

REQUEST FOR TETRA TELECOMMUNICATIONS MASTS ON CARNOUSTIE HOTEL.

Abstract

This report advises the Committee of a request to site two Tetra telecommunications masts on the Carnoustie Hotel and recommends approval.

1 RECOMMENDATION

The Resources and Central Services Committee is recommended to:

1. consider a request from O₂ to site two Tetra telecommunications masts on the roof of the Carnoustie Hotel and to approve this request in terms of its role as landlord of the site on which the hotel is built.
2. note that the proposal by O₂ was the subject of a planning appeal and this appeal has been upheld
3. authorise the Director of Property Services to negotiate with the Carnoustie Hotel Co. an appropriate increase in the site rental for the hotel to reflect the added value from the erection of the telecommunications masts.

2 BACKGROUND

O₂ is currently undertaking the provision of a national network of telecommunications to provide state of the art digital radio communication system for the emergency services. As part of this network, it is proposed by O₂ to site two telecommunication masts on the roof of the Carnoustie Hotel to serve Carnoustie and the surrounding area.

Angus Council leases the ground on which the hotel is built to the Carnoustie Hotel Company and in terms of the lease the council has authority to grant or withhold approval to this proposal.

The proposed masts, as shown in the application by O₂, have the appearance of flagpoles and are sited on the ridge of the roof of the hotel adjacent to a chimney on the gable wall facing the sea.

The planning application by O₂ went to appeal and this was upheld by the reporter. The outcome of the appeal was reported by the Director of Planning and Transport in his report to the Development Control Committee on 13th January 2005 (Report No. 35/05). This report details all the reasons why the reporter upheld the appeal including issues of national policy planning guidelines, alternative locations, compliance with the International Commission on Non-Ionising Radiation Protection guidelines and siting and design issues.

3 CURRENT POLICY

The current policy of the council does not permit the siting of telecommunications masts on council properties or properties over which it has control except that the policy shall not be applied in respect of telecommunications installations which are exclusively for the use of the various emergency services or exclusively for the operational needs of Angus Council.

This application is therefore not excluded by existing council policy.

4 FINANCIAL IMPLICATIONS

If this application is approved, then Angus Council would be entitled to negotiate a share of the rental of the site from the Carnoustie Hotel Company to O₂.

5 CONSULTATION

The Chief Executive, Director of Finance, Director of Planning and Transport and Director of Law & Administration have been consulted in the preparation of this report.

6 CONCLUSION

In view of the granting of planning permission for the proposal by O₂ to erect two tetra masts on the roof of the Carnoustie Hotel, it is now recommended that the Resources and Central Services Committee grant approval for this development as landlord of the site.

Human Rights Implications

A Committee decision to refuse consent has potential implications for the applicant in terms of their entitlement to peaceful enjoyment of their possessions (First Protocol, Article 1). If the Committee is minded to make such a decision, the members must satisfy themselves that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of their possessions by refusal of the present application must be in compliance with the Council's legal duties to act reasonably as landlord and any 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.

REFERENCES

<u>Committee</u>	<u>Date</u>	<u>Report No</u>	<u>Subject</u>
Policy and Resources	26.10.99	955/99	Telecommunications Installations
Development Control	13.1.05	35/05	Planning Appeal Decision: Carnoustie Golf Course Hotel – Replica Flagpole Antennae

BACKGROUND PAPERS

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.

M G Lunny
Director of Property Services