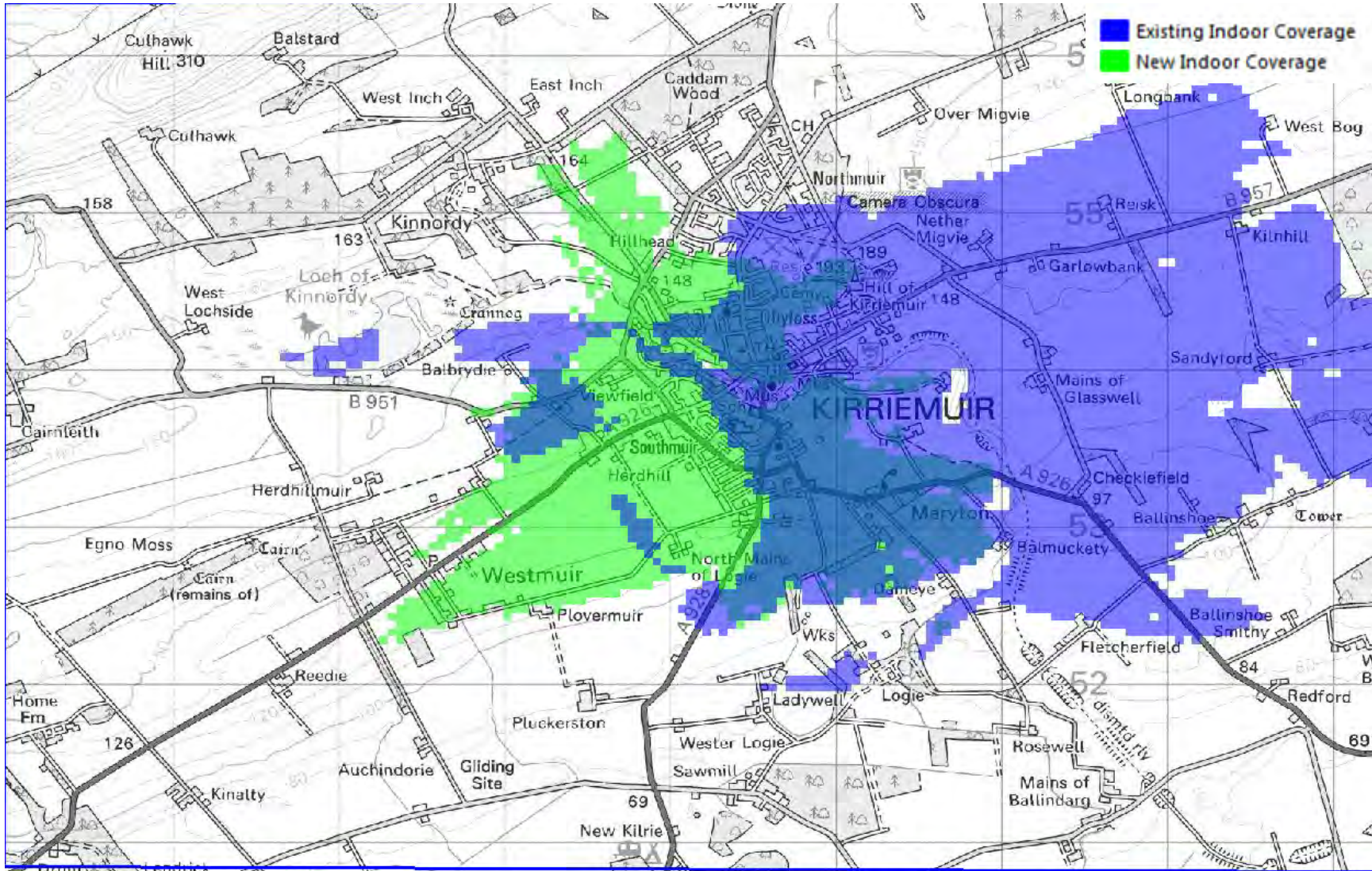
Existing 3G Coverage



Existing 4G Coverage

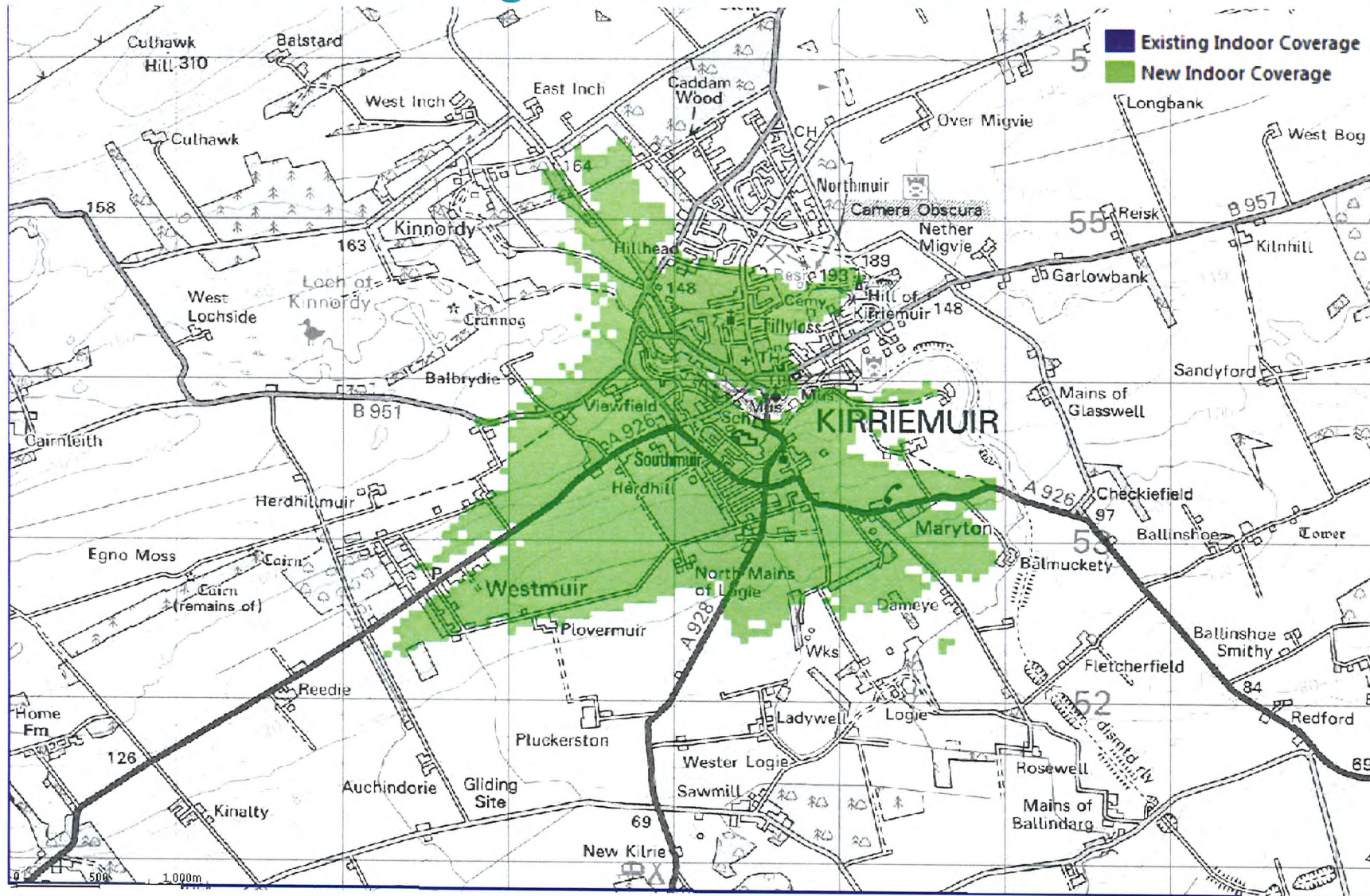


Planned 4G Coverage

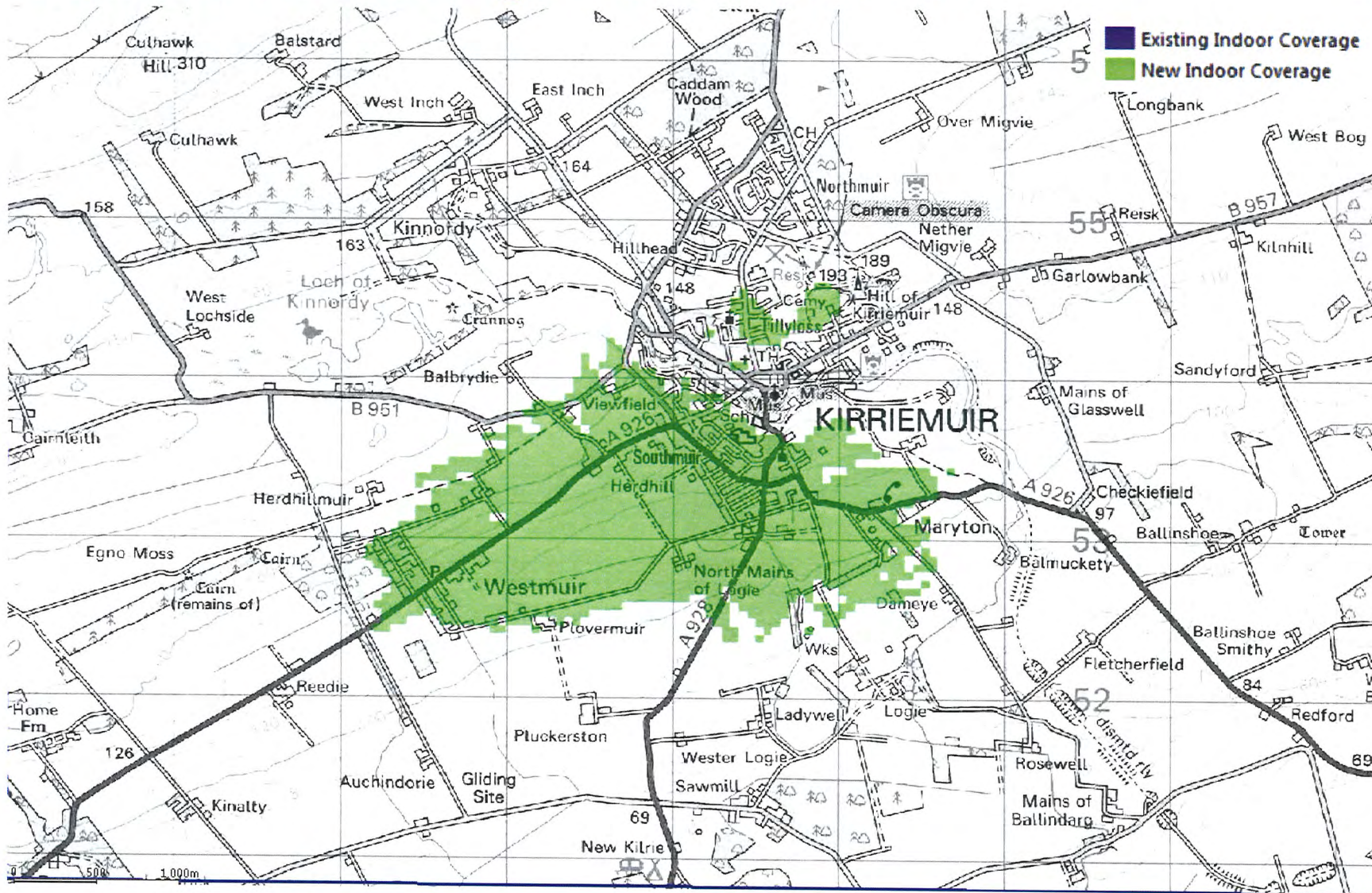




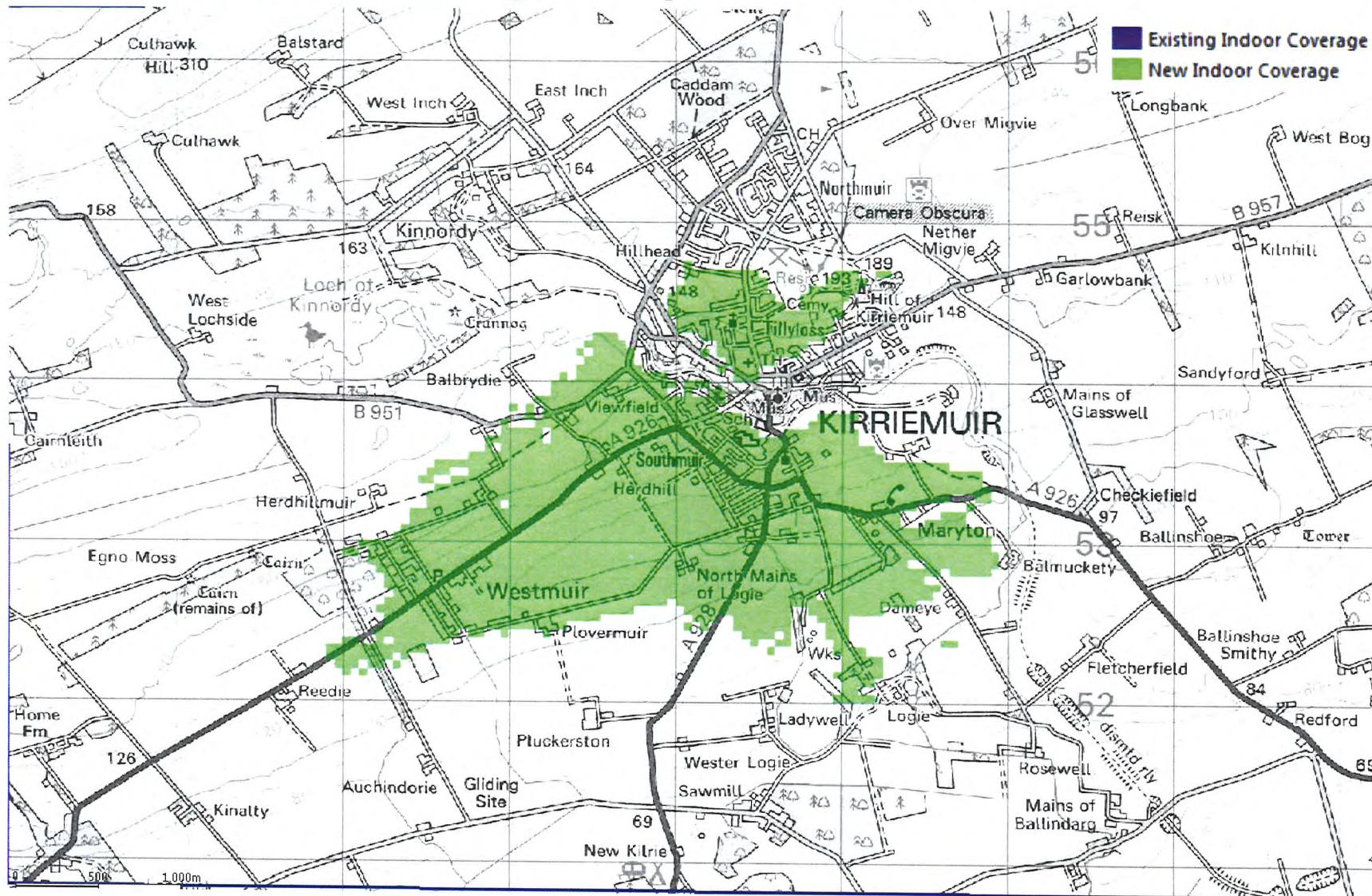
Planned 4G Coverage Current Location



Planned 4G Coverage 2nd location 15m



Planned 4G Coverage Proposed location 20m



Angus Council

Application Number:	17/00517/FULL
Description of Development:	The Installation of a 15.0m Lattice Mast with 3no. Antennae, 2no. 300mm Dishes and Ancillary Equipment Cabinets.
Site Address:	Kirrie Thistle Football & Social Club Westview Park Herdhill Kirriemuir DD8 5LG
Grid Ref:	337965 : 753661
Applicant Name:	Telefonica

