

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Alistair Houston

Address: 23 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Should be installed in the dead area in monifieth centre. Not the outskirts

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Case Officer: James Wright

## Customer Details

Name: Andrew McLaren

Address: 11 Carmyllie Place Monifieth / Angus

## Comment Details

Commenter Type: Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Once more my life is in upheaval by the big brother attitude that MBNL is trying to railroad through the normal planning system. Their first application failed and since then they have tried to start erection under the guise that they thought they had planning permission. YOU DON'T.

Please cease any further attempts by this outfit to run slipshod over the residents. In my case this mast will to my mind and eye be situated at the bottom of my garden. Nobody knows the health effects this will have on me or my wife but I can tell you that the value of our house will definitely be affected. I ask the mast company to look at their moral compass and desist from all the underhanded actions you have adopted. I would also ask the council and its representatives to act in our favour and prevent big brother from riding rough shod over the planning and legal system.

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Barbara Lindsay

Address: 10 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The structure will be intrusive to nearby properties. It's size and scale make it wholly unsuitable for such close proximity to a residential area.

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**From:** Gary Mannion [REDACTED]  
**Sent:** 15 November 2023 14:59  
**To:** James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>  
**Subject:** Proposed mast at Ashludie Grounds, Monifieth  
**Importance:** High

**CONFIDENTIAL EMAIL - INTENDED RECIPIENT ONLY**

**CONFIDENTIAL**

Dear Mr Wright

I write on behalf of a number of residents at the Ashludie hospital housing development and neighbouring properties in Monifieth.

I am aware that MBNL, and others, have applied for consent to erect a mast on behalf of EE. They have done so on the basis that no prior consent is required from Angus Council as the reporter's decision to erect the mast found in their favour.

There are a number of issues I require to make you aware of. First, the limitation regarding the reporter's decision has now expired. MBNL cannot simply seek to rely on an expired decision. The fact is that limitation has expired and that report/approval can now no longer be relied upon. That would render the limitation period without purpose, which is absolutely not the intention of the Scottish Ministers.

Further, there is a legal challenge to the reporter's decision. We instructed and sought opinion from an independent planning lawyer who raised a number of concerning matters. The basis of the reporter's decision is filled with inaccuracies that had been provided by MBNL and this will have undoubtedly influenced the decision. I won't list them all in this correspondence but there are several errors and inaccuracies presented to the reporter that has led to a completely flawed report (for example, that this was a "replacement mast" for an older mast when, actually, the replacement mast has already been erected within the last 5 years; the reporter was also told that the bus stop at the proposed site was no longer in use; etc). The list of inaccuracies is quite staggering, to the extent that the report simply cannot be relied upon, hence the legal challenge to its suitability. The reporter was mis-directed by MBNL and that is quite apparent.

The residents raised an action in the Court of Session, as advised by an expert planning

lawyer, to challenge the reporter's decision as it was quite clearly flawed. The residents and MBNL agreed to discharge the court action on the basis that MBNL would provide full information relating to the proposed site and the other identified sites. This was a signed agreement between both sets of lawyers on behalf of their clients and those terms have not been met.

Prior consent is required in this instance. Angus Council previously declined granting consent for good reason. MBNL then appealed the Council's position, which led to the, now out of date, flawed reporter's decision. That is the current position and there is no basis for consent being granted at this stage.

The residents will also be shortly be lodging a number of objections.

Given the number of local objections, the fact that Angus Council already declined consent and that the reporter's decision is completely inaccurate/based on incorrect information, the only just way forward is for the application to again be refused and, eventually, a different reporter be appointed to provide a fresh, accurate, report.

The salient points for now are:

- **The reporter's decision has expired and can no longer be relied upon.**  
The landscape has changed over the last 2 years and that report is simply no longer relevant. **An expired decision cannot, legally, be relied upon.**
- The reporter's decision, legally, was flawed and based on incorrect information provided to him by MBNL. This is not our opinion but factual.

It is also worth mentioning that the reporter's decision made no reference to the fact that the adjacent trees are subject to a Tree Preservation Order (TPO). The residents recently obtained confirmation from a surveyor that the trees are protected. It was established earlier this year in the High Court that 4G/5G masts cannot be built near trees that are subject to a TPO without applying for written prior approval. Due to the particular type of trees, this particular area is also home to several species of wildlife, including bats and hedgehogs, and, again, these factors have never been taken into consideration.

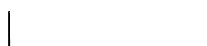
I would be grateful to hear from you.

Kind regards  
Gary

Gary Mannion | Partner | Thorntons Law LLP | Solicitors | Whitehall House | 33 Yeaman Shore | Dundee DD1 4BJ |  
Direct Dial: 01382 346294 | Fax: 01382 202288 | [www.thorntons-law.co.uk](http://www.thorntons-law.co.uk)



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Dear Mr Wright

I would be grateful if the below points could be taken into consideration and uploaded to the online public portal in relation to the proposed Ashludie mast.

- The reporter's decision has expired and can no longer be relied upon. The landscape has changed over the last 2 years and that report is simply no longer relevant. An expired decision cannot, legally, be relied upon.
- The reporter's decision, legally, was flawed and based on incorrect information provided to him by WHP Telecoms and CS Planning Ltd. This is not our opinion but factual. The information provided to the DPEA was false and was actually prepared by a company which had been dissolved over 1 year previously and was not in existence (CS Planning Ltd). Examples of the false information include stating that this was the "replacement mast" for the one decommissioned in 2015 at Ashludie. The decommissioned mast had already been formally replaced and installed in extremely close proximity. This application is for an additional, brand new, mast. Had the reporter at the DPEA been made aware of this, it would have heavily influenced his decision. Therefore, the reporter's decision cannot be relied upon. The telecoms companies' instructed agents have misled the DPEA and supplied them with inaccurate information. It is also more than worrying that the appeal was submitted by a company that doesn't even exist.
- The reporter's decision made no reference to the fact that, due to the type of trees, this particular area is also home to several species of bats and this particular wildlife is affected by the telecoms signal. Again, these factors have never been taken into consideration by WHP Telecoms and CS Planning Ltd.
- There are already 2 masts on Victoria Street. This proposal is for a 3<sup>rd</sup> mast. In the middle of these 3 masts sits Seaview Primary School which would be in close proximity to this new mast. It is absolutely not right that a primary school should be subjected to 3 masts on the same street. There are other alternatives which are more suitable, both for the telecoms company and the residents/school in this area. WHP Telecoms, in their application, state there is no Primary School in close proximity to the proposed mast – that is, again, incorrect.
- The Scottish Government policy is that, where possible, masts should be shared by telecoms companies. The existing mast at the bottom of Victoria Street (o2 mast at BT Exchange) is capable of being shared with EE/3 (especially given that BT is the parent company of EE). In line with Government policy, this should be the preferred site. This solution would also result in only 2 masts remaining on Victoria Street, rather than 3. This should be fully utilised by the telecoms company who have, so far, have not given this site thorough consideration. Another option is for 3 to cell share the existing EE mast at the top Victoria Street.
- A third mast will be hugely intrusive to the local residents and have a detrimental visual impact on the area. It will ruin the character landscape and is invasive of its neighbouring properties. The photographs provided by WHP Telecoms ("Visualizations 1 and 2") have been manipulated to make it seem as though the mast is barely noticeable and are extremely misleading. Each photograph has also been taken from a side angle in order to manipulate the view. The mast colouring and scale in the Visualization documents are also manipulated in such a way as to blend in far more than the actual mast would. Below is a picture of a real mast next to a similar back drop and you can clearly see how visually intrusive it is:



Three masts of this nature in one street will, by its very nature, obviously have a monstrous impact on the visual amenity. None of the photos accurately portray the view the residents and neighbouring properties will have. WHP Telecoms' aim is obviously to try to convince Angus Council that barely anyone will see or notice the mast, which is hugely inaccurate. A previous document submitted by Jillian Mannion showed unedited photos of the mast location and the view from various surrounding properties, which accurately illustrated just how intrusive it will be to residents and passers-by. These photos clearly showed how detrimental the impact on visual amenity and character landscape will be.

- Here is a screenshot from Google Maps showing where the actual replacement mast has been erected, and the location of the new proposed mast (red circle shows the existing replacement mast built in 2016 and the blue circle shows the new proposed, additional mast). As above, the decommissioned mast has already been replaced and if there is somehow a need for another in Monifieth it's absurd to place it in such close proximity to the existing replacement.





- The proposed site of the new mast sits on an island bounded by a busy turning point used by buses and other vehicles. The bus stop and shelter are in use and busy and the area is often used for buses to turn/sit. The reporter has not considered the visibility splay issue. The visibility splay is the ability to clearly see traffic approaching from both directions. The proposed mast and surrounding cabinets will absolutely impact the bus drivers view when exiting the bus stop. It will similarly impact the view of any other drivers who require to turn into that area. This is a very real safety issue that has never been considered.
- The site specific supplementary information provided by WHP Telecoms dated 30<sup>th</sup> October 2023, at section 3, states the neighbouring properties will be shielded from the mast due to pre-existing trees. They will not be shielded by the trees and, given that in Scotland the trees have no foliage for the majority of the year, the houses looking onto the mast will be very much aware of its existence as demonstrated in the photographs submitted by Jillian Mannion in a previous document. Section 3 also states the site benefits from a “mature tree belt” – whereas, just 3 pages later the same section explains that “the effect of trees on signal degradation should never be underestimated... cell sites located near trees will have signals significantly reduced”. Then surely it is absurd to build a mast right beside a “mature tree belt” and demonstrates that other identified sites are preferable.
- EE/3 argue that this mast is needed for coverage in Monifieth (mainly the High Street and below). EE and 3’s own coverage checkers on their websites shows all of Monifieth marked as “excellent” in terms coverage. The Ofcom coverage checker, similarly, shows there are absolutely no issues. Ofcom are completely independent as you will be aware. Even when using the most southernly postcode in Monifieth, Ofcom report there is no coverage issue either indoor or outdoor.



- It is unreasonable for the residents of Victoria Street to be burdened with 3 masts when there are many other possible and more appropriate sites that WHP Telecoms have not considered thoroughly. It will completely ruin the visual amenity and character landscape of the area, which hundreds of residents are opposed to.

Yours sincerely,

Gary Mannion.

## **The proposed mast breaches Scottish Government Policy and UK Law**

The Scottish Government's website states that the Electronic Communications Code Regulations 2003 *requires* operators to share masts where practicable. [4 Siting and design factors - Digital telecommunications: planning guidance - gov.scot \(www.gov.scot\)](#). The Scottish Government clearly states that operators are "required" to share masts where practicable.

The actual wording of the 2003 Regulations affirms that position. Regulation 3(4) states that "a code operator, where practicable, *shall* share the use of electronic communications apparatus." The wording of the 2003 Regulations is clear – they "shall" share. It is not optional if it is practicable. Therefore if a site share is practicable then it must be used. That is the law in terms of the 2003 Regulations.

Site sharing minimises the number of sites required. As a result of this, operators have site sharing agreements with each other. This, again, is to help apply the 2003 Regulations.

MBNL, the joint company for the telecommunications companies EE and 3 who are seeking to install a new mast at Ashludie, identified a potential site for the mast to be the pre-existing BT telephone exchange at the very bottom of Victoria Street/Hill Street. MBNL, in correspondence with the residents, have identified that site would provide "good network coverage". MBNL comment that this site is capable of being used for the proposed mast, albeit the existing antennas on the existing lattice mast would have to be replaced.

Therefore, a mast capable of being shared has been identified. It will provide good network coverage. The existing mast is capable of being shared and it is practicable. It might be easier (and cheaper) for the telecommunications company to simply erect a new mast, however that is not the legal test. The law clearly states that the mast "shall" be shared. The Scottish Government "requires" telecommunications companies to share masts in these circumstances. It is not optional.

Angus Council cannot approve the erection of a brand new mast at Ashludie as it would breach Scottish legislation. A mast share is available. It is practicable. And it, by their own admission, would provide the telecommunications company with "good network coverage". This was never brought to the attention of the Reporter at the time of his report. In 2016, in communications to Harlequin Group, Angus Council cited the 2003 Regulations and informed Harlequin that they would have to share the site at BT exchange rather than erect a new mast on the site.

MBNL and the telecommunications company have a duty to comply with Scottish (and UK) law. Simply because sharing the pre-existing mast at BT exchange may require a little more effort (and cost) at their end does not preclude them from acting lawfully. The legal test for erecting a new mast is not one of "ease". A mast share has been identified, it is practicable and will provide the telecommunications company with good coverage. Therefore, the erection of a new mast in these circumstances will violate Scottish Government policy and UK legislation. Accordingly, the application for a new mast at Ashludie must be refused.

Gary Mannion  
Solicitor

On behalf of the Ashludie residents and surrounding area

After having read the documentation provided, I would like to make the following points/ask the following questions:

- Point 1: The Monifieth Telephone Exchange aligns with the government directive for mast sharing between providers so, how can that be classed as sub-optimal as it would appear to be both tactically and strategically the best fit.

The point re the mast needing to be taller is intriguing as this was not a requirement in the original planning request for that site but in any case, surely one larger mast would be a better fit than multiple masts.

- Point 2: There are several other viable sites to support this development but are discounted due to reasons of proximity to residential areas, being of national importance, being visually obtrusive, being above the tree line, etc. but the Victoria Road Site is all of these and more. For example:

- There is only one road into and out of the Ashludie Grange Development and 75% of the traffic will have to pass this mast, if approved.
- Residents within the Ashludie Grange Development will have a direct view of the installation, especially in the Autumn and Winter months.
- There are 2 Historic Scotland B Grade Listed Buildings at the Ashludie Site.
- There are significant green spaces within 20M of the proposed mast site where children play and families congregate.

I also note some of these sites listed that are technically viable, do NOT have direct visual obstruction out to land scape views or are in the direct line of sight of other residential properties.

- Point 3: There, in my view appear to be inaccuracies in the study provided. For example, the option to site the mast in wasteland is discounted due to access, being within fall and a half radius from the railway line and it being close to a site listed with historic Scotland.

It is my understanding this site is currently being redeveloped for housing purposes so access for large plant would be readily available, the mast would not be sited within a fall and a half from the railway line and although there is a Historic Scotland site close, there are also historically important sites close to the Victoria Road site.

- Point 4: The reporter was not provided sufficient information to make an informed decision so the statement "I am satisfied that alternative sites have been considered and none more suitable has been found. No other alternative sites have been drawn to my attention" is questionable.
- Point 5: Angus Council previously rejected the planning application for a mast at this site. The DPEA overturned the decision but, it is my understanding that at the Court of Session an agreement was reached for MBNL to thoroughly investigate other sites and for us to work together to find a suitable alternative site, so I also find the repeated use of the term "Approved Site" questionable.
- Point 6: The document reads like the only site with no disruption to support this development is the one at Victoria Road but as this is a main thoroughfare in and out of Monifieth for cars and buses and pedestrians the disruption will be significant.

- Point 7: It is also my understanding the farmer in question already has a mobile phone and all ancillary units already sited on his land so, one would think he would be open to negotiation.
- Question 1: Would it be possible to share the documentation detailing the objective comparison, with weightings between the sites? I hope the thoughts and feelings of Angus Council taxpayers are considered with appropriate weighting as part of the process.
- Question 2: Is it appropriate to consider this application whilst there is an ongoing investigation by their parent company into the applicant re their behaviour?
- Question 3: The old mast has already been replaced by the one at the top of Victoria Road (located in an industrial site and operated by EE). It seems not plausible that this replacement mast could not be modified to add the additional coverage deemed required. Has this been investigated?
- Question 4: Do the Angus Council Case Officers have all their questions answered re the mast sharing option at the BT Exchange Site?
- Question 5: I would like to draw your attention to the press release dated 13 October 2022 from The Rt Hon Michelle Donelan MP entitled Huawei legal notices issued. It states "Huawei technology must be removed from the UK's 5G public networks by the end of 2027 under legal documents handed to broadband and mobile operators today." It then proceeds to note "The direction sets out the controls to be placed on operators' use of Huawei, following consultation with Huawei and telecoms operators, including: an immediate ban on the installation of new Huawei equipment in 5G networks;" As MBNL, the applying party is co-owned by EE and Three they have been notified of the above so I seek the above application to be declined.

Can you confirm there are no Huawei components within this new installation, as the submitted plans DO include them?

My final thought is that this saga has been ongoing now for over 4 years now and, if it proceeds will, no doubt be subject to further legal challenges, social media campaigns, local and national press involvement, etc, etc on the topics of how the DPEA appeal was flawed, how this application was allowed to proceed given all of the above and then the campaign for it to be removed so...