Report of Handling**Site Description**

The application site measures approximately 38sqm and is located towards the western periphery of Kirriemuir within Westview Park (Kirriemuir Thistle) football ground. The site is currently an open area of hard standing used for parking and is surrounded by a petrol station to the east, residential properties to the southeast, open space to the north and the remainder of the football ground to the west with the club house immediately south. The site is accessed via an existing access taken from the south side of B951. The closest housing to the site is located at Westfield, with 22 Westfield approximately 18 metres from the proposed mast

Proposal

The application seeks to erect a 15m high galvanised grey steel lattice telecoms tower with 3 antennas which would project 3m above the top of the mast, resulting in a total height of the structure being approximately 18m. Below this, 3 radio transmitters (RRU's) and 2x 300mm diameter transmission dishes would also be installed on the tower frame. The tower and 2 cabinets, 1 with dimensions of 1300x700x1450mm and 1 with measuring 600x500x1535mm, both of which would be finished in green (RAL6009), would be erected on a 4m x 4m concrete base. The concrete base would be surrounded by a 1.8m high close board fence.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

The nature of the proposal did not require a site notice to be posted.

Planning History

10/01274/FULL for Erection of Floodlights, Replace Existing Lamphheads and Reinstate Boundary Fence was determined as "approved subject to conditions" on 31 January 2011.

Applicant's Case

A Planning Design Statement was submitted alongside the application. This overarching document provides an introduction, a history and a summary of the proposal.

A generalised document named General Background Information for Telecommunications Development

was submitted in support of the application and provides a brief background to telecoms developments, including site selection processes and relevant planning policies.

An ICNIRP certificate was submitted in support of the application and confirms the cumulative emissions from the proposed installation and all radio base stations present at, or near the proposed location are below a safe level.

A document named Health and Mobile Phone Base Stations provides details including research reviews and compliance with international exposure and ICNIRP guidelines. This is to aid in addressing public concern about perceived health effects of mobile technology and its deployment, in particular about siting masts close to local communities.

A further overarching 'Supplementary Information' document was provided in support of the application and gives a brief overview and background to the proposal. This document summaries per-applications steps and discussions and includes considerations of alternative sites for the proposed development. The current site was chosen to provide improved 2G, 3G, 4G services in Kirriemuir and on the basis it would not be in direct view of residential properties.

Various coverage maps were submitted in support of the application which show existing and planned 2G, 3G, 4G services as a result of the proposed mast. An additional set of coverage maps were submitted which show the services available from a mast at an alternative location within Westview Park.

A number of emails from the agent were received during the application process in response to various concerns raised by the Planning Authority. The emails note that mast sharing with a nearby mast, which was recently approved on appeal, would not be possible as the masts serve the same operator and the phase of sites is designed to improve coverage levels within Kirriemuir. These planned improvements namely relate to coverage within homes and as such the agent states sites need to be either in or reasonably close to residential area. It was stated site selection tries to avoid having a direct impact on the visual amenity of residential properties by locating new sites away from strategic viewpoints or from being directly in line of sight from main windows. An alternative mono pole design was suggested and alternative locations in the vicinity were discounted on inability to provide adequate coverage level, unsuitability of existing structures to support development and sites being directly adjacent to properties. The proposed location was arrived at as although approximately 20m from the residential buildings it is located at an oblique angle and is not in direct line of sight from the windows. This together with the intervening garage use means that the mast will have no significant impact on their visual amenity. In these circumstances the agent is content that the proposed location is not materially harmful to visual amenity and has been arrived at using the correct procedure and in line with policy.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - Offers no objections to the proposal.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

Policy TC13 : Digital Connectivity and Telecommunications Infrastructure

Policy PV2 : Open Space Protection and Provision within Settlements

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy TC13 deals with telecommunications development and indicates that proposals for telecommunications should seek to minimise impacts on visual amenity, character or appearance of the surrounding area. It indicates that where a new mast is proposed, it should be demonstrated that an applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Angus Council's Advice Note 26 Telecommunications Development provides relevant guidance. It indicates that the preferred location for mast installations is in industrial areas away from any boundary with residential properties. It states that residential areas are best avoided because structures are likely to be intrusive and unsightly and disturb the enjoyment by householders of their residential amenity. It states that where it is not possible to avoid such areas, careful siting and design will be paramount. Policy DS4 deals specifically with amenity and amongst other things states that development will not be permitted where there is an unacceptable adverse impact on the environment or amenity of nearby property.

As noted above the application site is located within the curtilage of an established football ground. However the 18m high galvanised lattice mast would be sited only 18m from the rear elevation of residential properties and 9m from the curtilage of these dwellings. Although at angle from the rear windows of these properties the mast would be a highly prominent vertical structure in views from windows. It is noted the existing view from these windows would include other commercial uses and vertical constructions, however the proposed mast would be significantly greater in height than existing vertical structures and would have a detrimental and unavoidable presence for adjacent residents. In these circumstances the siting and appearance of the proposal would not minimise impact on visual amenity. The proposal by virtue of height, location and proximity to nearby residential property would have a significant adverse impact on the amenity of nearby residential properties.

The information submitted by the agent in support of the application indicates that an additional mast in this general location is necessary to support the delivery of the required coverage. The applicant has indicated that there is no possibility of sharing existing masts to meet the identified requirement. Some information has been provided to indicate and discount alternative sites, and further justification was submitted in relation to preference and suitability of the proposed site. I am not however convinced that a mast offering a similar coverage level could not be sited at a more reasonable distance from residential property.

The proposal does not give rise to significant issues in terms of the remaining criteria of policies TC13 or DS4. However, the submitted details would not alleviate the unacceptable amenity impacts and as indicated above the proposal does not comply with Policies TC13 or DS4.

The ALDP and relevant national policy and guidance offer a positive and supportive framework for the consideration of proposals that assist in the provision of improved accessibility to digital communications. The desirability of providing improved digital connectivity and the associated economic and social benefits are material considerations. However, there is nothing in planning policy that suggests that any such benefit should be at the expense of reasonable amenity levels for residents of an area. In this case the detrimental amenity impacts associated with the proposal are significant and outweigh the benefits associated with providing improved telecommunications coverage.

The site is within a designated area of open space. Policy PV2 relates to open space protection and provision within settlements and indicates that Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space is only permitted in certain circumstances. The proposal would result in development of an area of ground within

the car park and but would not affect the sporting or recreational value of the existing site. The proposal complies with the intentions of Policy PV2.