Would it be an option to delay the decision and setup a working group between the applicant, the council, the DPEA and the residents of Monifieth to discuss where best to locate this mast?

APPEAL

*to*

THE COURT OF SESSION

*under*

Section 239 of the Town and Country Planning  
(Scotland) Act 1997

*by*

JILLIAN MANNION, residing at [REDACTED]  
[REDACTED], IAN MCHOUL, re- siding  
at [REDACTED]  
FIONA SIVEWRIGHT, residing at [REDACTED]  
[REDACTED] and STEVEN  
ROBERTSON, residing at [REDACTED]  
[REDACTED]

APPELLANTS

*against*

A decision of the Scottish Ministers, by their Re-  
porter, Trevor Croft, Esq. under section 47(1)(c) of  
the 1997 Act dated 15th October 2020 and  
communicated to the Appellant on that date

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The Appellants are aggrieved by the foregoing Decision and desire to question its  
validity on the grounds that it was not within the powers of the Town and Country

Planning (Scotland) Act 1997. The Appellants therefore appeal under section 239 of the 1997 Act against the Decision on the following grounds:

#### GROUNDS OF APPEAL

##### *Ground 1*

1. At paragraph 3 of the Decision, the Reporter noted that:

*“Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.”*

2. The Reporter misdirected himself as to the correct approach to take to the determination of this appeal. The Angus Local Development Plan 2016 (“the LDP”) policy TC13 contains provisions setting out the approach that the Council will take in determining applications for prior approval. Where a Local Development Plan has been adopted containing policies relating to the siting and appearance of telecommunications apparatus, a local council must give primacy to those policies in its decision making. A local council should only deviate from those policies where material considerations indicate otherwise. In treating the LDP as merely a material consideration, the Reporter erred.

3. The planning advice note 5/2018 (“PAN 5/2018”) contains non-statutory guidance which constitutes a material consideration in any application for prior approval. The Reporter, whilst mentioning PAN 5/2018, does not make clear that it is a material consideration in the Decision. To that extent, the Reporter erred.

##### *Ground 2*

4. Policy TC13 of the LDP states that *“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”*.

5. At paragraph 15, the Reporter noted that *“I am satisfied that alternative sites have been considered and none more suitable has been found. No alternative sites have been drawn to my attention”*.

6. The Reporter erred in concluding that alternative sites have been considered and none more suitable found. The Reporter did not have an evidential basis for that conclusion. Section 6 of the applicants’ site specific supplementary information (“SSSI”) lists six alternative locations or buildings on which the mast could be erected:

- a. Site D2 is discounted for *“planning reasons”*.
- b. Site D4 is discounted as *“in close proximity to residential”*.
- c. Site D5 is discounted as *“we would struggle with planning”*.
- d. Site D6 is discounted as *“site within a dense residential area so would struggle with planning”*.

No argument is given for discounting site D2 beyond “planning reasons”. No argument is given for discounting site D5 beyond “we would struggle with planning”. In the cases of sites D4 and D6, the justification for discounting the sites appears to be their proximity to residential development. The proposed location of the present appeal is likewise close to residential development, but was not discounted therefor. An objective analysis of the SSSI suggests that no serious and diligent consideration was given to alternative sites, and does not disclose any clear metric used by the applicant for distinguishing between the different possible sites.

7. Consideration of alternative sites requires more than simply listing alternatives and dismissing them without reasoning. The Reporter’s conclusion that alternative sites had been considered was irrational, perverse, and unreasonable.

### *Ground 3*

8. At paragraph 10, the Reporter noted that *“the council has not provided any information about other potential alternative sites”*.

9. The Reporter misdirected himself in that he appears to have assumed that it was for the Council to suggest potential alternative sites to the Reporter. The question to be addressed by the Reporter was whether the applicant had properly explored the possibility of alternative sites. Reference is made to paragraph 7.

10. The Reporter was not required to address the question of whether another site would be more suitable, except in his analysis of section 6 of the SSSI. Insofar as he appears to have attempted to balance the application site against the lack of suggested alternatives, the Reporter erred.

#### *Ground 4*

11. Policy TC13 of the LDP states that *“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”*.

12. At paragraph 14, the Reporter concludes that *“I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal”*.

13. On the evidence before him, it was not open to the Reporter to conclude that the proposed mast minimises impact on the visual amenity, character or appearance of the surrounding area. There was insufficient evidence for the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to justify dismissing the appeal. The proposed mast is to be sited on a prominent island in the road, and will be 5 metres higher than the tops of the surrounding trees. It will be visible from the Appellants’ residences, and the Reporter’s conclusion at paragraph 8 that *“residential amenity would not be harmed to an extent that was significant”* is not one which was open to the Reporter.

14. Furthermore, the Reporter conducted his site visit in June, when the trees surrounding the application site are in full leaf. Had he visited the application site in winter, when there are no leaves on the trees, it is likely that his impression of the probable impact of the mast on the visual amenity of the surrounding area would have been different. The Reporter’s conclusion at paragraph 8 that *“the orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast”* was unreasonable.



IN RESPECT WHEREOF



Stuart Clubb  
Shoosmiths LLP  
Saltire Court  
20 Castle Terrace  
Edinburgh EH1 2EN Solicitor  
for the Appellants

**23/00783/PRIORN**

29<sup>th</sup> March 2024

## **MBNL ALTERNATIVE SITES JUSTIFICATION DOCUMENT**

Dear James,

The residents have noted a new document regarding alternative sites justification, which has been submitted by MBNL and we wish to respond to this and an email exchange between yourself and Mr Marshall from WHP Telecoms. The residents are grateful to you for asking the relevant questions regarding clarification on particular points relating to the current mast application.

In Mr Marshall's email from 25<sup>th</sup> March (which was past the given response deadline of 22<sup>nd</sup> March), he states in relation to site D2 that sites within primary schools are "typically avoided". Given that the residents found 14 alternative sites, WHP Telecoms could have chosen many other areas to examine as potential sites if they knew primary schools should be avoided. Instead they chose to highlight one as discounted that would be "*typically avoided*", which demonstrates that they are not giving serious consideration to other potential alternative sites.

Also in Mr Marshall's email, he claims the site at Ashludie Park (D5) has trees of 20-25 metres around the perimeter, but this is incorrect as not all of the trees are that height and the trees do not surround the entire perimeter. There are areas of the park where there are no trees and are more wide-open spaces, therefore there would be no need for a 30-metre mast in such areas. In addition, the trees here at the proposed site are around the same size, yet only a 20-metre mast would be required, therefore the logic here does not make sense. Mr Marshall refers to a "greenfield construction" being necessary at this site, however, the proposed site at Ashludie is on a grass island, therefore surely a greenfield construction would also be necessary there too and so this reason is not valid for discounting the D5 site. As the park is a closed-off area away from main roads and the entrance to the village, and is only used for short periods by residents, placing the mast here would not have as great an effect on visual amenity.

At the end of Mr Marshall's email, he does not answer the question you have asked him about the planned upgrade at the BT Exchange site from 2016. MBNL have consistently refused to answer that question to the residents also. We included this information in our formal complaint about EE, 3, MBNL, CS Planning and WHP Telecoms which is currently being investigated by MBNL's Complaints Manager. The residents note that Mr Marshall has ignored the question and chosen only to claim again that the proposed mast is a replacement for the decommissioned one and that there should be a site for the coverage lost from this.

As the residents have repeatedly pointed out and as you have now asked about, the claim was made in 2016 that the application then for a mast was the replacement for the decommissioned mast along with a plan to share the existing BT mast at the BT Exchange site. Mr Marshall has ignored the question because he does not have any justification for why this site cannot be shared and is well aware that WHP Telecoms have lied and been purposely misleading thus far in an attempt to make their application successful. While the existing replacement mast is only for EE, there is no reason that 3 could not share this mast and that both operators could not proceed with their 2016 planned upgrade to site share the BT Exchange mast as per local and government planning policy. Mr Marshall's lack of transparency and refusal to answer the question suggests that the answer to this likely would reveal information that MBNL wish to keep from the residents and Angus Council. Given there are several

business articles regarding the cost for operators around mast sharing, it is probable that MBNL would rather not use this site due to cost only, but this is not a sufficient reason for discounting a site.

The residents also note that it is possible that EE do in fact have antenna at this site as they planned in 2018 due to Mr Marshall refusing to answer the question. If this is the case, it would mean EE currently have 2 masts already existing in close proximity and are now asking for a third.

As referred to in previous documents, MBNL could follow O2 and Vodafone's broadcast pattern by only having one mast in the village (the existing replacement mast) and place one in Panmurefield (in a non-residential spot) so both adjacent villages contain the burden of one mast each per operator. It is unfair and biased to have the residents of Monifieth (in particular Ashludie) with the burden of three masts while Panmurefield only has one. In addition, the BT Exchange mast successfully provides almost all coverage for Monifieth for O2 and Vodafone, therefore MBNL should only require one mast for this also. An extension of the height of the existing replacement mast from 2016 would provide the required coverage and would not need the same planning permission and so this is a viable option.

EE cannot apply in 2016 claiming it is for a sole replacement mast for a decommissioned one and then MBNL apply again in 2020 and 2023 claiming it is also a replacement mast for the same decommissioned mast – this is an attempt to cheat the system. It was only one mast that was decommissioned and it has been replaced, therefore the current application is for a **new, additional** mast.

If this application was permitted, MBNL could continually claim again and again they need another "replacement". There were other areas such as site D5, which is very close to the decommissioned site, and would provide the necessary coverage, but MBNL chose not to select sites as these for reasons that are exactly the same as the reasons that the proposed site should be rejected. As none of the reasons for discounting sites are intelligible, the residents can only assume that the Ashludie site is the cheapest option for MBNL and they do not care about the effect on visual amenity for the residents in the area by having two replacement masts right next to each other. Either EE should not have replaced the mast in 2016 or MBNL should not be trying to replace it now – either way there is either an error somewhere or MBNL are being underhand, but the residents at Ashludie certainly should not pay the price for that.

There is not a coverage need for either operator if H3G site share the existing replacement with EE and extend the height to accommodate coverage need. Both operators could also site share the BT Exchange mast to meet claimed coverage need. Or a mast could be erected in Panmurefield to spread the burden or one of the other 14 alternative sites which all provide good coverage could be selected in order to spread out where the masts are situated in the village.

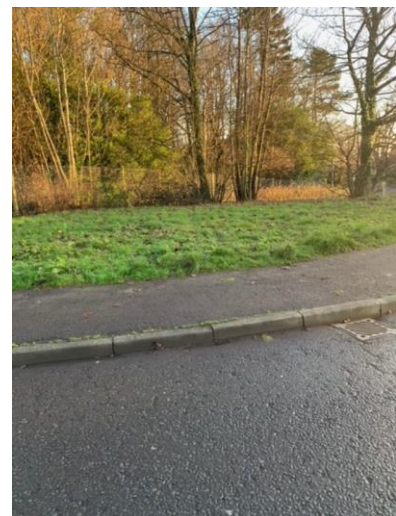
In the Alternative Sites document, MBNL discuss the other potential sites for the mast from their application, but conclude that these areas are too residential. The selected site is just as residential if not more so as there are long-standing neighbourhoods plus the Ashludie housing development and two new housing developments (Barratts and Taylor-Wimpey) comprising of hundreds of homes with another planned development on the way. There is already a mast at the top of Victoria Street across from the Barratts homes and no coverage needs in this particular area. The selected site is more densely populated than these other proposed areas, which were discounted for the same reason, therefore MBNL are being biased in their selection.

With regards to the discounted site *D3 Land off Queens Street*, MBNL claim it is discounted for the effect that it would have on the view. The direct view that is referred to is also true of the houses here at Ashludie Grange, Redfort Place, Carmyllie Place and Ashludie Lodge for the proposed site, therefore MBNL are being biased. There is also a mention of disruption to the entrance/gateway into the village but this would also be true for the proposed site which is a busy bus terminus. It is mentioned that a legal agreement would be necessary with the farmer of site D3, but the residents do not understand why that is an intelligible reason for not selecting this site. Telecoms companies have entered into legal agreements many times with farmers across the country. There is also ample space to the right of site D3 in a large field that could easily be used and would not be in direct view or disrupt the entrance into the village. This site is absolutely a viable alternative site for MBNL.

The site at D4 Jct of Saint Regulus Road/Queen Street is discounted due to *“visibility splay issues”*, *“space looks limited”* and being *“in close proximity to residential”*. All of these points are also issues for the site at Ashludie but the same consideration is not given, which is biased.

With regards to D5 Ashludie Park site, MBNL state that the site is *“surrounded”* by residential properties that would have *“direct views”*. This description is misleading as there are properties around the park but many are shielded by boundary walls and trees. Screening from trees was mentioned as a reason for the proposed site being selected, but this cannot be used as an asset for one site and an obstacle for another as it is a contradiction. There are lots of areas of wide-open space in the park which are not near any housing or trees. It also says *“There is limited access to the park”*, but this is untrue as there is a huge entry gate on the west side of the park that is often opened for access to large vehicles. The effect on residents who use the park for amenity value is mentioned as a reason for rejection of the site, but the effect on visual amenity would be more affected at the proposed site as it is at the entrance to the village and is in an open space rather than an enclosed space and surrounded by hundreds of homes, therefore MBNL have once again presented information in a misleading way in order to obtain approval for their preferred site.

The reason given for discounting the *D6 Airlie Drive site* is due to the site being *“within a dense residential area”* and *“space being very limited for equipment”*. The photos below of 2 different points on Airlie Drive demonstrate that these statements are misleading:



Sites at Airlie Drive

There are no other masts nearby at these locations, therefore they are much less likely to meet objection. If there is a need for multiple masts in Monifieth then these should be spread out within the parameters for “good” cell coverage and not placed next to each other as this has a greater effect on visual amenity for one area of the village, which is a huge burden for the residents here. In addition, these sites at Airlie Drive are closer to the problematic coverage area, but are still within the topography and parameters of the search ring for providing good coverage, therefore WHP Telecoms did not give adequate consideration to these discounted sites.

MBNL cite the main reason for rejection of the Airlie Drive site is due to the location being adjacent to “tall trees” which could block the signal. The trees here are a further distance from the trees at the proposed site here in Ashludie and are just as tall, yet no mention is made of the trees at the proposed site blocking the signal, therefore MBNL are contradicting themselves and attempting to present information in a misleading fashion. It is also stated that there would be a greater effect on visual amenity at this site than at Ashludie but this is untrue. While there is some residential housing here, there is also a lot of wasteland across from the site, therefore the effect would in fact be lesser on visual amenity and more compatible with surroundings than at the proposed site, but MBNL have lied about this in order to present information in a misleading way.

WHP also mention another discounted site:

*“D1 - Monifieth BT Exchange - GF - NGR: E 349638, N 732538. Site share option which was considered dead due to limited space for additional MBNL equipment.”*

Please see the pictures below for evidence that there is enough ground space for the required cabinets as the space here is actually larger than at the proposed site here in Ashludie:



BT Mast at the bottom of Victoria Street with ample ground space.



Proposed site at Ashludie Grange.

As there is more ground space at the BT Exchange site than at the proposed site in Ashludie, WHP Telecoms have lied in their application and supporting information to Angus Council. The area around the BT Exchange site is closer to the area where connectivity is poorer so would likely meet less objection. In addition, Harlequin Group’s application on behalf of EE back in 2016 considered this site completely feasible:

*“A – BT Exchange (Existing Mast) – Approx NGR: 349637E 732538N Sharing this mast is being currently explored by the applicant in order to achieve coverage to the east west and south of the Exchange. This should be possible using the operators’ permitted development rights”.*

No mention is made here of a height increase in the existing mast if it was to be shared, yet MBNL are now claiming this would be the case. They have provided no evidence of the claims that this mast would need to be 30 metres. If this was the case, surely it's something EE would have had to mention in 2016 but did not, therefore this information is false.

They also comment that a larger structure would be to the detriment of the visual amenity for the surrounding residents, but this is untrue. The mast here at BT Exchange is currently very well hidden as it sits on an incline behind the BT Exchange building and is surrounded by trees, therefore it is well shielded to any properties. A slight height increase (if this is necessary) would not be as detrimental to placing a 2<sup>nd</sup> mast at the Ashludie area in a wide-open space at the entrance to the village.

The surrounding residents have already accepted that a mast exists at the BT Exchange, therefore there would likely be much less opposition to a slightly taller structure here than objection to placing 2 separate EE masts next to each other in the proposed location. In addition, as Harlequin Group point out in their 2016 application, due to operators' permitted development rights, no actual prior approval from the local authority would be required for upgrading the existing replacement EE mast to share with H3G or for both companies sharing the existing BT Exchange mast. This area is also closer to where MBNL claim the coverage needs are.

In this section of their document, MBNL also state that the BT site would provide "*good coverage*" but claim it would not be as good as the proposed site. As EE already have an existing replacement mast at the top of Victoria Street, which provides coverage for much of the village already according to independent cell grids, "*good coverage*" from the BT Exchange site would be perfectly adequate, especially if H3G shared the existing replacement mast. Due to MBNL not declaring that the existing EE replacement mast already provided much of the replacement coverage for EE, they are being selective with the truth and purposely misleading about the coverage required at the BT Exchange site. O2 and Vodafone also manage to supply connection to almost all of the village just by using the BT Exchange site. Consideration cannot be given to the surrounding residents of the BT Exchange site in regards to possibly making the structure taller, but not the residents at the proposed site in regards to having 2 masts next to each other. MBNL are unwilling to give the same considerations to the residents at Ashludie, which is biased and unfair.

A partial road closure would not be necessary at this site either as there is a large gate that can be opened for access to vehicles and equipment, and often is open for large BT, O2 and Vodafone vehicles, therefore this statement is false. MBNL have lied about several factors with this particular alternative site in order to convey that the proposed site is the optimum one.

It is the residents opinion that the optimum solution for both parties is a site share of EE's existing replacement mast in Victoria Street for H3G, and for both EE and H3G to share the mast at the BT Exchange due to the following reasons:

1. This site meets coverage needs (as admitted by MBNL).
2. It was the planned site by Harlequin Group in 2016 for meeting all coverage needs in the village along with the original replacement mast.
3. There is ample ground space at this site for equipment.
4. The majority of the mast is masked by the large BT building, surrounding trees and being on an incline.
5. It would not require a road closure as there is an access gate.
6. It does not need prior approval.
7. It would be unlikely to meet much resistance from residents.

8. It would mean the residents at the proposed site do not have 2 EE masts next to each other, which has a greater effect on visual amenity.
9. It would be in keeping with local and national policy of mast sharing.

MBNL then move on to discussing the other 14 potential sites identified by the residents as possibilities for the mast location. The fact that WHP Telecoms did not manage to identify these themselves for their initial application is telling of how they were not open to giving serious consideration to alternative sites. MBNL claim:

*“Each of the sites could provide either a degree of network coverage or sufficient coverage to satisfy the needs for a replacement. It is not considered viable that the technical need for a site is the sole reason for discounting the various options. Proximity to adjacent residential properties, overall long-distance views and visual dominance of any potential alternative, the ability to build and maintain the site and also the ability to enter into a legal agreement with any potential landowner are all valid reasons to discount a site. Each of the options detailed below locate the installation away from the approved site on Victoria Road. The alternative locations either locate the equipment much closer to residential properties or on land that would adversely impact upon the amenities of adjacent residential properties, may impact upon existing trees and their root bowl and/or affect the amenity of neighbouring residents through road closures, maintenance works or the lack of space to install the equipment.”*

MBNL admit in the statement above that each of the sites provide a degree or sufficient network coverage, but later admit in the document and in separate document that was sent to us in 2020 that some of these sites actually provide good coverage, which means they could easily be alternative sites for the mast. They claim that it is not viable that a “technical need” is the sole reason for discounting a site, but this is completely at odds with what MBNL informed the residents. They repeatedly through phone calls and emails (please let us know if you require to see emails and we can provide them) stressed the importance of the “technical need” and gave us parameters that covered the “technical need”. If there was more to consider than this, MBNL did not tell us and allowed us to search for alternative sites based only on their described “technical need”, which is misleading. As we did find alternative sites with good coverage (as they admit) in their parameters, they are now changing the goal posts by saying further considerations are required, which again shows they are being underhand and biased towards the proposed site.

Even so, the other considerations referred to in the above statement are not given to the proposed site which is also biased and unfair. Unfortunately, MBNL deliberately present incorrect information with regards to every single discounted site below.

Site 1 – Land off Broomhill Drive – MBNL start off by saying this site does not meet the “*technical needs*”, but then later admit that it does provide the “*majority of the needs*”, once again contradicting themselves. As there is already an existing replacement mast in Victoria Street, which already covers a lot of the village’s coverage needs, a 2<sup>nd</sup> mast that covered the “*majority of the needs*” would be adequate on the basis that H3G shared EE’s existing replacement mast from 2016, therefore this is a viable site. There is also a mention of the effect on visual amenity. MBNL admit this location is surrounded by “*open countryside*”, therefore it is less visually obtrusive to residential housing. The residential properties that are adjacent to this site are much less than those that surround the proposed site, therefore the effect on visual amenity is greater at the proposed site. As there are no masts anywhere in this area, there is much less likely to be objection than at the proposed site where there is already a replacement mast affecting the visual amenity.



Site 2 – Land off Airlie Drive – The site is identified as meeting the coverage needs. Mention is made of the number of adjacent trees, but there are trees adjacent to the proposed site and this is not identified as an issue but it is claimed it is a screening benefit, therefore MBNL are being selective and biased with this point. It is also stated that some trees would need to be removed to make space for the mast but as this site is an unused waste ground in need of redevelopment, that does not present an issue. MBNL claim “*Such an installation would appear to be incongruous and out of place*” but as this is waste ground that statement is untrue and this site would be more fitting than the proposed site. A road closure is also mentioned, but this is not a sufficient reason to reject a site that meets all other needs, therefore this a viable site.





Site 3 – Land off St Regulus Road – MBNL admit this site would provide network coverage. The reasons given for discounting this site is that it is surrounded by residential properties, but this is less so than at the proposed site, therefore these reasons are unfair and biased. The impact on sight lines is also mentioned but this is no greater for this site than at the proposed site and there is not already an existing mast close by to this site whereas there is at the proposed site. In addition, MBNL are not correct, this site is not on a corner.



Site 4 – Land off Malcolm Crescent – MBNL admit this area would meet the coverage requirements but give general reasons such as being near residential housing, affecting visual amenity and potentially affecting tree root bowls as the reasons for discounting this site, but all of these reasons could be applied to the same extent, if not more so for the proposed site. Mostly all of the surrounding houses are covered by a boundary wall and while it is claimed that there is limited access for heavy equipment to this site, this is incorrect.



Site 5 – Airlie Drive - This site is also on waste ground and would have much less effect on visual amenity than at the proposed site. MBNL admit this site provides good coverage, but claim that this site would be problematic because it is close to trees but as you can see from the photograph the trees are relatively small, therefore the mast height would be above them and would not block the signal. There are trees at the proposed site, which MBNL cite as an asset for screening, not an obstacle, therefore they are being selective and biased. It would not be necessary to remove trees on this site as MBNL claim, as you can see beyond the initial trees that there is adequate space, therefore this is a viable alternative site.



Site 6 – Airlie Drive – MBNL admit that this site would provide good coverage. The same reasons of effect on visual amenity and being close to residential properties are given by MBNL for discounting this site, but these are no more applicable to this site than at the site at Ashludie. In addition, there is not another existing replacement mast in this area, therefore the effect on visual amenity is less for the surrounding residents.



Site 7 – Grange Road – MBNL infer that this site would provide good coverage. This site has more space than the proposed site. Tree root bowls would not need to be avoided as MBNL claim as you can see from the picture there are no trees very close by and any trees present are the same distance as the trees from the proposed site at Ashludie. Access for vehicles is possible for this site as can be seen from the photo despite MBNL claiming it is not.



Site 8 – Hill Street – This site would provide good coverage. MBNL claim in the document that there is “*limited space*” for any equipment. A road closure is mentioned again, but this is not a sufficient reason for rejecting a site. In addition, the effect on visual amenity for the residents is mentioned. This argument is accepted for this site as the BT Exchange mast is just across the street, which would mean there would be 2 masts next to each other, but this is the same reason that it would not be appropriate to use the proposed site due to there already being an existing mast nearby.



Site 9 – Field behind Travebank Gardens – This site would provide good coverage. There is no more screening at the proposed site from trees than at this site. Also, that the effect on visual amenity would be greater at this site than at the proposed site as MBNL claim is disputed as there there is not another mast nearby, therefore the effect on visual amenity would be less than at the proposed site. It is accepted though that access for large vehicles would be difficult.



Site 10 – Lorne Street – It is admitted in the document that this site would provide the required coverage. The reasons given for discounting this site are that it would have an effect on visual amenity and would have potential visibility splay issues and require a partial road closure. The same considerations are not given to the proposed site and this site is not at the entrance to the village and does not have an already existing replacement mast nearby, therefore this is a viable alternative site.



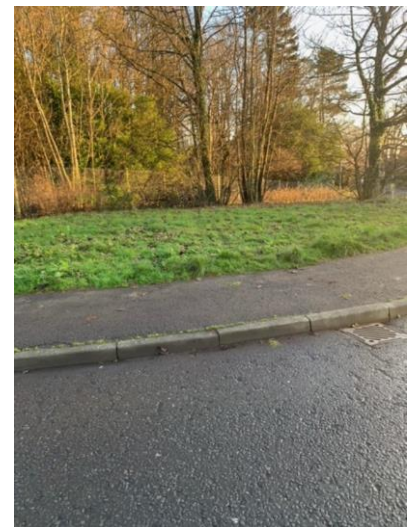
Site 11 – Land at the bottom of Fairway – MBNL admit that this location would provide the technical coverage required. It is claimed that this site is in a “dense” residential area, but as can be seen from the photograph this is untrue and is mostly surrounded by a green field. This land is much further down the incline than the proposed site and is therefore in the area identified as lacking in coverage. A mast here would likely meet much less objection as there are no other existing masts nearby and there may potentially be coverage issues in this area, therefore it would be less likely to meet strenuous objection compared to the Ashludie site. MBNL point out that placing the mast here could affect views of the skyline, but this is untrue as the adjacent trees would provide some screening for the nearby residential properties and it is at the bottom of the incline of the village. This is a vast area and as such the mast could be placed at a point anywhere in the ample space to the north or west where access was easier as opposed to ground having to be levelled as MBNL claim, therefore this is a viable alternative site.



Site 12 – Wasteland at Invertay House, Maule Street - Although MBNL claim the coverage provision would not be quite as good as Victoria Street, this point is irrelevant as the existing replacement mast provides adequate coverage for most of the village for EE, therefore if it was shared with H3G, site 12 would provide adequate coverage for the south of the village which is where it is situated i.e. in the potentially problematic coverage area, therefore the mast would meet less objection here. It would also be less visually intrusive as there are no existing masts nearby and it is behind a building on the street and not surrounded by residential property. Invertay House may be registered with Historic Scotland but this does not mean permission to build here would be automatically refused. The space is not limited within the grounds as can be seen from the photograph; therefore, this is a viable alternative site. MBNL claim in the document that this site is not a fall and a half away from railway lines, but this is incorrect. They also state that a mast here would present a “*dominant and incongruous*” feature, but we disagree as there would be some screening effects from trees and it is not nearly as residential as the proposed site.



Site 13 – Corner of Airlie Drive/Grangehill Drive – MBNL admit that this site would supply the necessary network coverage, but claim it is too residential and would be an “*incongruous and dominant*” feature in the landscape. This site is no more residential than the proposed site and would have a lesser effect on visual amenity due to there not being an existing replacement mast nearby. Due to there not already being a mast in the street, this would be far less likely to meet strenuous objection and is a viable site. It is also closer to the suggested problematic coverage area for EE and 3. MBNL mention a partial road closure again, but this is not enough of a reason for rejection when a site meets the “*technical requirements*”. It is no more residential than the proposed site and does not have a mast metres away affecting the visual amenity.



Site 14 – Broomhill Drive – MBNL admit in the document that this site would provide the necessary coverage. It is stated that this site is directly across from residential properties that would have a “direct view” of the mast, but as can be seen from the photograph this is quite a vast area and the mast could be placed in an unobtrusive point at this location. MBNL claim that the land forms “part of the new housing development” which is untrue as this land lies further south than the end of the new housing development, which we live on. MBNL then refer to a more northern point beside the housing development entrance, but there is no need to examine that area as there is sufficient space within the photographed area. The comment made relating to a balancing pond is not relevant as there have been several council decisions granting mast approval near balancing ponds. This is not a valid reason for rejection of this site.



The current proposed site at Ashludie is actually at the historic main entrance of an old hospital and it’s grounds and beside mature trees, yet MBNL do not apply the same considerations which is biased and unfair. MBNL then do admit that there is adequate space at site 14, but claim the structure would have to be taller than the existing trees. However, even though the proposed site is beside trees, it does not need to be taller and the trees are referenced as an asset for screening. There seems to be a pattern that for any alternative sites the trees are suddenly an obstacle and would require a taller structure, therefore MBNL are being false with this information.

Even if this site would require a taller mast, the residents do not see how that is an intelligible reason as a slightly taller mast in an area with no other masts is less obtrusive than 2 x 20 metre masts next to each other at the entrance of a village. On this particular site, MBNL claim:

*“Although this is a technically suitable location it is considered that it presents no further advantages than the existing approved location on Victoria Road, whilst also presenting further issues in close proximity to a larger number of local residents”*

Suddenly MBNL are claiming that an alternative site would need to present “further advantages”, but this had never been mentioned before by them, therefore the requirements for finding an alternative site appear to have changed, yet the residents were not informed of this when MBNL gave them parameters for finding an alternative site. We were not told alternative sites must present further advantages so to now claim that it should is unacceptable as a reason for discounting any.

MBNL also say it presents further issues being in close proximity to a larger number of local residents, but this is untrue as there are more residents affected at the proposed site than at site 14.

The previous mast site was within the local Health Centre’s grounds, half a mile to the South of the proposed one and much closer to one of MBNL’s other proposed alternative sites at the corner of St Regulus Road. The previous mast was also much smaller and less obtrusive and was located within a wooded area behind a high boundary wall where it was concealed from the public road. Every effort had been made with the previous mast to minimise its effect on visual amenity but the new proposed mast site does not adhere to the same considerations in any way as it is on an open island ridge on a main road and public footpath at the entrance of the village and in close proximity to an existing mast.

MBNL quote the Reporter from his decision at the start of their document:

*"I am satisfied that alternative sites have been considered and none more suitable has been found. No other alternative sites have been drawn to my attention".*

This is only the case because MBNL did not present good alternative sites to the Reporter, but we managed to easily find several, therefore they purposely misled the Reporter and this reasoning is invalid. They also presented false and nonsensical reasons for discounting the sites they did present which also misled the Reporter.

If MBNL were giving serious consideration to all potential sites in Monifieth, they would have identified the sites the residents found. It is also very convenient that any other sites that would be a good alternative would need a mast to be "*considerably*" taller with no evidence given to justify this claim. MBNL have discriminated against the Ashludie site by not applying the same criteria and principles given for the dismissal of others, and giving false information about road closures, access and ground space.

MBNL have admitted throughout their document that there are several other sites in Monifieth that would provide the required coverage, but provide very weak, generic and sometimes false reasons as to why they have been discounted. In an attempt to discount several of the alternative sites, MBNL state that a partial road closure is a valid reason, but this is contrary to Angus Council's letter to the residents of 28<sup>th</sup> March 2024 which states that "*inconvenience caused by construction works*" does not form a valid planning objection according to government policy and case law.

MBNL claim alternative sites would need to have "*further advantages*" than the proposed site, but this is not the case. If alternative sites are situated in or closer to the problematic coverage areas and as they do not have an already existing replacement mast in close proximity, one of these should be the "*optimum*" site.

The proposed site is next to residential property, affects long-distance view as it would be seen from multiple vantage points, would mean residents had a direct view of the mast from their homes, would be on a busy public footpath and main road and therefore viewed by all passers-by. There are also trees very close to the proposed site and the root bowls could be affected, but no consideration is given to this. The generic reasons for discounting the alternative sites do not make sense and cannot be applied to these sites without being applied to Ashludie.