In conclusion, the application proposes a telecommunications installation which would result in a significant adverse impact upon the amenity of nearby residents. The proposal would provide improved telecommunications coverage in the area and account has been taken of the economic and social benefits that this would provide. However, those benefits do not outweigh the significant harm that would be caused to the amenity of nearby residents and I consider a more suitable site further from residential property but located within the operators search area could be brought forward. The proposal is contrary to the development plan because the apparatus would not be sited and designed in a manner which would minimise impact on visual amenity. There are no material considerations that justify the grant of planning permission contrary to the development plan.

Human Rights Implications

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

Decision

The application is refused

Reason(s) for Decision:

1. The proposal is contrary to Policy TC13 Digital Connectivity and Telecommunications Infrastructure and Policy DS4 Amenity of the Angus Local Development Plan (2016) and Angus Council's Advice Note 26 Telecommunications Development because the siting and appearance of the proposed apparatus would not minimise impact on the visual amenity of residential property in the surrounding area.

Notes:

Case Officer: Stephanie Porter
Date: 18 August 2017

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;

- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC13 : Digital Connectivity and Telecommunications Infrastructure

Proposals for telecommunications development will be permitted provided that the following criteria are met:

- o The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- o If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- o If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.
- o If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.

When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.

Policy PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION REFUSAL
REFERENCE : 17/00517/FULL

To **Telefonica**
c/o WFS Telecom John Church
FAO John Church
Suite 152
4 Pavilion
4, St James Business Park
Linwood Road
Paisley
PA3 3AT

With reference to your application dated 23 June 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

The Installation of a 15.0m Lattice Mast with 3no. Antennae, 2no. 300mm Dishes and Ancillary Equipment Cabinets. at Kirrie Thistle Football & Social Club Westview Park Herdhill Kirriemuir DD8 5LG for Telefonica

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

The proposal is contrary to Policy TC13 Digital Connectivity and Telecommunications Infrastructure and Policy DS4 Amenity of the Angus Local Development Plan (2016) and Angus Council's Advice Note 26 Telecommunications Development because the sitting and appearance of the proposed apparatus would not minimise impact on the visual amenity of residential property in the surrounding area.

Amendments:

The application has not been subject of variation.

Dated this **24 August 2017**



Kate Cowey - Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Communities
Planning
County Buildings
Market Street
Forfar
Angus
DD8 3LG

Telephone 01307 473212 / 473207 / 473335

E-mail: planning@angus.gov.uk

Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

COMMUNITIES **Your experience with Planning**

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Panoramic View - 16.7m

000° 030° 060° 090° 120°



120° 150° 180° 210° 240°



240° 270° 300° 330° 000°



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 338080 N: 755005

CONCESSION REQUIRED | NO


DIRECTIONS TO SITE:
TRAVELLING NORTH ON THE A90, TAKE A926 TO KIRRIEMUIR, CONTINUING ONTO THE B955 CORTACHY ROAD TO THE WEST SIDE OF KIRRIEMUIR. TAVELLING NORTH ON THE B955 CORTACHY ROAD, THE SITE IS SITUATED ON THE WEST SIDE AFTER ITS JUNCTION WITH WODDEND DRIVE, BEFORE ITS JUNCTION WITH WINDYHOUL ROAD AND ANGEL ROAD. IN THL YARD

NOTES:

REV	MODIFICATION	BY	CH	DATE
B	Access Route Changed	SSC	NDS	21.07.16
A	Issued for Approval	SSC	NDS	20.07.16



WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758



Cell Name	Opt.
THL YARD	A

Cell ID No		
CTIL	TEF	VF
205543	75315	NA

Site Address / Contact Details
THL YARD
WHITEHILLS
CORTACHY ROAD
KIRRIEMUIR
DD8 4PU

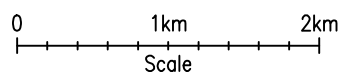
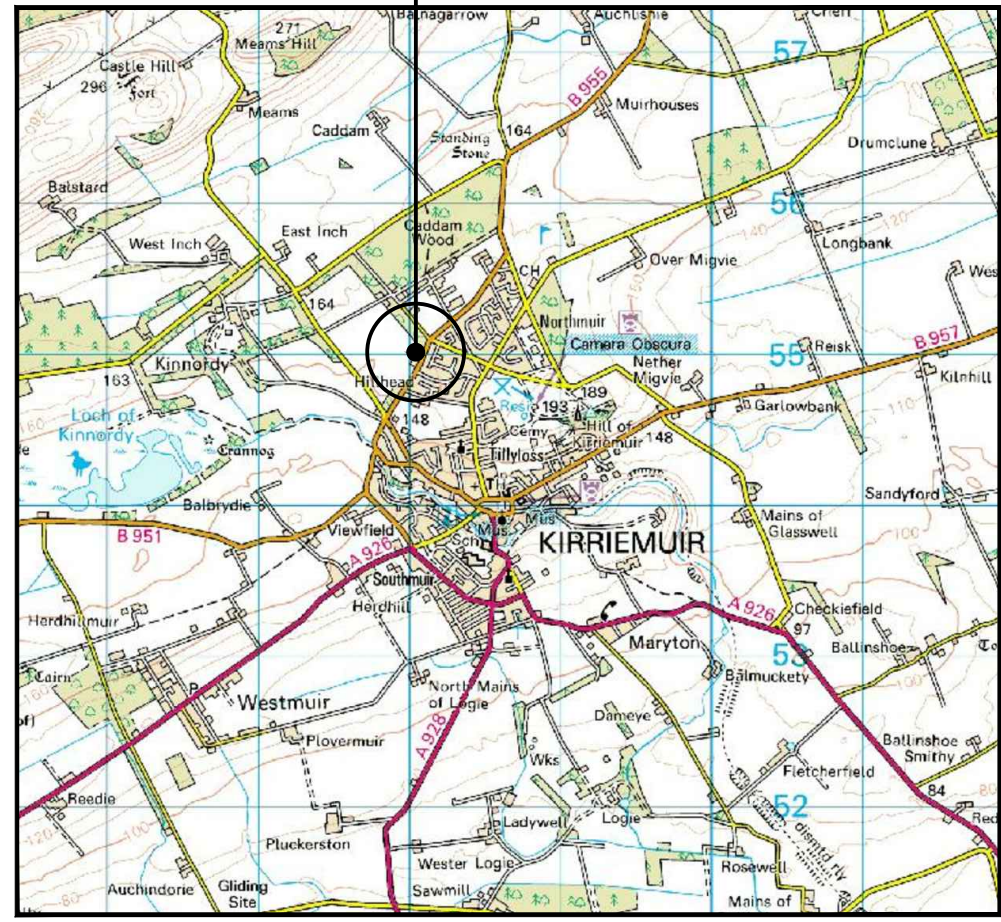
Drawing Title: SITE LOCATION MAPS

Purpose of issue: PLANNING

Drawing Number: 100

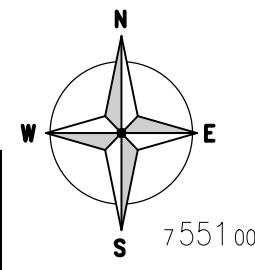
Surveyed By:	NDS	Original Sheet Size:	A3	Issue:	B
Drawn:	SSC	Date:	20.07.16	Checked:	NDS
		Date:	20.07.16		

SITE LOCATION



SITE LOCATION
(Scale 1:50000)