In Angus Council's 2020 Report of Handling for the proposed Ashludie mast, it states:

*"The application is supported by information relating to alternative sites that have been considered and discounted as well as opportunities that exist for attaching the equipment to existing buildings or structures. However, that information does not represent a thorough analysis of alternative sites and does not include sites closer to the chosen site which could have significantly reduced impact on visual amenity and the character and appearance of the area. The information submitted does not provide evidence that serious and diligent consideration has been given to other less sensitive sites or opportunities for attaching the equipment to existing buildings or structures."*

Unfortunately, this is still the case as MBNL have provided no evidence that shows a thorough investigation of alternative sites and have provided false reasons for discounting some sites and generic reasons for discounting others. These generic considerations cannot be given to all other sites except the proposed site. When these considerations are given to the proposed site, they are more applicable than at the alternative sites, especially considering that the residents already have the burden on visual amenity of the existing replacement mast from 2016.

Yours sincerely,

Jillian & Gary Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

## **23/00783/PRIORN**

21<sup>st</sup> March 2024

### **PROVIDER NETWORK COVERAGE**

Dear James,

The residents wanted to bring to your attention that telecommunications providers O2 and Vodafone only have 1 mast between them in Monifieth which meets all their coverage needs and this mast is situated at the BT Exchange site. This proves that only one mast is required to meet the coverage needs of the village and that WHP Telecoms' point about the topography and requiring a 2<sup>nd</sup> replacement mast to be further up the incline is false. The BT Exchange site is further down the incline than the proposed site therefore an additional mast does not have to be as high up as the proposed site.

In addition, O2 and Vodafone both have another mast situated in Panmurefield in a non-residential area. O2 and Vodafone have fairly put one mast into each village (Panmurefield and Monifieth) rather than putting both into Monifieth which is what EE are trying to do without any regard for the effect on visual amenity and character landscape. EE and 3 could also do this to prevent Monifieth from having the burden of 2 masts right next to each other which would have a monstrous effect on the skyline and visual amenity at the opening of the village. 3 does not currently share the existing replacement mast at the top of Victoria Street with EE but they absolutely could. Both providers could also share the BT Exchange mast with O2 and Vodafone.

The fact that EE previously identified the BT Exchange mast for sharing in 2016 and planned to go ahead with this shows that this mast could be shared by all 4 providers, which would meet all of the coverage needs and would not have the same effect on visual amenity.

O2 and Vodafone have clearly been more considerate in their placement of masts and the effect on residents and character landscape with their choices than EE and 3. We would be grateful if Angus Council planning department could take this into consideration when assessing the application.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area



12/01/24

Dear James,

The residents at Ashludie wrote to the DPEA in early January to complain that their internal processes or checks and balances on whether appellants' information was accurate was not robust enough. This was on the grounds that their reporter who made the appeal decision was misled by CS Planning who claimed that the mast was a replacement when it had already been replaced in 2016 and lied that there was not enough ground space at the existing BT Exchange site when there was actually more space there than at the site here at Ashludie. If the reporter had checked the accuracy of CS Planning's information, he would have uncovered that this information was false.

In their response to us today, the DPEA claimed it was the council's responsibility to inform them if the mast had already been replaced and if there were any other discrepancies with the initial planning application:

"Reporters receive a vast amount of information on cases they deal with and, in terms of submissions from the developer, rely heavily on the council and any other parties involved to pick up and inform the reporter where evidence is disputed. It is then for the reporter to consider the conflicting evidence and make their decision on that balance. In this appeal there were no queries from the council regarding the accuracy of the appeal supporting information."

Please note we are happy to forward on the full DPEA response to you if you wish to see it. We completely understand that the council were misled by WHP Telecoms in their initial planning application on many fronts – mainly in that the mast had already been replaced just metres away in 2016 following the NTQ and that there was enough ground space at the BT Exchange for installation. We also understand that it was a different member of the Angus Council Planning Team who dealt with the application and approval in 2016, but we don't understand how this could have been missed by the council and there must be repercussions for Telecoms companies who purposely mislead the council in this manner.

It is very likely that the reporter would not have made the decision to uphold the appeal if he had known that the mast was already replaced in 2016 as he cites this as one of the reasons for his decision in his report. He also says in his report that he is satisfied all other discounted sites had been properly considered, but if the council had investigated these sites, they would have easily seen that there was more free ground at the BT Exchange site than here at the proposed Ashludie site and could have highlighted this to the reporter in their report declining planning permission.

Knowing how underhand WHP Telecoms, CS Planning and MBNL have been throughout this process, we understand that the council have been purposely misled but we feel strongly that action must be taken against such inappropriate behaviour. While the initial 2016 application came from Harlequin Group Ltd, EE, 3 and MBNL must be aware of where their telephone masts are and that they had already replaced the NTQ in 2016.

As WHP Telecoms are now claiming in their 2023 application that the council must take into account that the reporter upheld the appeal, the council must also consider that due to not highlighting that the mast had already been replaced or that there was enough space at a discounted site, the reporter did not receive the information that should have been provided to him by the council, which heavily influenced his decision. More importantly, the reporter's decision has expired and new information has now come to light, which means this must be considered as a completely new application and

should be declined as the mast has already been replaced and another would greatly impact the visual amenity and character of the landscape at Ashludie.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange

Dear James,

It has come to our attention that CS Planning Ltd, the agent who appealed the local authority planning permission refusal in June 2020 to the DPEA, had ceased to be a company in May 2019, therefore it appears the applicant misled the Scottish government in this appeal. Once again this shows that the appeal decision cannot be relied upon as the agent who submitted it did not exist at the time and the claims within the appeal are false on multiple counts.

Please see the attached photographic evidence of this below, which is a photograph taken from Companies House showing that CS Planning Ltd dissolved over a year before the application. Please note the address listed on the 2020 appeal documents has never been a listed address for CS Planning Ltd (please feel free to check this on Companies House website) and appears to be the personal address of a director from a company which no longer existed.

## CS PLANNING LIMITED

Company number **08333149**

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- [Overview](#)
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Registered office address

**Smith & Brown Accountants, 43 High Street,  
Uppermill, Oldham, Greater Manchester,  
England, OL3 6HS**

Company status

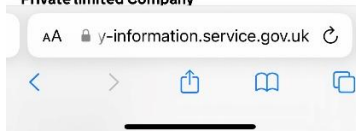
**Dissolved**

Dissolved on

**28 May 2019**

Company type

**Private limited Company**



We have informed the DPEA and our MSP Graeme Dey of this.

Yours sincerely,

Jillian Mannion.

on behalf of the residents at Ashludie Grange and surrounding area

## **ALTERNATIVE SITES**

Dear James,

In the 2020 Case of Handling report for the proposed Ashludie mast, it states:

*“The application is supported by information relating to alternative sites that have been considered and discounted as well as opportunities that exist for attaching the equipment to existing buildings or structures. However, that information does not represent a thorough analysis of alternative sites and does not include sites closer to the chosen site which could have significantly reduced impact on visual amenity and the character and appearance of the area. The information submitted does not provide evidence that serious and diligent consideration has been given to other less sensitive sites or opportunities for attaching the equipment to existing buildings or structures.”*

This is still the case for the 2023 application. In complete agreement with your points above, the residents at Ashludie Grange challenged MBNL on the discounted sites in WHP Telecoms’ 2020 application, as it contained no evidence of the reasons they gave for dismissal of each one. In addition, the reason given for dismissing some of the alternative sites was claimed to be the effect on visual amenity, but the same consideration should have been given from them to the site here at Ashludie.

One of the reasons they gave us for discounting the D1 BT Exchange site was due to a lack of ground space, but as we have shown in previous evidence there is much more ground space available at this site than at the site at Ashludie. In addition, they mentioned the effect on visual amenity for this site, but did not consider the effect on visual amenity that three 20m masts in close proximity in the same street would have (the existing replacement mast from 2016, the BT Exchange mast plus the other one they now propose). These can all be seen from numerous vantage points in the surrounding area, therefore the logic for the dismissal of the BT Exchange site is poor and discriminates against the Ashludie site.

With regards to the D3 Land adjacent to Queen Street, they have claimed it is a visually intrusive location and in close proximity to residential housing, yet this is also the case for the Ashludie site but they do not acknowledge this.

They claimed the D5 Ashludie Park site is surrounded by residential housing however this is untrue. Any housing around the park is much further from the housing around the Ashludie site. They also claimed there is limited access to the park, but this is untrue as there is a gate which can be opened to allow access to large vehicles. They mention again the effect on visual amenity, but the same consideration is not given to the site at Ashludie.

The reason given for discounting the Airlie Drive site is due to the installation being beside trees which could affect the signal, but the proposed installation at Ashludie would be beside trees, therefore this reason does not make sense and the same consideration is not given to the site at Ashludie.

The residents identified 14 other sites (excluding the ones mentioned above) all within the topography and parameters given by MBNL for providing good signal coverage. Please note MBNL initially claimed in writing that most of these sites did not provide the required coverage then when we requested evidence of this, admitted in writing that all of these alternative sites except one would provide the required coverage. MBNL claimed that these sites were also discounted due to either being close to residential properties, potentially affecting tree roots or affecting visual amenity. The logic of this did not make sense as 2 of the sites were wasteland and 1 was a field. The residential properties were further away from those sites than the proximity of the surrounding houses here at Ashludie to the proposed site so this also did not make sense as a reason for dismissal of any of the alternative sites.

In addition, placing the mast in an area where there are not 2 existing masts and closer to or exactly where coverage issues exist (please see our letter on coverage) would likely meet much less residential resistance.

All alternative sites (the original sites plus the 14 others) are not part of one of the main roads in Monifieth and many are in out-of-the-way areas. Victoria Street is one of only two main roads into the village and already has a mast upon entrance (the 2016 replacement mast) and the BT Exchange mast at the bottom of the street. The least affect on visual amenity would occur if 3 shared the existing mast with EE at the top of Victoria Street (this currently only serves EE according to their own submitted coverage maps) and for both to share the existing BT Exchange site, which has ample ground space. This would also be in accordance with the government's policy on mast sharing.

As the evidence shows, WHP Telecoms have not given due consideration to other potential sites in their 2020 and 2023 applications and have discriminated against the Ashludie site by not applying the same criteria and principles given for the dismissal of others.

Yours sincerely,

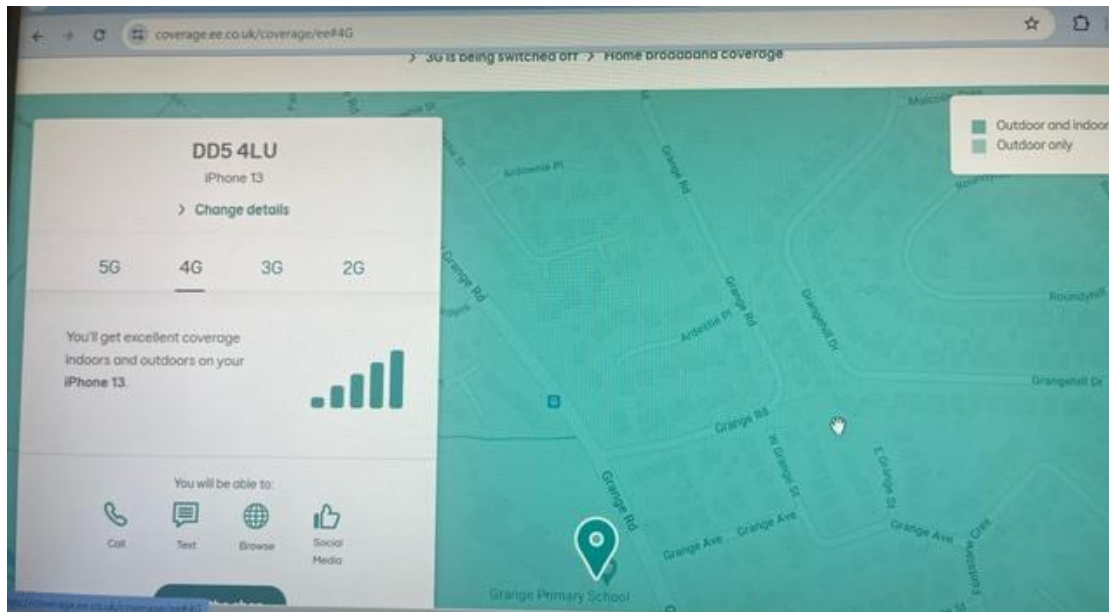
Jillian Mannion.

On behalf of the residents at Ashludie Grange

## COVERAGE CLAIMS

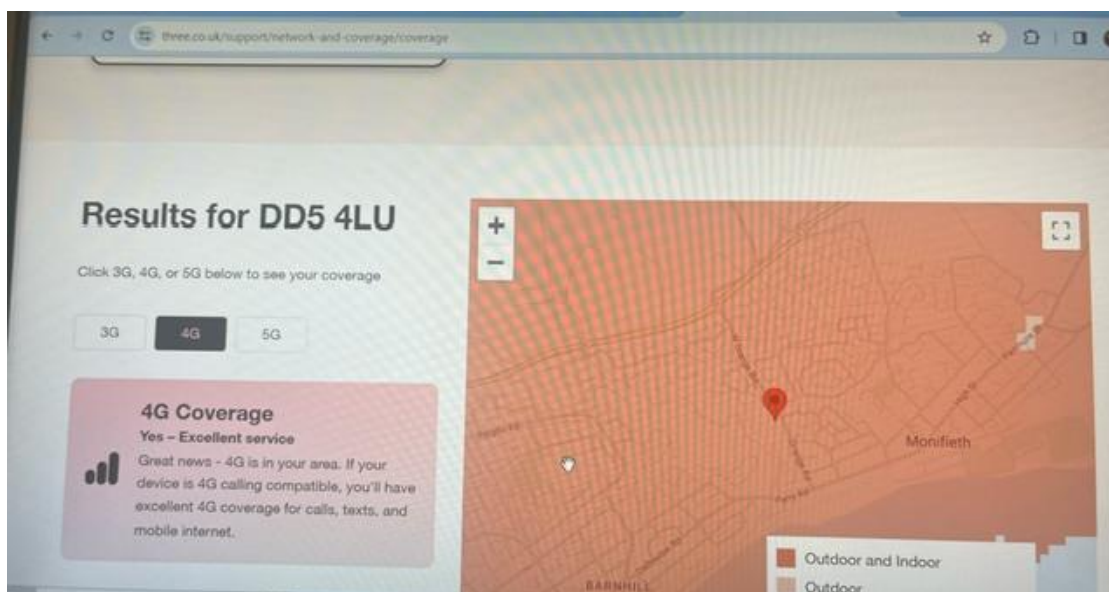
Dear James,

WHP Telecoms have made claims that there is a lack of coverage for both EE and 3 in Monifieth in their 2023 application, but this does not appear to be the case on their own coverage checker websites. On EE's website, they claim that their 3G and 4G coverage in Monifieth is excellent:



We checked several postcodes throughout Monifieth at the mast site, which all showed the same excellent coverage for 3G and 4G. We also checked this for different types of phones (i.e. for much older models), but all had good coverage.

On 3's own coverage checker, they also claim to have excellent 3G and 4G coverage throughout Monifieth:



Again we checked this for several postcodes across the village and all showed the same results. This made sense to the residents as EE and 3 customers have no issues anywhere in the village with the coverage. The above evidence is a contradiction to EE and 3's claims and both cannot be correct, which

means either WHP Telecoms are purposely trying to mislead the council or EE and 3 are lying to their customers by falsely selling phones to those that they know would not have coverage.

According to the coverage checkers on their respective websites, EE and 3 claim there is limited coverage only indoors for 5G in a couple of areas of the village. Most people use Wi-Fi indoors and in an email exchange between ourselves and MSP Graeme Dey from 6<sup>th</sup> November 2020, Mr Dey stated that a senior manager at BT had assured him there were no immediate plans for 5G to be turned on at the proposed mast (we are happy to share this email should you need it), therefore the 5G consideration is not currently relevant.

In their applications WHP Telecoms have claimed there is an “urgent” need for coverage but as you can see from the above, this is untrue.

According to the questionable coverage documents that WHP Telecoms have provided, most of the need is in the very south of the village. If there was a need for more coverage then there is no reason why alternative sites within this area and within the parameters given by MBNL could not be used. As mentioned in our Alternative Sites document, there are numerous other sites within these areas that MBNL have admitted would provide good coverage and are within the parameters, but WHP Telecoms have chosen not to explore these. It seems their selection of the Ashludie site is simply because it would be the easiest one for them to build with no regard as to whether the need is real or the impact on visual amenity and character landscape.

WHP Telecoms claim they know the proposed site would give good coverage but have not provided any evidence of this to show exactly which cell radius it would cover. As they are now claiming that a new mast is needed as well as the 2016 replacement, it's safe to assume that the same problem could occur again with the proposed mast as it is only metres away from the existing one. In addition, if WHP Telecoms are claiming that the replacement mast from 2016 is not giving them the required coverage they need, why was this not planned better in 2016 to make sure it would? Telecommunications operators should be sure of these factors before building masts.

EE's replacement mast from 2016 for the decommissioned 2015 NTQ is not currently shared by 3 according to their respective coverage maps but with no explanation as to why this is. That mast could easily be shared to provide improved coverage for 3 if required. In addition, WHP Telecoms state that existing masts can be made taller/upgraded if necessary. Surely an upgrade for sharing purposes on the existing mast would be beneficial and the same for the existing BT mast at the bottom of Victoria Street which is closer to where they claim the more problematic area is. The BT Exchange site was identified in 2016 and in 2023 as providing good coverage. Therefore, there is no requirement for a completely new mast to improve any coverage. Upgrade to such existing sites or placing the mast in an area where they claim there are coverage issues (and within the parameters required) is likely to meet far less residential resistance than placing a brand new mast in a street which already has two and has already served as the replacement for the NTQ in 2015. The main benefit in adding to or upgrading existing masts is that the visual amenity and character landscape are least affected, but WHP Telecoms are refusing to explore that option properly.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

## COMMENTARY ON EE COVERAGE PLOT DOCUMENT

13/02/24

Dear James,

We noted via the public access portal that WHP Telecoms have now submitted their coverage documents from the 2020 Ashludie mast application. As they had not submitted these with the 2023 application, it seems they were attempting to mislead Angus Council that the decommissioned mast had not been replaced.

In both the 2020 and 2023 application forms and supplementary information, there is no mention of the fact that the decommissioned mast was already replaced in 2016, which is extremely misleading because these are the principal documents in the application. The only mention of the replacement mast anywhere in the submission is in EE's 2020 Coverage Plot document, which states:

*"92420 and 79652 are the replacements for NTQ, 29287. 92420 is already COMM. 79652\_VICTORIA STREET SW is a very important site to provide the coverage and capacity in this area. This is proper built-up area in which we can see in current status slide (5, 8, 11 and 14 etc..) we have a problem as it's not covered with good coverage and some part even not cover totally. This site needed to proved better voice quality and data throughput. Current site 92420 is situated outside of built-up area which is not sufficient to cover residential and commercial towards south of 92420. Please note down blue color coverage is not good threshold to serve better quality."*

This mention is very confusing and buried within a coverage map document yet WHP Telecoms very clearly state in their supplementary information that the proposed mast is a replacement for one that has been decommissioned without any mention that it already has been, therefore they have been misleading with their presentation of the facts.

They also leave out that the previous 2016 application by Harlequin Group on behalf of EE and 3 had informed the council that a cell-split would be taking place between the replacement mast and the BT Exchange site. The only mention that they have in the 2020 and 2023 applications of the BT Exchange site is that it was considered dead due to space for equipment but do not state what happened to the previous plans or why space had become an issue in 2020 but hadn't been in 2016 when the area had been thoroughly assessed by Harlequin Group. In addition, as the residents have shown with photographic evidence there is more space at the BT Exchange site than there is at the proposed site in Ashludie, therefore this reason is invalid.

The 2016 application by Harlequin Group states in its alternative sites section:

*"B – BT Exchange (Greenfield i.e. new mast) - Approx. NGR: 349633E 732518N The feedback from the Angus Council planning department has been to suggest we use PD rights to utilise the existing mast rather than propose a new greenfield mast – this would be in line with local and national policy."*

Angus Council asked the applicants in 2016 to use an existing mast rather than erecting a new one, which they then decided on using the BT Exchange to site share, therefore this same proposal of using two new replacement masts had already been discussed with Angus Council in 2016 and was refused. WHP Telecoms in 2020 and with their current application are trying to persuade Angus Council to go back on their original refusal for an additional mast from both 2016 and 2020 but are being purposely misleading with their presentation of information and history of the proposal. There is no reason why Angus Council should not refuse this proposal again on the same grounds from 2016 and 2020.



Especially given that the DPEA Reporter was misled in the same way with the information that was presented and due to the flaws within his report.

It is entirely possible that the 2016 application would have been rejected completely by Angus Council if it had been stated by the applicant that the BT Exchange site would not be an option and that instead two 20 metre masts would be placed right beside each other. As it was agreed at the time that only one mast was required and the BT Exchange site would be shared, this is likely to have highly influenced the 2016 approval for a new replacement mast.

As it was suggested in 2016 that existing sites should be shared, this is exactly what should be suggested by Angus Council again with 3 sharing EE's 2016 mast at the top of Victoria Street and them both sharing the BT site which already exists as this is in line with local and government policy. As there are numerous articles regarding the expensive cost of mast sharing between mobile operators, it is clearly only for economic reasons that the applicants wish to build a new mast rather than site share at the BT Exchange site with other mobile operators.

Mobile operators such as Vodafone use only 4 masts over the exact same region in comparison to EE who already have 5 and are asking for a 6<sup>th</sup>. In addition, Vodafone only use the BT Exchange site to cover all of the Monifieth and have very good coverage throughout the entire area according to independent coverage grids such as cellmapper.

It can be seen on EE's Coverage Plot document that EE's other existing masts in the area are a good distance apart, but the proposed mast is extremely close to the existing replacement. There are at least 13 other sites which fit within the parameters and topography in the area and which are further away from the existing site and closer to the problematic coverage area that would meet the requirements. These sites were discounted for reasons that should also be applied to the proposed site at Ashludie and no evidence was provided with regards to them being ruled out.

A third mast in a street which already has an EE mast in very close proximity and a Vodafone mast at the bottom of the street, all affecting the visual amenity and character landscape is ludicrous, especially when there are existing sites than could be shared or alternative site options within the coverage parameters.

Yours sincerely,

Jillian Mannion

On behalf of the residents at Ashludie Grange and surrounding area

## **Appeal Decision**

16/02/24

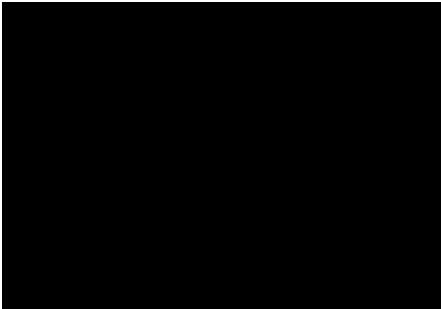
Dear James,

The residents are aware that the DPEA Reporter for the 2020 appeal on the Ashludie mast had access to all of the application information. However, the Reporter did not have access to the information that the 2015 decommissioned mast had already been replaced in 2016 along with a proposed cell-split at the BT Exchange site. Angus Council did have access to this information as they had approved the 2016 mast and had knowledge of the proposed cell-split, but this was not mentioned in the Planning History section of the 2020 Report of Handling, yet the decommissioning of the 2015 mast was. Therefore, the Reporter did not have access to vital information regarding the 2016 replacement mast. As the Reporter cited the fact it was a replacement mast in his decision, this clearly could have affected the outcome. Due to the Reporter not having access to this very important factor from the council, his decision, which in any case has expired, should not be considered as part of the 2023 application.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area



13<sup>th</sup> November 2023

**PLEASE NOTE: THIS LETTER IS WRITTEN ON BEHALF OF THE RESIDENTS AT ASHLUDIE GRANGE WHICH COMPRISES OF OVER 150 HOUSEHOLDS**

Dear Mr Wright,

We have recently been informed by MSP Graeme Dey that another planning application has been submitted for a telecoms mast here at Ashludie and there are a number of factors that we wanted to make you aware of at this stage.

Please note that the residents in Ashludie are not opposed to a mast in principle, but we object to the proposed site of the mast because of its effect on landscape character and visual amenity – it would be at the entrance to the village and there are already two existing BT/EE/3 phone masts in Victoria Street already. Due to there being no 4G coverage issues in the area, we see no need for a third mast in the proposed location. We also know that WHP Telecoms, CS Planning Ltd and MBNL have misled, lied and not given proper consideration to other potential sites in the area.

We have not seen the new planning application yet, but given how quickly it was submitted after the lapsing of the appeal decision, we are assuming it is the same application that was submitted by WHP Telecoms back in 2020. The documentation in the planning application submitted by WHP Telecoms and the information in the appeal document submitted by CS Planning Ltd contained false information and was misleading to Angus Council and the DPEA.

We are also aware that you need to take into consideration that the DPEA Reporter overturned the council's decision and granted planning permission last time around. However, after a legal consultation with a specialist planning solicitor, we discovered there were several inaccuracies and flaws in the Reporter's decision and wanted to also make you aware of these. Due to these flaws, we challenged the Reporter's decision in the Court of Session, but MBNL asked us to settle on an agreement out of court. We did not wish to take legal action unless it was necessary, so we agreed in good faith to drop the court action and sign a legal undertaking that stated MBNL would look into 14 other proposed sites that we suggested in the Monifieth area for the mast (please note these sites were all within parameters, co-ordinates and site coverage given to us by MBNL so complied with their needs for the mast). Unfortunately, MBNL did not comply with their own legal undertaking and tried to illegally build the mast on two occasions by misleading the Roads Department at Angus Council to obtain permits and were stopped by the residents here at Ashludie.

We have outlined the inaccurate information that WHP Telecoms put forward in their initial application, which was perpetuated by CS Planning Ltd in their appeal document to mislead the council and the DPEA, as well as flaws and inaccuracies in the DPEA Reporter's decision. We feel very strongly

that you should be aware of the intended falsehoods and inaccuracies that WHP Telecoms and CS Planning Ltd have tried to mislead the council and the DPEA with, which have resulted in an extremely flawed report and decision from the DPEA Reporter. Had the Reporter had accurate information before him, he would very likely not have overturned the Council's decision.

### **1. CLOSE PROXIMITY OF SCHOOL**

In their original planning application to Angus Council and their appeal to the DPEA, WHP Telecoms stated that there was not a school in close proximity to the proposed site, but this is false information as Seaview Primary School is within close proximity to the site being just down the road, therefore the Council and the DPEA were misled.

### **2. PROPOSED SITE IS IN DENSELY RESIDENTIAL AREA**

WHP Telecoms in their initial application listed some other potential sites for the mast but concluded that these areas were too residential. The selected site is just as residential if not more so as two new housing developments comprising of hundreds of homes surround it along with longstanding neighbourhoods. The selected site is more densely populated than these other proposed areas which were discounted for the same reason.

### **3. REPLACEMENT OF A DECOMMISSIONED MAST**

In WHP Telecom's initial planning application and CS Planning Ltd in their appeal documents state that the proposed mast was to replace a decommissioned mast from six years ago.

*"The proposed site has been sourced in the 79652 Cell following a Notice to Quit (NTQ) from the Ashludie Hospital site. The intention of the proposal is to ensure continuity of service in the DD5 post code location".*

However, this statement is misleading as a new 4G mast was built only 200 metres north at Victoria Grange (Mast 92420) after the decommissioned mast was taken down, but the DPEA Reporter was not provided with this information in his report, which very likely affected his decision. The erection of this mast means there is no need for another one extremely close to it and that it is a falsehood that the proposed mast is a replacement for one that was removed.

In their appeal document, CS Planning Ltd claim:

*"It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors (it's to use the same site as the existing installation). It would be similar to numerous similar structures in this location (street lights etc.)"*

This information is incorrect - the proposed mast is not going in the same location as the previous mast that was removed. The previous mast was based beside the Monifieth Health Centre, quarter of a mile from the new proposed site and tucked away in a wooded area and secluded by a high boundary wall. The new proposed site is out in the open, part of a public footway and at the entrance to the village near a sign that says "Welcome to Monifieth" and at the opening of the historically preserved Ashludie grounds. There is a huge difference in the locations and sites. It is also inaccurate for CS Planning Ltd to claim that it is similar to other structures such as street lights as the height of the mast is much taller and there are accompanying cabinets, which make it extremely different from a street light.

#### 4. 5G COVERAGE

WHP Telecoms initial application states that the proposed mast is for the purposes of the area requiring 5G coverage:

*“It is imperative that there is not a 5G coverage hole in the area”.*

We received an email on 6<sup>th</sup> November 2020 from MSP Graeme Dey with a response from Planning Policy & Public Affairs Manager Mr Henry Parker from BT/EE who claimed *“I should be clear that we are not building this site to deliver 5G”*. The mast is primarily for 4G purposes, therefore WHP Telecoms have been misleading in claiming that the mast is for 5G purposes.

In their appeal document, CS Planning Ltd state:

*“Provision of this infrastructure, in an area identified as being lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses”.*

This statement is false as the connection in the area surrounding the mast is good - there are already two BT/EE 4G masts in the area and 4G coverage in Monifieth provides good coverage already. Many of the residents who this letter represents have mobile contracts with EE and 3 and their signal coverage is good. The same is true for others in the surrounding area and throughout Monifieth. Slightly poorer connection lies further south on Monifieth High Street and to the west beside Grange Road. As connectivity issues are in areas further away from the proposed site, a new mast would likely meet less resistance from locals who do not already have two masts in their street and actually have a poorer connection. The mere two letters of support that were received by the council in relation to initial application in 2020 came from residents in areas where connection wasn't as good. The previous mast that WHP telecoms and CS Planning Ltd falsely claim the new one would be replacing has been gone for 6 years, yet coverage in the entire area of Monifieth has remained stable throughout this time, which is likely due to the two existing masts already in Victoria Street.

In addition, CS Planning Ltd give no actual evidence of local businesses suffering from poor digital access. Monifieth is a village with a small number of local businesses and if connectivity was a problem, fibre broadband may be a better solution as there is no issue with phone connectivity in this area according to EE's own website and an independent coverage checker. It seems as though EE and 3 are more concerned with boosting phone sales against rival competitors by advertising that there is a 5G signal as opposed to having any real economic interest in the village or consideration for the residents.

#### 5. ONLY VIABLE SITE

CS Planning Ltd claim in their appeal document that they have tried to find a site that is *“as far from properties as possible”*, but this is untrue. We identified 14 alternative sites in the Monifieth area that were within parameters and co-ordinates given to us by MBNL as having good coverage and some were much further away from properties than the proposed mast site here. MBNL discounted them due to the effect on visual amenity or being too close to residential areas. This makes no sense as the proposed site is actually closer to surrounding houses and there is a greater effect on visual amenity as it is at the entrance to the entire village, a bus terminus and a housing development.

The Monifeith area is full of brownfield sites that could be used. WHP Telecoms could have worked with the Planning Department of Angus Council to identify an appropriate site, but they did not do this. A new mast would be better placed elsewhere in the area in one of the other sites identified as giving good coverage and where connectivity is actually poorer.

In their appeal, CS Planning Ltd also claim that the proposed site at Ashludie is the only suitable site and viable location but MBNL agreed that most of the other 14 sites we suggested to them were considered viable sites with good coverage, which contradicts WHP Telecoms application and CS Planning’s appeal reasoning.

In the appeal document, CS Planning Ltd mention erection of a new ground-based mast as being the only option because it’s not possible to share another existing mast site, but there are already two masts in Victoria Street that could be shared. There is an existing mast 200 metres north which is also owned by EE:



EE Mast at the top of Victoria Street

There is also another mast 300 metres south at the bottom of Victoria Street. This is a BT mast (please note BT own EE), therefore infrastructure sharing could easily take place at this site but may cost EE and 3 a little more money in development. In their planning application, WHP Telecoms mention this site:

*“D1 - Monifeith BT Exchange - GF - NGR: E 349638, N 732538. Site share option which was considered dead due to limited space for additional MBNL equipment.”*

Please see the picture below for evidence that there is enough ground space for the required cabinets as the space here is actually larger than at the proposed site here in Ashludie:



BT Mast at the bottom of Victoria Street



Proposed site at Ashludie Grange

As there is more space here than at the proposed site in Ashludie, WHP Telecoms have been misleading in their application. Please note that MBNL initially claimed in a grid report that this site “*is not suitable as per coverage assessment*” but later claimed in a further document to the residents that “*the location would provide good network coverage*”. The inconsistencies here between WHP Telecoms and MBNL demonstrate that they are not properly considering any alternative sites.

The area around the BT Exchange site is closer to the area where connectivity is poorer so would very likely meet less objection. In our opinion, amalgamation with this existing mast at the bottom of Victoria Street is the optimal site in Monifieth as MBNL have admitted that this is within their parameters and would provide good coverage. The residents in the area have already accepted the location of this existing mast.