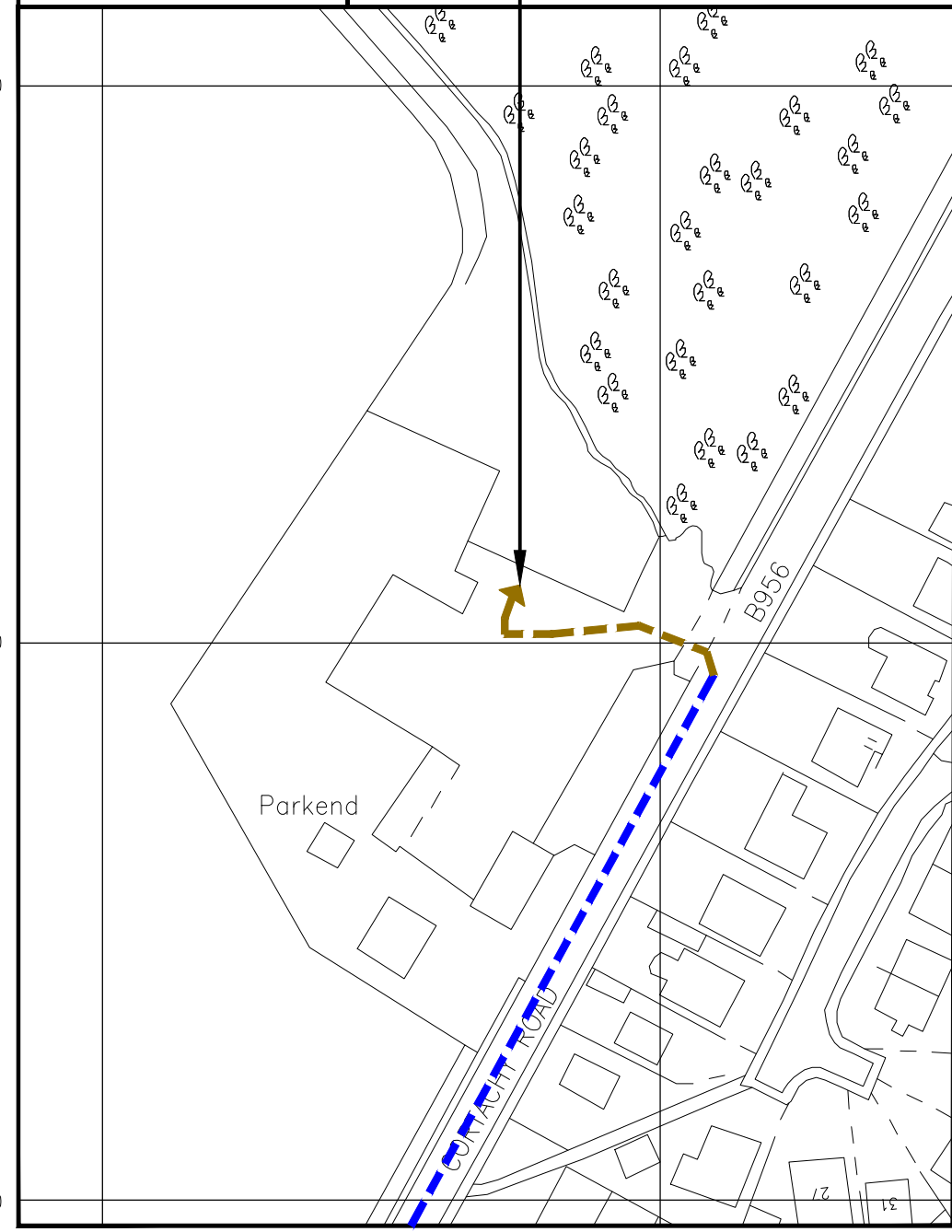
Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationary Office Licence No. 0100023487 Crown copyright.



← Site Access

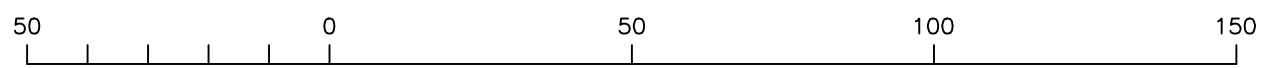
← Access Route

SITE LOCATION



DETAILED SITE LOCATION

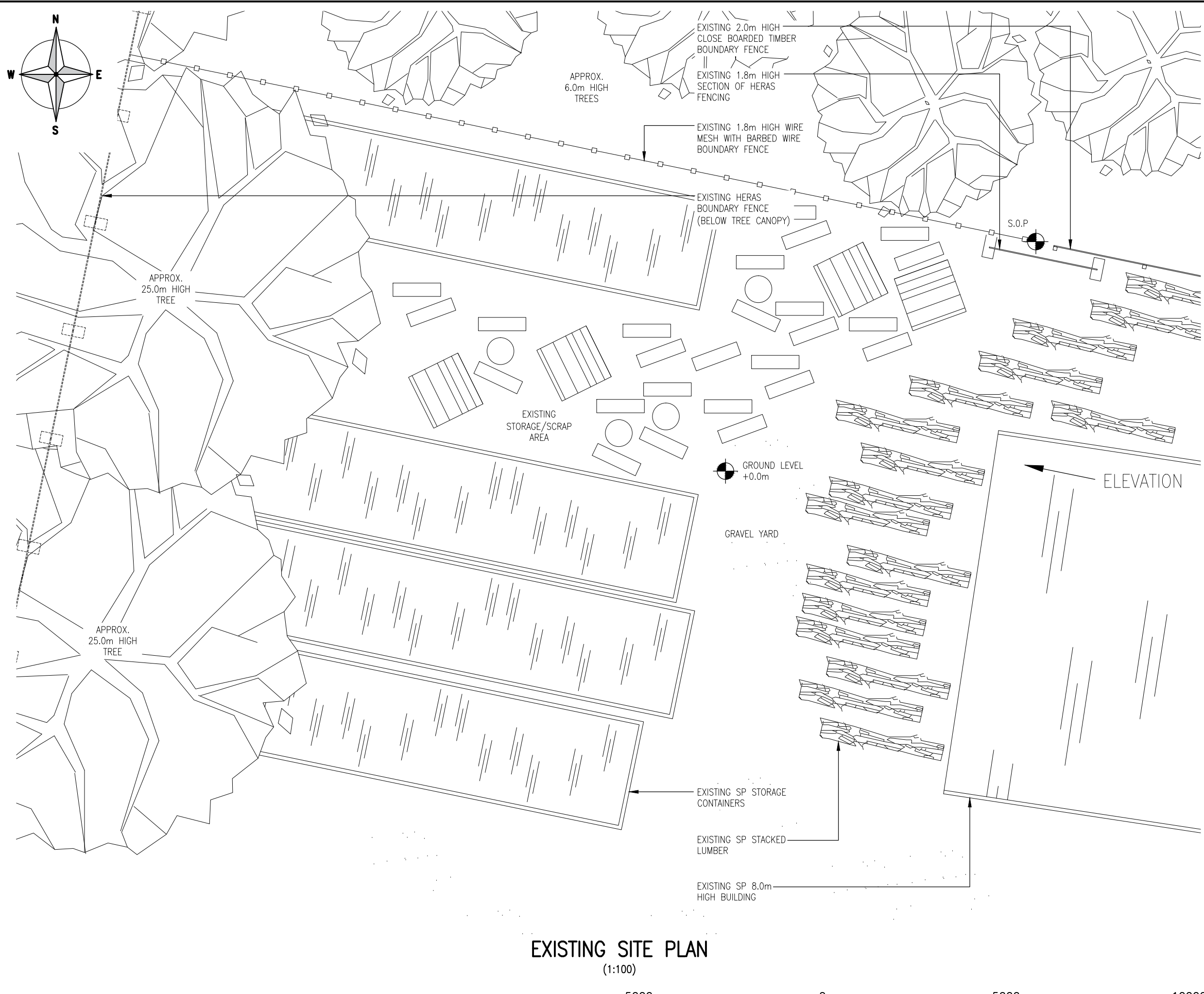
(Scale 1:1250)
Based upon Ordnance Survey map extract with the permission of the Controller of Her Majesty's Stationary Office. Crown copyright. Licence No. 100020449



ORIGINAL SCALE AT A3 - 1:1250 ALL DIMENSIONS IN METRES



SITE PHOTOGRAPH



EXISTING SITE PLAN
(1:100)



The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 338080 N: 755005
CONCESSION REQUIRED NO

NOTES:

A	Issued for Approval	SSC	NDS	20.07.16
REV	MODIFICATION	BY	CH	DATE

Cell Name	Opt.
THL YARD	A

Cell ID No		
CTIL	TEF	VF
205543	75315	NA

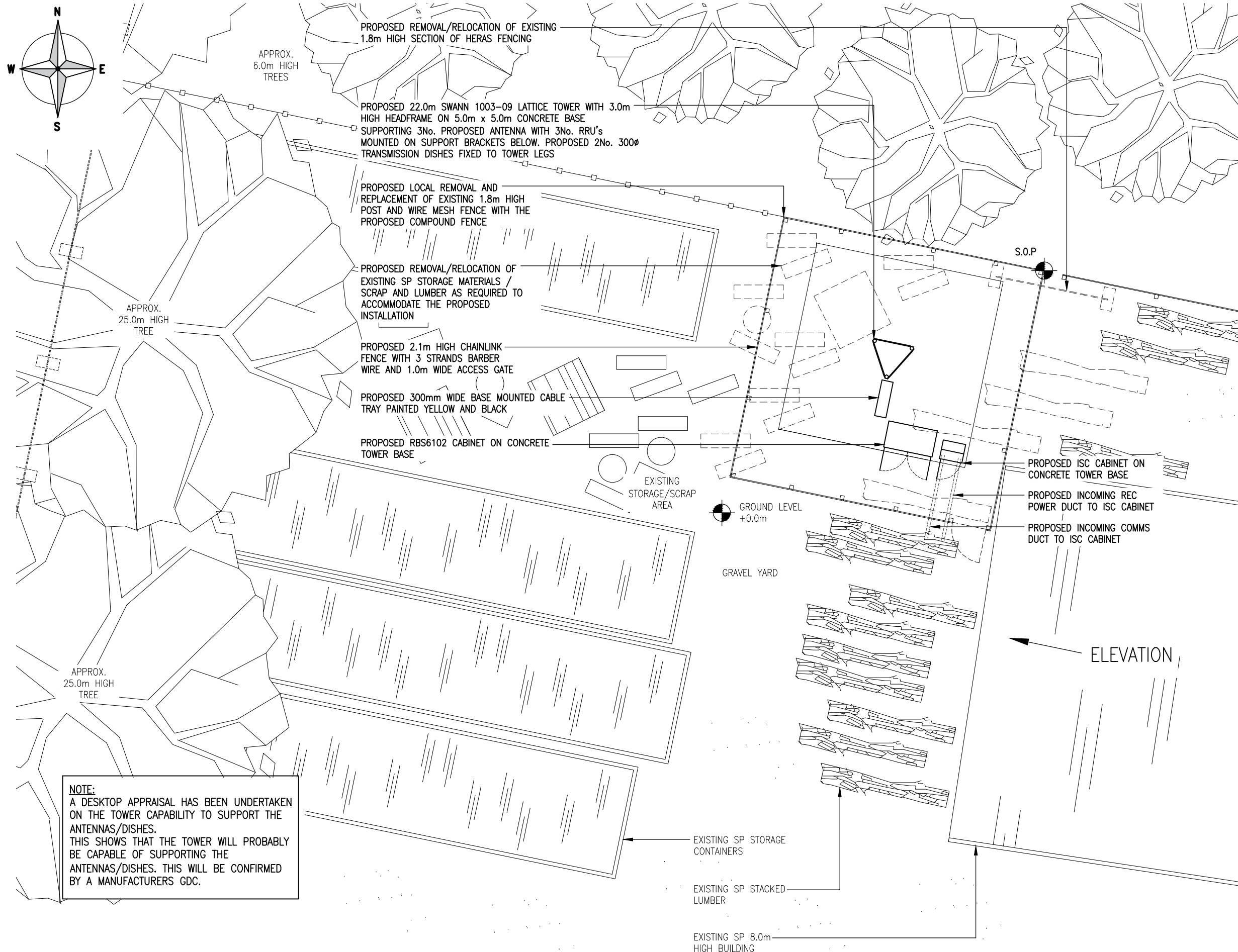
Site Address / Contact Details
THL YARD
WHITEHILLS
CORTACHY ROAD
KIRRIEMUIR
DD8 4PU

Drawing Title: EXISTING SITE PLAN

Purpose of issue: PLANNING

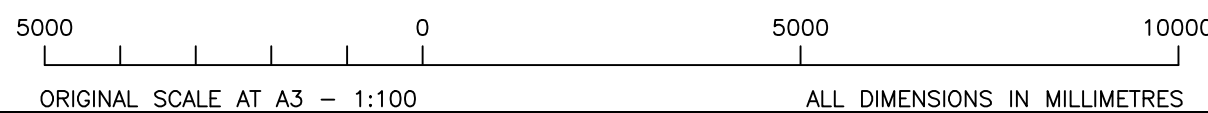
Drawing Number: 200

Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: SSC	Date: 20.07.16	Checked: NDS
		Date: 20.07.16



NOTE:
 A DESKTOP APPRAISAL HAS BEEN UNDERTAKEN ON THE TOWER CAPABILITY TO SUPPORT THE ANTENNAS/DISHES. THIS SHOWS THAT THE TOWER WILL PROBABLY BE CAPABLE OF SUPPORTING THE ANTENNAS/DISHES. THIS WILL BE CONFIRMED BY A MANUFACTURERS GDC.

PROPOSED SITE PLAN
 (1:100)



The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
 Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R	E: 338080 N: 755005
CONCESSION REQUIRED	NO

NOTES:
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A	Issued for Approval	SSC	NDS	20.07.16
REV	MODIFICATION	BY	CH	DATE

GallifordTry
 WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
 Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

O₂
 CTIL

Cell Name	Opt.	
THL YARD	A	
Cell ID No		
CTIL	TEF	VF
205543	75315	NA

Site Address / Contact Details
 THL YARD
 WHITEHILLS
 CORTACHY ROAD
 KIRRIEMUIR
 DD8 4PU

Drawing Title: PROPOSED SITE PLAN			
Purpose of issue: PLANNING			
Drawing Number: 201			
Surveyed By: NDS	Original Sheet Size: A3	Issue: A	
Drawn: SSC	Date: 20.07.16	Checked: NDS	Date: 20.07.16

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 338080 N: 755005


CONCESSION REQUIRED NO

NOTES:

A	Issued for Approval	SSC	NDS	20.07.16
REV	MODIFICATION	BY	CH	DATE



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Cell Name	Opt.
THL YARD	A

Cell ID No		
CTIL	TEF	VF
205543	75315	NA

Site Address / Contact Details

THL YARD
WHITEHILLS
CORTACHY ROAD
KIRRIEMUIR
DD8 4PU

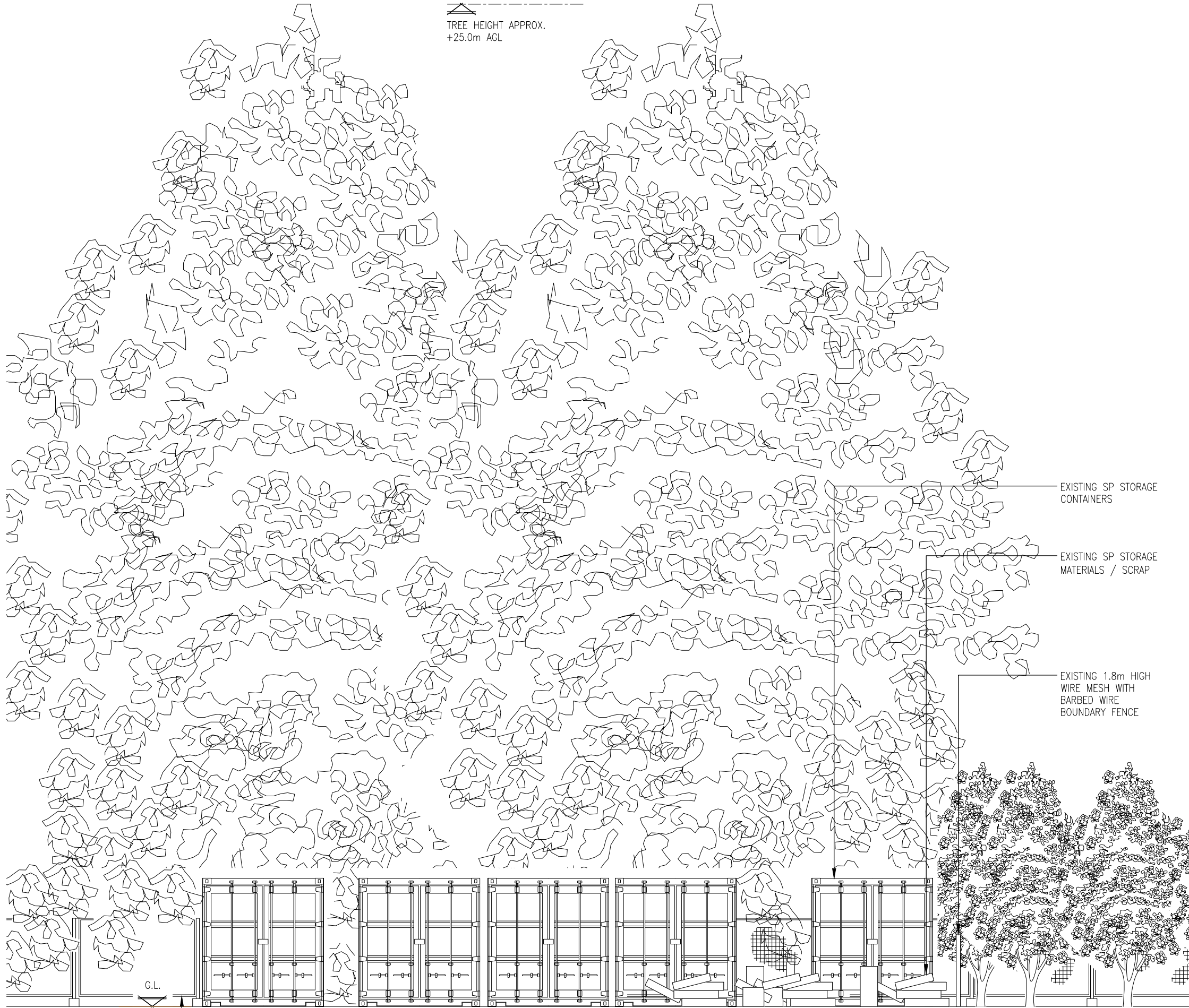
Drawing Title: EXISTING SITE ELEVATION

Purpose of issue: PLANNING

Drawing Number: 300

Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: SSC	Date: 20.07.16	Checked: NDS Date: 20.07.16

TREE HEIGHT APPROX.
+25.0m AGL



EXISTING SP STORAGE CONTAINERS

EXISTING SP STORAGE MATERIALS / SCRAP

EXISTING 1.8m HIGH WIRE MESH WITH BARBED WIRE BOUNDARY FENCE

EXISTING HERAS BOUNDARY FENCE

EXISTING NORTH WEST ELEVATION

(1:100)

5000 0 5000 10000

ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

TREE HEIGHT APPROX.
+25.0m AGL

PROPOSED 3No. ANTENNA
FIXED TO HEADFRAME

TOP OF PROPOSED ANTENNAS
+25.0m AGL

TOP OF PROPOSED TOWER
+22.0m AGL

UNDERSIDE OF PROPOSED ANTENNAS
+22.4m AGL

C/L OF PROPOSED DISHES
+21.0m AGL

NOTE:
A DESKTOP APPRAISAL HAS BEEN UNDERTAKEN ON THE TOWER CAPABILITY TO SUPPORT THE ANTENNAS/DISHES. THIS SHOWS THAT THE TOWER WILL PROBABLY BE CAPABLE OF SUPPORTING THE ANTENNAS/DISHES. THIS WILL BE CONFIRMED BY A MANUFACTURERS GDC.

PROPOSED 3No. RRU'S ON SUPPORT
BRACKETS FIXED TO TOWER LEGS

PROPOSED 2No. 300Ø TRANSMISSION
DISHES FIXED TO TOWER LEGS

PROPOSED 22.0m SWANN 1003-09
LATTICE TOWER WITH 3.0m HIGH
HEADFRAME ON 5.0m x 5.0m
CONCRETE BASE

PROPOSED RBS 6102 CABINET ON
CONCRETE TOWER BASE

PROPOSED ISC CABINET ON
CONCRETE TOWER BASE HOUSING
PROPOSED COMMS

PROPOSED 2.1m HIGH CHAINLINK
FENCE WITH 3 STRANDS BARBER
WIRE AND 1.0m WIDE ACCESS GATE

EXISTING SP STORAGE
CONTAINERS

PROPOSED REMOVAL/RELOCATION
OF EXISTING SP STORAGE
MATERIALS / SCRAP AND
LUMBER AS REQUIRED TO
ACCOMMODATE THE PROPOSED
INSTALLATION

PROPOSED LOCAL REMOVAL
AND REPLACEMENT OF EXISTING
1.8m HIGH POST AND WIRE
MESH FENCE WITH THE
PROPOSED COMPOUND FENCE

G.L.
EXISTING HERAS
BOUNDARY FENCE

PROPOSED NORTH WEST ELEVATION

(1:100) 5000 0 5000 10000

ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 338080 N: 755005

CONCESSION REQUIRED NO


NOTES:

- A DESKTOP APPRAISAL HAS BEEN UNDERTAKEN ON THE TOWER CAPABILITY TO SUPPORT THE ANTENNAS/DISHES. THIS SHOWS THAT THE TOWER WILL PROBABLY BE CAPABLE OF SUPPORTING THE ANTENNAS/DISHES. THIS WILL BE CONFIRMED BY A MANUFACTURERS GDC.

A	Issued for Approval	SSC	NDS	20.07.16
REV	MODIFICATION	BY	CH	DATE



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Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758



Cell Name	Opt.
THL YARD	A

Cell ID No		
CTIL	TEF	VF
205543	75315	NA

Site Address / Contact Details
THL YARD
WHITEHILLS
CORTACHY ROAD
KIRRIEMUIR
DD8 4PU

Drawing Title: PROPOSED SITE ELEVATION

Purpose of issue: PLANNING

Drawing Number: 301

Surveyed By:	NDS	Original Sheet Size:	A3	Issue:	A
Drawn:	SSC	Date:	20.07.16	Checked:	NDS
		Date:	20.07.16		

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'



Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-120-2044
- Site address: Thrums Yard, Cortachy Road, Kirriemuir, DD8 4PD
- Appeal by Telefonica UK Limited against the decision by Angus Council
- Application for planning permission dated 23 September 2016 refused by notice dated 13 December 2016
- The development proposed: Installation of 22m high lattice tower; 3 antennas and a 3m head frame; 3 remote radio units; 2 300mm dishes; 2 cabinets; a 2.1m high chain link fence with 3-strand barbed wire; and ancillary development
- Date of site visit by Reporter: 15 May 2017

Date of appeal decision: 2 June 2017

Decision

I allow the appeal and grant planning permission subject to the 2 conditions listed at the end of the decision notice. Attention is drawn to the 4 advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issue in this appeal is whether the proposed lattice mast and ancillary development would have a detrimental impact on the visual amenity, character or appearance of the surrounding area.