In their appeal document CS Planning claim:

*“As stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day to day life and business”.*

This statement is untrue as we have identified 14 other viable sites within the correct parameters and topography that MBNL have admitted have good coverage, yet these were not explored by WHP Telecoms in their initial application. They also discounted the existing BT mast already in Victoria Street claiming a false reason. Please note that MBNL initially claimed the 14 existing sites did not give good coverage but later admitted in a legal document that they in fact did.

## **6. VISUAL AMENITY & CHARACTER LANDSCAPE**

In the appeal document CS Planning Ltd state:

*“The proposal would not be to the detriment of visual amenity or result in harm to the character of the area”.*

This statement is completely false as all residents here at Ashludie feel very strongly that visual amenity would be greatly affected, which the council also agreed with when rejecting the planning permission.

Other surrounding sites were rejected by WHP Telecoms as it was stated that there was too much of an effect on visual amenity, but the visual amenity of those alternatives is less affected than at the proposed site here in Ashludie. As previously mentioned, the proposed site here is on the main entrance into the village with a “Welcome to Monifieth” sign nearby and is part of a public footpath, bus terminus and entrance to a housing development so the effect on visual amenity would be worse than in other areas considered by WHP Telecoms and alternative sites suggested by ourselves to MBNL.

The previous mast site was within the local Health Centre’s grounds, half a mile to the South of the proposed one and much closer to one of WHP Telecoms other proposed sites at the corner of St Regulus Road. The previous mast was also much smaller and less obtrusive and was located within a wooded area behind a high boundary wall where it was concealed from the public road. Every effort had been made with the previous mast to minimise its effect on visual amenity but the new proposed mast site does not adhere to the same considerations in any way.

CS Planning Ltd mention in their appeal document that the new proposed mast is also bigger than the one that they falsely claim it is replacing demonstrating just how much of an effect it will have on visual amenity:

*“The applicant appreciates that the development has an increased mass than the one that it is replacing”.*

CS Planning Ltd also claim in their appeal document:

*“... all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected”.*

All efforts have not been made in the selection process as we listed 14 other sites that fit the topography and coverage parameters given by MBNL, which WHP Telecoms Ltd did not investigate back at the start of the process. It is obvious to all in the area and to Angus Council that visual amenity and landscape character would be adversely affected. Ashludie is a historic site that has been carefully planned to preserve local historical features and at the opening of the entire village, therefore the effect on landscape character and visual amenity is immense. MBNL claimed visual amenity would be affected in some of the other sites we proposed as well as WHP Telecoms listing visual amenity being affected in other sites they considered, but none of these other sites are situated at the opening of the entire village or in a historically preserved area. That particular reasoning cannot be applied to all other sites except Ashludie.

## **7. IMPACT ON PROTECTED TREES**

The location has limited access from the main road in order for heavy equipment to be present on site and the adjacent trees' root bowls would be within close proximity if not directly under any equipment and foundations proposed thus dangerously impacting upon the viability of the character landscape and trees.

## **8. BUS TERMINUS STILL IN USE**

MBNL claimed in their response to our legal undertaking that the current bus terminus at Ashludie is not in use, but this is inaccurate as the bus terminus is in use and is constantly busy, therefore the visual amenity of the many residents and visitors would be affected as well as any road closures affecting the terminus use. More importantly, the mast would block the bus driver's view of the busy oncoming traffic, which is a potential hazard

## **9. FLAWS IN REPORTER'S DECISION**

a) At paragraph 3 of the Decision, the Reporter noted that: *“Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.”*

The Reporter misdirected himself as to the correct approach to take to the determination of this appeal. The Angus Local Development Plan 2016 (“the LDP”) policy TC13 contains provisions setting out the approach that the Council will take in determining applications for prior approval. Where a



Local Development Plan has been adopted containing policies relating to the siting and appearance of telecommunications apparatus, a local council must give primacy to those policies in its decision making. A local council should only deviate from those policies where material considerations indicate otherwise. In treating the LDP as merely a material consideration, the Reporter erred. The planning advice note 5/2018 ("PAN 5/2018") contains non-statutory guidance which constitutes a material consideration in any application for prior approval. The Reporter, whilst mentioning PAN 5/2018, does not make clear that it is a material consideration in the Decision. To that extent, the Reporter erred.

b) Policy TC13 of the LDP states that: *"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"*. At paragraph 15, the Reporter noted that *"I am satisfied that alternative sites have been considered and none more suitable has been found. No alternative sites have been drawn to my attention"*.

The Reporter erred in concluding that alternative sites have been considered and none more suitable found. The Reporter did not have an evidential basis for that conclusion. Section 6 of the applicants' site specific supplementary information ("SSSI") lists six alternative locations or buildings on which the mast could be erected: a. Site D2 is discounted for *"planning reasons"*. b. Site D4 is discounted as *"in close proximity to residential"*. c. Site D5 is discounted as *"we would struggle with planning"*. d. Site D6 is discounted as *"site within a dense residential area so would struggle with planning"*. No argument is given for discounting site D2 beyond *"planning reasons"*. No argument is given for discounting site D5 beyond *"we would struggle with planning"*. In the cases of sites D4 and D6, the justification for discounting the sites appears to be their proximity to residential development. The proposed location of the present appeal is close to residential development, but was not discounted therefor. An objective analysis of the SSSI suggests that no serious and diligent consideration was given to alternative sites, and does not disclose any clear metric used by the applicant for distinguishing between the different possible sites. Consideration of alternative sites requires more than simply listing alternatives and dismissing them without reasoning. The Reporter's conclusion that alternative sites had been considered was irrational, perverse, and unreasonable.

c) At paragraph 10, the Reporter noted that *"the council has not provided any information about other potential alternative sites"*. The Reporter misdirected himself in that he appears to have assumed that it was for the Council to suggest potential alternative sites to the Reporter. The question to be addressed by the Reporter was whether the applicant had properly explored the possibility of alternative sites. Reference is made to paragraph 7. 4 10. The Reporter was not required to address the question of whether another site would be more suitable, except in his analysis of section 6 of the SSSI. Insofar as he appears to have attempted to balance the application site against the lack of suggested alternatives, the Reporter erred.

d) Policy TC13 of the LDP states that *"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"*. At paragraph 14, the Reporter concludes that *"I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal"*. On the evidence before him, it was not open to the Reporter to conclude that the proposed mast minimises impact on the visual amenity, character or appearance of the surrounding area. There was insufficient evidence for the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to justify dismissing the appeal. The proposed mast is to be sited on a prominent island in the road, and will be 5 metres higher than the tops of the surrounding trees. It will be visible from the surrounding residences, and the Reporter's conclusion at paragraph 8 that *"residential amenity would not be harmed to an extent that was significant"* is not one which was open to the Reporter. Furthermore, the Reporter conducted his site visit in June, when the trees surrounding the application site are in full leaf. Had he visited the

application site in winter, when there are no leaves on the trees, it is likely that his impression of the probable impact of the mast on the visual amenity of the surrounding area would have been different. The Reporter's conclusion at paragraph 8 that "the orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast" was unreasonable.

e) The cabinets proposed to be part of the mast site would be bordering a pavement and when open would obstruct part of the grass, causing a potential trip hazard. This point has been used by other DPEA reporters when refusing planning permission to a mast site, but was not considered by the Reporter on this occasion.

As you can see from the numerous points above, WHP Telecoms, CS Planning Ltd and MBNL have demonstrated falsehoods and tried to mislead Angus Council and the DPEA. Due to this and the Reporter's lack of diligence, the various departments were misinformed and the Reporter made an inaccurate decision. Please note that MBNL responded to the legal undertaking they had agreed upon with us, two years after the agreed time limit and provided generic statements but no proper reasons or evidence of considering the alternative sites. They also did not allow us to instruct our own planning officer to check the generic claims and tried to illegally build the mast twice during this time – once by breaching our legal undertaking and the second time when their permission from the DPEA Reporter had lapsed. They were stopped by local residents on both occasions who knew they were behaving in a deceitful manner. MBNL tried to claim that both incidents were simply "errors on their system". They also misled Angus Council's Roads Department by trying to obtain permits without disclosing that they had signed a legal undertaking not to begin work and that their permission from the DPEA had expired. We have now surmised that their goal in signing the legal undertaking was simply a tactic to try to have us drop the court action that we were pursuing against them. MBNL recently acknowledged in an email to MSP Graeme Dey that they had not handled the situation well and could have done better. As to why they are refusing to be honest about other potential site locations or consider them properly is unclear, although it may be due to cost. However, the residents feel strongly that saving Telecoms companies money should not be prioritised over effects to character landscape and visual amenity, especially when BT/EE already have two masts in this location.

Unfortunately, this conduct of misleading and claiming falsehoods means that any new applications from WHP Telecoms or CS Planning that are the same or similar to the first one for a telecoms site here at Ashludie should be thoroughly investigated and checked in light of all the above points before any decision making can even be considered. It would be negligent of Angus Council not to do so in light of the information that we have now shared.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange

CERTIFIED COPY APPEAL

*to*

THE COURT OF SESSION

*under*

Section 239 of the Town and Country Planning  
(Scotland) Act 1997

*by*

JILLIAN MANNION, residing at [REDACTED]  
[REDACTED], IAN MCHOUL, re-  
siding at [REDACTED],  
[REDACTED] FIONA SIVEWRIGHT, residing at [REDACTED]  
[REDACTED], and  
STEVEN ROBERTSON, residing at [REDACTED]  
[REDACTED]

APPELLANTS

*against*

A decision of the Scottish Ministers, by their Re-  
porter, Trevor Croft, Esq. under section 47(1)(c)  
of the 1997 Act dated 15th October 2020 and  
communicated to the Appellant on that date

---

The Reporter's decision ("the Decision") is set out in an Appeal Decision Notice dated 15th October 2020. The Decision is appended to this appeal.

The Appellants are aggrieved by the foregoing Decision and desire to question its validity on the grounds that it was not within the powers of the Town and Country

Planning (Scotland) Act 1997. The Appellants therefore appeal under section 239 of the 1997 Act against the Decision on the following grounds:

#### GROUNDS OF APPEAL

##### *Ground 1*

1. At paragraph 3 of the Decision, the Reporter noted that:

*“Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.”*

2. The Reporter misdirected himself as to the correct approach to take to the determination of this appeal. The Angus Local Development Plan 2016 (“the LDP”) policy TC13 contains provisions setting out the approach that the Council will take in determining applications for prior approval. Where a Local Development Plan has been adopted containing policies relating to the siting and appearance of telecommunications apparatus, a local council must give primacy to those policies in its decision making. A local council should only deviate from those policies where material considerations indicate otherwise. In treating the LDP as merely a material consideration, the Reporter erred.

3. The planning advice note 5/2018 (“PAN 5/2018”) contains non-statutory guidance which constitutes a material consideration in any application for prior approval. The Reporter, whilst mentioning PAN 5/2018, does not make clear that it is a material consideration in the Decision. To that extent, the Reporter erred.

##### *Ground 2*

4. Policy TC13 of the LDP states that *“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”*.

5. At paragraph 15, the Reporter noted that *“I am satisfied that alternative sites have been considered and none more suitable has been found. No alternative sites have been drawn to my attention”*.

6. The Reporter erred in concluding that alternative sites have been considered and none more suitable found. The Reporter did not have an evidential basis for that conclusion. Section 6 of the applicants’ site specific supplementary information (“SSSI”) lists six alternative locations or buildings on which the mast could be erected:

- a. Site D2 is discounted for *“planning reasons”*.
- b. Site D4 is discounted as *“in close proximity to residential”*.
- c. Site D5 is discounted as *“we would struggle with planning”*.
- d. Site D6 is discounted as *“site within a dense residential area so would struggle with planning”*.

No argument is given for discounting site D2 beyond “planning reasons”. No argument is given for discounting site D5 beyond “we would struggle with planning”. In the cases of sites D4 and D6, the justification for discounting the sites appears to be their proximity to residential development. The proposed location of the present appeal is likewise close to residential development, but was not discounted therefor. An objective analysis of the SSSI suggests that no serious and diligent consideration was given to alternative sites, and does not disclose any clear metric used by the applicant for distinguishing between the different possible sites.

7. Consideration of alternative sites requires more than simply listing alternatives and dismissing them without reasoning. The Reporter’s conclusion that alternative sites had been considered was irrational, perverse, and unreasonable.

### *Ground 3*

8. At paragraph 10, the Reporter noted that *“the council has not provided any information about other potential alternative sites”*.

9. The Reporter misdirected himself in that he appears to have assumed that it was for the Council to suggest potential alternative sites to the Reporter. The question to be addressed by the Reporter was whether the applicant had properly explored the possibility of alternative sites. Reference is made to paragraph 7.

10. The Reporter was not required to address the question of whether another site would be more suitable, except in his analysis of section 6 of the SSSI. Insofar as he appears to have attempted to balance the application site against the lack of suggested alternatives, the Reporter erred.

#### *Ground 4*

11. Policy TC13 of the LDP states that “*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*”.

12. At paragraph 14, the Reporter concludes that “*I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal*”.

13. On the evidence before him, it was not open to the Reporter to conclude that the proposed mast minimises impact on the visual amenity, character or appearance of the surrounding area. There was insufficient evidence for the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to justify dismissing the appeal. The proposed mast is to be sited on a prominent island in the road, and will be 5 metres higher than the tops of the surrounding trees. It will be visible from the Appellants’ residences, and the Reporter’s conclusion at paragraph 8 that “*residential amenity would not be harmed to an extent that was significant*” is not one which was open to the Reporter.

14. Furthermore, the Reporter conducted his site visit in June, when the trees surrounding the application site are in full leaf. Had he visited the application site in winter, when there are no leaves on the trees, it is likely that his impression of the probable impact of the mast on the visual amenity of the surrounding area would have been different. The Reporter’s conclusion at paragraph 8 that “*the orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast*” was unreasonable.

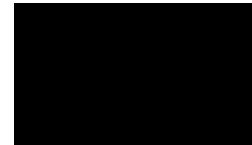
#### QUESTIONS OF LAW FOR THE COURT

1. Whether, in terms of section 239 of the 1997 Act, the Decision was within the powers of the 1997 Act.

2. Whether the Reporter misdirected himself as to the correct approach to take to the determination of the appeal.

3. Whether the Reporter's conclusion that alternative sites had been considered and none more suitable found was irrational, perverse, and unreasonable.
4. Whether the Reporter misdirected himself in implying that it was for the Council to suggest alternative sites to be compared to the application site.
5. Whether on the evidence before him it was open to the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to dismissing the appeal.
6. Whether the failure of the Reporter to consider the seasonal variation in the tree screen renders his conclusions on impact on residential amenity unreasonable.

IN RESPECT WHEREOF

A large black rectangular redaction box covering the signature of the solicitor.

Solicitor for the Appellants

## SCHEDULE FOR SERVICE

The Respondent is:

1. The Scottish Ministers, Victoria Quay, Edinburgh, EH6 6QQ

The following persons may have an interest in the appeal:

1. EE Limited, Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW
2. Hutchison 3G UK Limited, Star House, 20 Grenfell Road, Maidenhead, Berkshire, SL6 1EH



## APPENDIX

1. Letter from Planning and Environmental Appeals Division dated 15<sup>th</sup> October 2020
2. Appeal Decision Notice dated 15<sup>th</sup> October 2020

## DOCUMENTS

3. Application for Prior Notification and Prior Approval
4. Location Plan, Site Plan, and Elevations
5. Site Specific Supplementary Information dated 19<sup>th</sup> March 2020
6. Report of Handling dated 20<sup>th</sup> May 2020
7. Council Decision Notice dated 22<sup>nd</sup> May 2020
8. Planning Appeal Form and Statement of Appeal dated 4<sup>th</sup> June 2020
9. Planning Authority Appeal Response
10. PAN 62 Radio Telecommunications
11. Angus Council PAN 5/2018 Telecommunications Developments
12. Angus Local Development Plan 2016, Policy TC13

## APPENDIX 1



Telephone: 0131 244 6934 Fax: 0131 244 8990  
E-mail: jayne.anderson@scot.gov.uk

Sent to interested parties

Our ref: PAC-120-2001  
Planning Authority ref:20/00228/PRIORN

15 October 2020

Dear Sir/Madam

**PRIOR APPROVAL CONSENT APPEAL: LAND AT BUS TERMINUS ADJACENT TO FORMER ASHLUDIE HOSPITAL VICTORIA STREET MONIFIETH DD5 4RB**

I am writing to let you know that the above appeal has been allowed by the reporter and prior approval has been granted.