The Development Plan

2. No policies in the strategic development plan, TAYplan, have been brought to my attention. The up-to-date and adopted Angus Local Development Plan 2016 confirms the importance of digital infrastructure to remoter rural areas. Specifically, policy TC13 Digital Connectivity and Telecommunications Infrastructure sets out 4 tests which must be satisfied to permit the carrying out of telecommunications development of the type proposed. The council does not dispute the need for a new mast to improve network coverage. Additionally, against the tests in policy TC13, no evidence has been provided to me to indicate that the proposal is located on a sensitive site or in a sensitive area; nor is it on a building, rendering the second and fourth tests in the policy inapplicable. The



appellant has submitted details of alternative locations that have been explored, satisfying the third test.

3. Accordingly, during my site inspection I carefully, in applying the first test in the policy, assessed the siting and appearance of the proposal which is a matter of concern to those who object to the proposal, including residential properties in Rowan Avenue, the curtilage of an adjoining dwellinghouse south of the site, the nearby public road, the adjoining woodland and from the wider countryside.

4. The location of the proposed mast is outwith, but adjacent to, the Kirriemuir Development Boundary, confirmed by policy DS1 of the development plan. However, the wider site benefits from an extent planning permission for class 6 (storage and distribution) uses. Notably, adjacent to the proposed location of the mast's compound, and visible from houses in Rowan Avenue, a green corrugated-iron building, some 8 metres in height, is located on an east-west axis adjacent to the site's northern boundary. I find the character and appearance of the appeal site, and the yard area, to be typical of a storage and distribution use. As such, the use and associated activity of the yard area contributes to the mixed land use characteristics in the immediate vicinity.

5. Some 40 metres south-east of the mast, separated by Cortachy Road, are the rear boundaries of houses on Rowan Avenue, Kirriemuir, an area characterised by attractively laid-out and relatively recent residential development. Single storey houses, and 3 two storey houses opposite the appeal site, lie around some 55 metres from the location of the mast. From the upper floors of the two storey houses, and to a lesser extent from the ground floor and gardens, there are views westwards, over the yard.

6. Given the height of the proposed mast it will be an unconcealed and visible feature in views from the gardens and ground floors and, more prominently, the upper floors of adjacent houses on Rowan Avenue. Existing vegetation in the rear curtilage of nearby houses, combined with the yard's timber screen fence and corrugated-iron building, would assist in effectively screening from view much of the mast's compound and ancillary plant, especially from ground floor windows and the well tended gardens of houses in Rowan Avenue. I find that the mast's location, and its close proximity to the woodland and 8 metre-high building, means that it is sited in the least conspicuous and sensitive part of the yard. In turn this minimises its wider impact when viewed from the east, but gives rise to filtered views between the building and woodland, particularly from habitable rooms on the upper floors of the three detached houses.

7. Immediately south-west of the storage and distribution yard is a single dwellinghouse. From this location the mast would be seen from the curtilage of the property but against a backdrop of mature woodland, in the context of what are typical visual characteristics of this type of use. Views from the principle south-east facing elevation of this house would be away from the structure.

8. Whilst the tallest part of the mast would exceed, to a degree, the height of much of the broad-leaved woodland on the site's northern boundary, this woodland effectively screens the proposal from the north and acts as a backcloth to the site from the south, thus helping to minimise any visual impact from these directions. To the west of the site is arable farmland and views of the mast from this direction are more distant, it being seen adjacent

to the woodland and against the backdrop of the wider urban form of Kirriemuir. I am satisfied that there would be minimal impact on the policies of Kinnordy Estate and Caddam Wood.

9. I find that, in accordance with policy TC13 Digital Connectivity and Telecommunications Infrastructure, the siting and appearance of the mast, the need for which the council does not dispute, is located in a manner that minimises its impact on visual amenity, and on both the character and appearance of the surrounding area. I am also satisfied that the appeal proposal would not adversely impact on the amenity of adjacent householders by virtue of noise, smell, light pollution, overlooking and overshadowing. Thus the appeal proposal does not conflict with development plan policy DS4 Amenity. Accordingly, I find that the appeal proposal would be in accordance with the development plan.

Other material considerations

10. The council has brought to my attention Scottish Planning Policy (SPP), highlighting paragraph 293 which supports the development of digital connectivity. Taking into account the non-disputed need for the proposal, the existing use of the appeal site, the screening afforded by the woodland, the proximity of the corrugated-iron building and the expansive farmland to the west I am satisfied that the proposed location is such that it minimises the environmental impact of the mast, in accordance with SPP.

11. The council's Advice Note 26 'Telecommunications Development' confirms that a location, in this case on land analogous to an industrial area and away from the boundary of residential properties, is preferential. The location of the appeal proposal, although visible from within houses some 55 metres distant, would be in a mixed urban and rural location and not a predominantly residential area. Moreover, the Advice Note advises that locating a mast against a backdrop of trees would assist in making a site more acceptable. I find that a planning condition requiring the lattice structure to be finished in a dark matt green colour would have benefits recognised in the Advice Note.

12. Matters raised by those who have made a representation on the proposal, expressed on a planning matter, are material considerations. I have set out above my findings on the visual impact of the proposal when seen from residential properties. Several representees are concerned about the health impacts of the apparatus on residents and on children attending a local primary school. However, the appeal proposal is accompanied by an ICNRP certificate which confirms that the cumulative emissions from the telecommunications apparatus are within internationally recognised and specified standards. As confirmed in SPP, other legislation controls and regulates telecommunications apparatus and it is not necessary for planning authorities to treat radiofrequency radiation as a material planning consideration.

Conclusion

13. In summary, no evidence has been presented to me that questions the need for the proposal. It will not affect a site considered sensitive for environmental reasons. Consequently, taking into account its siting in an existing commercial area, its location on the periphery of that site, set against a back drop of mature woodland and its proximity to

an 8-metre-high commercial building I disagree with the council and find that the mast has been sited to minimise its impact on visual amenity and the character or appearance of the surrounding area.

14. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Chris Norman
Reporter

List of Conditions

1. That within 3 months from cessation of the use of the equipment hereby approved, all structures (including the mast and equipment cabinets) shall be removed.

Reason: In order that the equipment is removed when it is no longer required in the interests of visual amenity.

2. Further to the details shown on drawing 301(A) (Proposed Site Elevation), the mast shall be finished in a green-coloured matt finish, the details of which shall be agreed with the planning authority prior to the commencement of development.

Reason: In order to minimise the appearance of the lattice structure, in the interests of visual amenity.

Schedule of Approved Drawings

Drawing 100 (A) Site location maps
Drawing 100 (B) Site location maps
Drawing 200 (A) Existing site plan
Drawing 201 (A) Proposed site plan
Drawing 300 (A) Existing site elevation
Drawing 301 (A) Proposed site elevation
Drawing 201 (A) Proposed site plan (with note)

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of 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. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 4. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).