A copy of the decision notice and where applicable any claim for expenses is now available on our website [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk). If you cannot access the website and would like a copy of the decision to be sent or emailed instead, then please contact me and I will arrange.

The reporter's decision is final. However, you may wish to note that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal must be made within six weeks of the date of the appeal decision. Please note, though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <https://beta.gov.scot/publications/challenging-planning-decisions-guidance/>.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/) - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>

I trust this information is clear. Please do not hesitate to contact me if you require any further information or a paper copy of any of the above documentation.

Yours sincerely

*Jayne Anderson*

**JAYNE ANDERSON**  
**Case Officer**

**Planning and Environmental Appeals Division**



## APPENDIX 2



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Decision by Trevor A Croft, a Reporter appointed by the Scottish Ministers

- Prior Approval appeal reference: PAC-120-2001
- Site address: Land adjacent to Victoria Street, Monifieth, Dundee, DD5 4RB
- Appeal by EE Ltd and Hutchinson 3G UK Ltd against the decision by Angus Council
- Application for prior approval 20/00228/PRIORN dated 23 March 2020 refused by notice dated 22 May 2020
- The development proposed: Installation of 20 metres high monopole mast incorporating antennas, dishes and ancillary equipment cabinets
- Application drawings: see schedule at end of notice
- Date of site visit by Reporter: 6 August 2020

Date of appeal decision: 15 October 2020

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## Decision

I allow the appeal and approve the siting and appearance of the development. Attention is drawn to the advisory note at the end of the notice.

## Reasoning

1. Part 20 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) provides planning permission for certain types of development by electronic communications code operators. Class 67 of that order allows for construction of new ground based apparatus including new masts which do not exceed 25 metres in height and subject to a number of specified criteria. The criteria include a requirement for an operator to apply to the planning authority to establish whether prior approval is required. The principle of the proposed development is therefore established.
2. The procedure allows only for the consideration of the acceptability of the siting and appearance of the proposed development. The council refused prior approval on the basis that the siting and appearance of the proposed apparatus would not minimise the impact on visual amenity or on the character and appearance of the surrounding area.
3. Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the impact of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.



4. Taking these points into account the main issue in this appeal is the acceptability of the proposed siting and appearance of the mast and its associated infrastructure.
5. The appeal site is located on the east side of Victoria Street, which is an important local road linking the centre of Monifieth at its southern end with the main A92 Dundee to Arbroath Road which runs north of the settlement. Some 1.5 kilometres in length, the site is some 0.6 kilometres from the northern end of the road. It is located adjacent to the footway on a semi-circular grass covered area the lies within a bus-turning area. There is a bus shelter and stop sign at the southern end of the turning area. A bus stop sign and street light shown on drawing '150 Existing elevation A' as being located on the west side of the road do not exist. The proposed mast would replace one dismantled following a 'Notice to Quit' from the nearby former Ashludie Hospital site, set back on the east side of Victoria Street.
6. From my site inspection Victoria Street appears as a relatively busy road, including bus services. It is predominantly residential throughout its length. In the vicinity of the appeal site it has a sylvan character with significant tree and hedge cover along both sides of the road. The immediate surroundings of the site have a relatively open character due to the open ground formed by the bus turning area.
7. From drawing '265 Max configuration elevation' the proposed mast, at 20 metres high, would be five metres higher than the nearby mature trees, shown clearly on the drawing. Whilst from a distance to the north and south it would be relatively well concealed by trees lining the road, views from close to the site would not benefit from this because of the open ground of the bus turning area. Its location against the footway, with open ground behind when seen from the road or west side footway, would be prominent with no immediate backcloth. The ancillary cabinets, located either side of the mast, would also be prominent and give an impression of clutter.
8. There are houses along both sides of the road but those nearby the site on the east side are set back behind a stone wall that bounds the turning area. Those on the west side are largely behind screening hedges. The orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast. Although residential amenity would not be harmed to an extent that was significant, the wider visual amenity of passers-by on the road would be adversely affected.
9. Local development Plan policy TC13 supports telecommunications development subject to criteria, the relevant ones here being to minimise the impact on visual amenity, character and appearance of the surrounding area, and to demonstrate that the possibility of erecting apparatus on an existing building, mast or other structure has been explored. Advice note 5/2018 prefers telecoms installation to be within industrial areas, on brownfield sites or in town centres, away from residential property.
10. The original application was supported by information relating to alternative sites that the then applicant considered and discounted, as well as opportunities that exist for attaching the equipment to existing buildings or structures. The council does not consider that the information represents a thorough analysis of alternative sites and does not include sites closer to the chosen site which could have a significantly reduced impact on visual

amenity and the character and appearance of the area. It says the information submitted does not provide evidence that serious and diligent consideration has been given to other less sensitive sites or opportunities for attaching the equipment to existing buildings or structures. The council has not provided any information about other potential alternative sites.

11. National Planning Framework 3 emphasises the important role planning has to play in strengthening digital communications capacity and coverage across Scotland. Scottish Planning Policy states at paragraph 293 that the planning system should support development that helps deliver the Scottish Government's commitment to world-class digital connectivity. This includes the need for networks to evolve as well as keep environmental impacts to a minimum. This evolution provides for the rolling out of the new 5G network across the whole of Scotland and I am satisfied there is strong policy support in principle for the proposed mast at national level.

12. The council received 59 representations objecting to the proposal and two in support. Most of these have been dealt with above. Matters relating to loss of view and house values are not relevant to my determination. Emissions of radio frequency affecting health are controlled and regulated under other legislation. Paragraph 300 of Scottish Planning Policy says that it is not necessary for planning authorities to treat radio frequency radiation as a material consideration. In this case the appellant has submitted a certificate of compliance with the International Commission on Non-Ionizing Radiation Protection standards and no further consideration is necessary.

13. The council has not asked for any conditions to be imposed in the event of the appeal being allowed. I do not consider any to be necessary.

14. Drawing all these matters together, although the proposed mast would have an adverse impact on general visual amenity this would mainly affect passers-by on Victoria Street and therefore relatively fleeting. I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal, taking into account substantial support from national policies as well as the local development plan. Any impact on residential amenity would similarly not justify dismissal.

15. I am satisfied that alternative sites have been considered and none more suitable has been found. No other alternative sites have been drawn to my attention.

16. Overall I find the benefits of the proposal outweigh the adverse impact on local visual amenity. I therefore give approval, for the reasons set out above, for the siting and appearance of the development. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Trevor A Croft*

Reporter



## Advisory note

1. **The duration of this prior approval:** This prior approval 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 Class 23(g) of Part 20 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2017).

## Schedule of drawings

All drawings have master drawing No. 1568451\_ANG094\_79652\_M001

002 SITE LOCATION PLAN

003 ACCESS PLAN

005 CHERRY PICKER AND CRANE LOCATION

100 EXISTING SITE PLAN

150 EXISTING ELEVATION A

215 MAX CONFIGURATION SITE PLAN

265 MAX CONFIGURATION ELEVATION

304 MAX CONFIGURATION ANTENNA SCHEDULE AND LINE CONFIGURATION

305 EQUIPMENT SCHEDULE AND SUPPORT STRUCTURE DETAILS



IN THE COURT OF SESSION

CERTIFIED COPY APPEAL

*under*

Section 239 of the Town and Country  
Planning (Scotland) Act 1997

*by*

JILLIAN MANNION & OTHERS

*against*

A decision of the Scottish Ministers, by their  
Reporter, Trevor Croft, Esq. Dated 15<sup>th</sup>  
October 2020 and communicated to the  
Appellant on that date

---

2020

Shoosmiths LLP  
Saltire Court  
20 Castle Terrace  
Edinburgh  
EH1 2EN  
AGENTS REF: S-00089137/FZM



OUR REF M7234.865/EXM  
YOUR REF  
3 March 2021

Shoosmiths  
Solicitors  
Saltire Court  
20 Castle Terrace  
Edinburgh  
EH1 2EN

Dear Sirs

**Mobile Broadband Network Limited (“MBNL”)  
Statutory Appeal by Jillian Mannion and others (reference XA86/20) (“the Statutory Appeal”)**

On behalf of and as instructed by our clients MBNL a company incorporated under the Companies Acts (Company Number 0637522) and having its registered office at Sixth Floor, Thames Tower, Station Road, Reading, England, RG1 1LX, we hereby undertake to you on behalf of your clients, Jillian Mannion, 34 Margaret Lindsay Place, Monifieth, DD5 4RD, Ian McHoul, 4 Ashludie Hospital Drive, Monifieth, DD5 4RB, Fiona Siveweight, 6 Ashludie Hospital Drive, Monifieth, DD5 4RB, and Steven Robertson, 81 Margaret Lindsay Place, Monifieth, DD5 4RD, that, on receipt of confirmation from the Court of Session, no later than 17 March 2021, that the Statutory Appeal has been withdrawn or abandoned or dismissed, our clients shall :-

1. Within twelve (12) months give proper and reasonable consideration to locating a telecommunications mast capable of fulfilling the network requirements previously fulfilled by Mast Reference 29287 TAY0016 Ashludie Hospital Monifieth:
  - (i) on the alternative sites set out in Chapter 6 of the Site Specific Supplementary Information by WHP dated 19 March 2020 submitted in respect of prior approval application 20/00228/PRIORN (being sites D1, D3, D4, D5 and D6); and
  - (ii) on the undernoted fourteen sites.
2. Give such consideration consistent with the diligent approach that a prudent, reasonable, and competent telecommunications operator authorised under the Communications Code would reasonably be expected to take to identify an appropriate site for a telecommunications mast having regard to all relevant matters including, but not limited to, the impact of the siting and design of a proposed telecommunications mast on residential amenity.

**5th Floor, 1 Exchange Crescent  
Conference Square  
Edinburgh EH3 8UL  
DX 551970 Edinburgh 53  
T +44 (0)131 228 9900  
F +44 (0)131 228 1222**

1 West Regent Street  
Glasgow  
G2 1RW  
DX GW409 Glasgow  
T +44 (0)141 566 9900  
F +44 (0)141 565 1222

Condor House  
10 St. Paul's Churchyard  
London EC4M 8AL  
DX 98945 Cheapside 2  
T +44 (0)20 7429 4900  
F +44 (0)20 7329 5939

Commercial House  
2 Rubislaw Terrace  
Aberdeen AB10 1XE  
DX AB103 Aberdeen 1  
T +44 (0)1224 621 166  
F +44 (0)1224 623 103

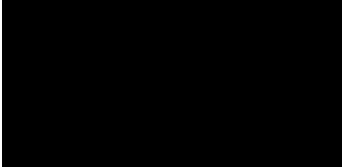
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M7234.865 71723477 1 EXM

3. Provide you with proper and intelligible reasons for either accepting or discounting those sites as an appropriate location for siting a telecommunications mast capable of fulfilling the network requirements previously fulfilled by mast reference 29287 TAY0016 Ashludie Hospital Monifieth.
4. Not commence any works in respect of the prior approval granted by the Scottish Ministers (reference PAC-120-2001) until they have satisfied the terms of paragraphs 1 to 3 of this undertaking.

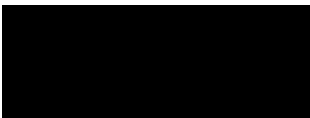
Yours faithfully



Ewan MacLeod  
For and on behalf of Shepherd and Wedderburn LLP  
ewan.macleod@shepwedd.com  
T 0131 473 5111

**Note referred to in the foregoing letter:-**

1. SITE 1 – Land off Broomhill Drive 56°29'22"N 2°48'52"W
2. SITE 2 – Land off Airlie Drive 56°29'04"N 2°49'42"W
3. SITE 3 – Land off St Regulus Road 56°29'05"N 2°49'32"W
4. SITE 4 – Land off Malcolm Crescent 56°29'04"N 2°49'43"W
5. SITE 5 – Airlie Drive 56°29'05"N 2°49'43"W
6. SITE 6 – Airlie Drive 56°29'05"N 2°49'51"W
7. SITE 7 – Grange Road 56°28'56"N 2°49'55"W
8. SITE 8 – Hill Street 56°28'58"N 2°49'07"W
9. SITE 9 – Field behind Travebank Gardens 56°29'04"N 2°49'11"W
10. SITE 10 – Lorne Street 56°29'12"N 2°49'02"W
11. SITE 11 – Land at bottom of Fairway 56°29'17"N 2°48'35"W
12. SITE 12 – Wasteland at Invertay House, Maule Street 56°28'47"N 2°49'12"W
13. SITE 13 - Corner of Airlie Drive/Grangehill Drive 56°29'03"N 2°50'00"W
14. SITE 14 – Broomhill Drive 56°29'18"N 2°49'04"W



.....  
Ewan MacLeod

## STATUTORY APPEAL – ASHLUDIE

### SCHEDULE OF SITES IDENTIFIED BY THE RESIDENTS FOR MBNL

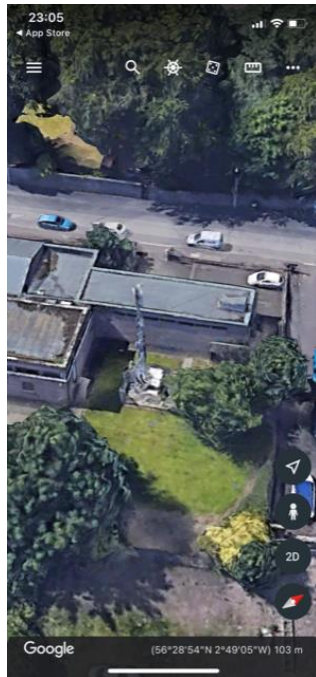
1. SITE 1 – Land off Broomhill Drive 56°29'22"N 2°48'52"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*
2. SITE 2 – Land off Airlie Drive 56°29'04"N 2°49'42"W  
*(identified by MBNL as providing good coverage)*
3. SITE 3 – Land off St Regulus Road 56°29'05"N 2°49'32"W  
*(identified by MBNL as providing good coverage)*
4. SITE 4 – Land off Malcolm Crescent 56°29'04"N 2°49'43"W  
*(identified by MBNL as providing good coverage)*
5. SITE 5 – Airlie Drive 56°29'05"N 2°49'43"W  
*(identified by MBNL as providing good coverage)*
6. SITE 6 – Airlie Drive 56°29'05"N 2°49'51"W  
*(only a few metres away from site 5 so should provide good coverage)*
7. SITE 7 – Grange Road 56°28'56"N 2°49'55"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*
8. SITE 8 – Hill Street 56°28'58"N 2°49'07"W  
*(BT Exchange across from this identified by CS Planning as potential site providing good coverage therefore this site would likely have good coverage)*
9. SITE 9 – Field behind Travebank Gardens 56°29'04"N 2°49'11"W  
*(identified by MBNL as providing good coverage)*
10. SITE 10 – Lorne Street 56°29'12"N 2°49'02"W  
*(within parameters advised by MBNL of 500 metres N, NE or S of proposed Ashludie site)*
11. SITE 11 – Land at bottom of Fairway 56°29'17"N 2°48'35"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*
12. SITE 12 – Wasteland at Invertay House, Maule Street 56°28'47"N 2°49'12"W  
*(within parameters advised by MBNL of 500 metres N, NE or S of proposed Ashludie site)*
13. SITE 13 - Corner of Airlie Drive/Grangehill Drive 56°29'03"N 2°50'00"W  
*(only a few metres from site 5 so should provide good coverage)*
14. SITE 14 – Broomhill Drive 56°29'18"N 2°49'04"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*

Along with these 5 from CS Planning original list of potential sites:

- (i) D1 - Monifeith BT Exchange - GF - NGR: E 349638, N 732538. Site share option which was considered dead due to limited space for additional MBNL equipment.

**PLEASE NOTE:** CS Planning said limited space but below are photos which show plenty of space is available. This appears to be the best option for everyone as this could replace an already existing mast there, would see BT, EE and 3 sharing a site as per

government policy of infrastructure sharing, would echo EE's commitment to the Shared Rural Network, wouldn't affect visual amenity and would be unlikely to meet any objection as there is already an existing mast here.



- (ii) D3 - Land off Queens Street - GF - NGR: E 349320, N 733339. Large ploughed field located off the junction of Queen Street and Park View. Site discounted due to proximity to existing cell site to the North.

**PLEASE NOTE:** *this appears to be incorrect. Is this supposed to be Victoria Street and Park View?*

- (iii) D4 - Jct of Saint Reguius Road/Queen Street - SW - NGR: E 349355, N 732850. Streetworks site located on the jct of Saint Reguius Road and Queen Street. Site could cause visibility splay issues and the space looks limited. Site is also in close proximity to residential so discounted.

**PLEASE NOTE:** *this is the wrong street, there is no junction at St Regulus Road/Queen Street. Is it supposed to be St Regulus Road/Victoria Street? This site is the same size as the Ashludie site, is no more residential than the proposed Ashludie site and as the connection issues are actually in this area is less likely to meet any objections.*

- (iv) D5 - Ashludie Park - GF - NGR: E 349604, N 733020. Large public park surrounded by residential property. Site discounted as we would struggle with planning.

**PLEASE NOTE** - *there are many areas of the park which would be appropriate and are far less residential than the proposed Ashludie site.*

- (v) D6 - Airlie Drive - SW - NGR: E 349051, N 732862. Streetworks site situated towards the West of the search ring. Site within a dense residential area so would struggle with planning. Space on the pavement also seems very limited for equipment.

**PLEASE NOTE** - *this area is no more residential than the proposed Ashludie site.*



# The Scottish Government

## Planning and Environmental Appeals Division

### Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100264952-002

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

### Appellant or Agent Details

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

Appellant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

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

Individual  Organisation/Corporate entity

## Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Duncan House"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="41"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Old Torwood Road"/>
Company/Organisation	<input type="text" value="EE LTD &amp; HUTCHINSON 3G UK LTD"/>	Address 2:	<input type="text" value="Old Torwood Road"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Torquay"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="TQ1 1PU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="b.gilpin@cs-planning.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
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="Land adj. Victoria Street, Monifieth, Dundee, DD5 4RB"/>
--

Northing	<input type="text" value="733139"/>	Easting	<input type="text" value="349362"/>
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## Description of Proposal

Please provide a description of your proposal. 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)

Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

## Type of Application

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

- Application for Planning Permission (including householder application – excluding application to work minerals).
- Application for Certificate of Lawfulness.
- Application for Listed Building Consent.
- Application for Conservation Area Consent.
- Application for Advertisement Consent.
- Application for Prior Approval.
- Application for Tree Works Consent.
- Application for Certificate of Appropriate Alternative Development.
- Application for Planning Permission to work minerals.

What type of decision did you receive from the planning authority and are now appealing against? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision – deemed refusal (NB: This does not apply to Prior Approvals).

## Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: \* (Max 500 characters)

Note: you might not 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 will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

See Appeal Statement of Case

Have you raised any matters which were not before the planning authority at the time the decision  
You are appealing against was made? \*

Yes  No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal, ensuring that all documents are clearly numbered: \* (Max 500 characters)

Please see Submission List re: 20/00228/PRIORN

Are you providing a separate statement of your Grounds of Appeal? \*

Yes  No

If Yes then please be prepared to upload this when you reach the end of the form.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

20/00228/PRIORN

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

23/03/2020

What date was the decision or certificate issued by the planning authority? \*

22/05/2020

## Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? \*

Yes  No

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal 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

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

No

If a site inspection is held do you have any views on whether it should be accompanied or unaccompanied? Please give reasons: (Max 500 characters)

Unaccompanied - site is publicly visible and context is clear

## Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or Site?

Yes  No

## Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

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. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? \*

Yes  No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. \*

Submitted  Not Applicable

Copy of Plans/Drawing \*

Yes  No

Copy of planning authority decision notice (if no decision then this is deemed as a refusal). \*

Yes  No  No decision

A copy of original application form and if applicable include certificates relating to land ownership. \*

Yes  No

Other documents, materials and evidence which you intend to rely on. \*

Yes  No

## Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Mr Ben Gilpin

Declaration Date: 04/06/2020

**Telecommunication Appeal**

**For**

**MBNL (EE Ltd & Hutchinson 3G UK Ltd)**

**AT**

**Victoria Street, Monifieth, Dundee, DD5 4RB**

**APPEAL STATEMENT**

**Date: 04/06/2020**

Prepared by WHP Ltd

Agents Ref: 79652

**Contents:**

**1.0 Introduction**

**2.0 Procedural Matters**

**3.0 The Appeal Site / Context**

**4.0 Consideration / Justification**

**5.0 Conclusions**

1.0 Introduction:

1.1 This Appeal seeks the Reporter to consider the proposal for the siting and design of a streetworks installation and associated works required following the formal receipt of a 'Notice to Quit' (NTQ) from the Ashludie Hospital site. This appeal seeks the Reporter to gauge if the proposal could be to the detriment of the amenity and character of the area, when weighed against the benefits the development would deliver in terms of sustainability and provision of enhanced digital communication for residents and businesses in the cell search area.

1.2 In the reasons for refusal for prior approval, as given by Angus Council in their decision notice 20/00228/PRIORN of the 22<sup>nd</sup> May 2020, they state that:

*"1. The siting and appearance of the proposed apparatus would not minimise impact on visual amenity, or impacts on the character or appearance of the surrounding area and the proposal is therefore contrary to Policy TC13 of the Angus Local Development Plan (2016) and Angus Council Advice Note 5/2018."*

1.3 The justification, reasoning and decision for the refusal of the Planning Application, by Angus Council are the subject of this appeal.

1.4 The Grounds for Appeal are:

- The proposal is in accordance with the Scottish National Planning Framework 3 (NPF).
- Planning Advice Note 62 (PAN62) Radio Telecommunications.
- The proposal is in accordance with Policy TC13 of the Development Plan and the Angus Council Advice Note 5/2018.
- As outlined in this supporting statement the applicant is confident that the proposed telecommunications installation and ancillary infrastructure would not, by virtue of its siting and appearance, be detrimental to the amenity of the area or the areas character or appearance, and that suitable and robust evidence has been provided to demonstrate the need for this location.

## **2.0 Procedural Matters**

- 2.1 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders, of which none were received prior to the submission of the Application. The local Ward Councillors and the LPA were consulted with prior to the submission of this application. This new proposal seeks to replace the installation has been decommissioned following the NTQ. Pre-application was undertaken for the scheme with no responses by the LPA or the Ward Councillors prior to the submission of the application.

### **3.0 The Appeal Site / Context:**

- 3.1 The proposed site, adjacent to Victoria Street, Monifieth, DD5 4RB is within an established telecommunication cell (79652). The planning application, which is the subject of this appeal, is purely to provide a replacement installation in the cell following receipt of the NTQ, with a replacement site and equipment to facilitate 5G coverage.
- 3.2 It is proposed that the installation is to replace that lost through the NTQ, only with an installation to allow the delivery of 5G, in a new position (following receipt of the NTQ) to facilitate significantly improved connectivity. The sharing of base stations between multiple operators is one of the key strategic policy principles contained within PAN62. H3G and EE have a network sharing agreement and the ESN (Emergency Services Network) utilise EE equipment and thus these installations are fully compliant with PAN62.
- 3.3 As stated above it is imperative to consider that the ESN (Emergency Services Network) also share on EE sites and thus this installation will also be compatible for the Police, Fire and Ambulance Services. The replacement has both commercial and national importance serving both EE and H3G LTE on the commercial side and ESN on the national side.
- 3.4 The location and position of the proposal is not identified as sensitive, and the area is urban in character. The site (and wider cell) is in a predominantly residential location with the site being the optimal position and as far from properties as operationally possible. The location of the proposal could not be more suitable given the uses (and as such constraints) that surround the site and that there is no scope for quantifiable negative residential amenity to consider as a factor.
- 3.5 It is considered that facilitating the delivery of what is seen by Government as a key part of the economic growth strategy for the UK would in this instance amount to special circumstances, and any refusal on the grounds that the development would not constitute special circumstance would delay and inhibit the delivery of this key driver of the wider UK economy (the material weight that this should be afforded is expanded upon further in this submission). The investment in mobile infrastructure will continue and it will evolve. Just as the use of 4G mobile technology becomes widespread, the adoption and use of 5G mobile technology needs to be planned and implemented. Getting this right is important for three reasons:
1. Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026
  2. Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being.
  3. Mobile connectivity is essential to fulfilling the potential of new technologies. Innovations such as Artificial Intelligence and connected cars will change how we work, spend our leisure time and run our public services. The mobile industry has been able to enhance mobile connectivity across most of the country. But there is more to be done.
- 3.6 As stated above the proposed telecommunication equipment designed to facilitate 5G sharing at the site. EE Ltd and Hutchinson UK Ltd and now ESN (Emergency Services Network) share the same network. The proposal is essential for the Operators to bring optimum telecommunications / mobile broadband services to the area. The works (being a street works replacement to the NTQ site, and ancillary infrastructure) would be located in the same general location as the existing telecommunications installation at the site.



- 3.7 The proposed installation has been designed to be shared between EE Ltd and Hutchinson UK Ltd and ESN.
- 3.8 As stated previously robust pre-consultation was conducted by the applicants' agent. This process included pre-application with the LPA and further consultation with the local Ward Councillors. The pre-application process invites Angus Council and other key stakeholders to meet to discuss the application prior to submission. In this instance no comments were received from Angus Council following the original pre-application submission. Pre-application was undertaken for both sites with no responses by the LPA or Ward Councillors prior to the submission of the application.
- 3.9 In relation to perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.
- 3.10 The need for height of the installation is essential. The height of the development must be sufficient to enable local provision and clear surrounding buildings. The installation with 5G also needs to be at the height detailed to clear ICNIRP guidelines and thus there is no scope to lower the height of the array. The proposal has been designed to remain as discreet as physically possible yet still facilitate multiple 'sharers'. The installation must be high enough to ensure suitable coverage within the cell and provide connection between these cells. In this instance the height is required to clear surrounding clutter. If the installation were to be lower than that proposed, there would be significantly limited coverage as the cell could not effectively communicate with other cells and the wider network, meaning the level of service expected would be compromised. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance is the visual impact (and perceived harm to amenity (over or above that from the existing installation)) weighed against the need, technical requirements of the installation and availability of a suitable and available site. This balance is a well-known and most important matter for the determination of telecommunications applications and appeals. Had the council carried out the required weighing of harm against public benefit as required by paragraph 2.34 of the NPF it would have concluded the balance was overwhelmingly in favour of support for such development.
- 3.11 The current scheme has sought to mitigate any perceived detrimental effects with its position a suitable distance away from residential properties nearby. In the reasons for refusal the Council is concerned that the installation would, in essence, have a detrimental impact on the character and visual amenity of the area, to a point where public benefit would not outweigh perceived harm. This is clearly contested (see the weighting that must be afforded to the delivery of the enhanced digital network below in section 4). In accordance with published guidance, this site is the only viable solution and is in the most appropriate location.
- 3.12 In accordance with the sequential approach outlined in the PAN62, the following search criteria have been utilised. Firstly, consideration is always given to the possibility of erecting antennas on an existing building, mast or other structure. Upgrading the existing site has been utilised here before looking at a new additional site. The proposal is from a site selection perspective the sequentially optimum solution.
- 3.13 This sequential approach is outlined below:
1. Upgrading an operator's own existing base station(s);
  2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
  3. Co-location or site sharing alongside existing telecommunications development;
  4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is

5. Erection of a new ground-based mast in street environment.

- 3.14 In compliance with its licence and the sequential approach outlined in the PAN62 all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed.
- 3.15 The proposed site has been sourced in the 79652 Cell following a Notice to Quit (NTQ) from the Ashludie Hospital site. The intention of the proposal is to ensure continuity of service in the DD5 post code location.

#### 4.0 Consideration / Justification:

##### Policy / Guidance Consideration:

#### 4.1.0 Local Plan Policy:

- 4.1.1 The decision notice as issued by Angus Council states: *“the siting and appearance of the proposed apparatus would not minimise impact on visual amenity, or impacts on the character or appearance of the surrounding area ... contrary to Policy TC13 of the Angus Local Development Plan (2016) and Angus Council Advice Note 5/2018.”* This policy is highlighted below and will be addressed in this supporting statement.

##### Policy TC13 reads:

##### *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..*

- 4.1.2 The provision of the replacement installation and ancillary infrastructure, as detailed in the submitted Planning Application, is to facilitate the upgrade and rollout of the ‘Next Generation’ of telecommunication services and mobile broadband. The dimensions of the installation would be such that it can ensure site sharing and that multiple operators (EE Ltd and Hutchinson 3G UK Ltd) can deliver the requisite service from one installation. The applicant appreciates that the development has an increased mass than the one that it is replacing. There is, however, no scope to lower the new 5G site sharing infrastructure or reduce its mass, and the identified increases will not be detrimental to the immediate or wider locale. The applicant appreciates that the proposed street works development would constitute change but the level of harm from that change is contested. This development would result in negligible harm to amenity and the public benefits would certainly outweigh the perceived harm to amenity.
- 4.1.3 The 5G installation is required to ensure mast sharing can be facilitated (as prescribed by policy) and remove the need for any future additional telecommunications installations in this location.
- 4.1.4 The opinion of Angus Council that the development would be contrary to the objectives of Policy TC13 is challenged.

4.1.5 Contrary to the opinion of Angus Council, it is considered that the proposed development would accord with all elements of this policy, notably in the fact that the design and siting of the installation is one that would not be alien in the existing urban context. The proposal would appear as a telecommunications installation near other vertical street furniture and utilitarian looking bus stop, and is of an appropriate design to ensure service delivery yet is static and a vertical structure that does not visually jar or harm amenity. All efforts to keep the installation out of and away from potentially sensitive receptors have been adhered to (it would be no closer to sensitive receptors than the previous installation that it seeks to replace). If the Reporter is minded to approve the installation, the colour of the antenna can be coloured to one deemed appropriate to the location (to further minimise its' appearance and any perceived obtrusion on amenity (current or future)).

4.1.6 For the proposal to be 'detrimental' to amenities of the area and for the scheme to constitute 'harm' (overbearing) regarding the character of the area it would need to be 'unpleasant' or 'harmful' to the wider environs. In this instance it is noted that the proposal is well located on the existing street works site.

For clarity, the development seeks to minimise the mass and scale of the monopole as much as possible, yet still deliver the service and operational needs of site sharing. It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors (it's to use the same site as the existing installation). It would be similar to numerous similar structures in this location (street lights etc.) and such designs and installations are accepted and regularly seen in comparable locations across the UK).

4.1.7 Furthermore, it is worth noting that the site is not in an area with a statutory designation for particular protection for its character (e.g., Conservation Area or World Heritage Site, SSSI or National Park). As stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day to day life and business. The fact that the scheme seeks to provide a suitable design is not considered to be so damaging or sufficiently obtrusive as to justify the stance taken by Angus Council in this instance.

4.1.8 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement (SSSI as submitted with the application) gives further details on the benefits of the proposal.

4.1.9 Provision of this infrastructure, in an area identified as being lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses. It is vital to consider that a new 5G option is required in this location. As stated above from a planning perspective the sequential approach should be followed for all telecoms sites regardless of their location and this has been rigidly adhered to with this proposal. Operators are committed to provide coverage and improve capacity. Operators' need for a new base station derives from a sequential approach to a site selection process.

1. Upgrading an operator's own existing base station(s);
  2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
  3. Co-location or site sharing alongside existing telecommunications development
  4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground based mast in street environment.

In this instance there is the possibility for upgrading the existing installation, so according with the sequential approach.

- 4.1.10 The type of monopole that the applicant has proposed is the optimum design solution that can take both operators and the height at 20m is the very lowest that works effectively for both Operators and the ESN (due to the distance required to be covered from the site, and the surrounding mature trees that need to be cleared where possible (to ensure lines of sight between cells is maintained)). Given the siting preference, the location proposed is deemed acceptable and appropriate. If the monopole was reduced lower than 20m the installation would not give adequate coverage for the Operators. The cabinets are required to serve the Operator and these have been kept to a minimum (the existing cabinets are to be removed and replaced with cabinets that have a reduced scale / mass). The cabinets should not form part of the planning application process or this appeal as they are Permitted Development (without Prior Approval) however; all efforts are taken to keep these to an absolute minimum. Both the original planning submission and this appeal statement robustly assess how the proposal fits within the surrounding area including its planning designations and assesses the local and national policies. The Government Policy and National Planning Policy section is assessed again below.

#### **4.2.0 Government Policy and National Planning Policy / Guidance – National Planning Framework (NPF) / PAN62**

- 4.2.1 National policy with regard to Telecommunications development is found within the NPF and PAN62. Contained within the NPF and PAN62, the following is of importance during deliberations:

- 4.2.2 Paragraph 1.1 of the NPF states that:

*The Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Government Economic Strategy aims to share the benefits of growth by encouraging economic activity and investment across all of Scotland's communities, whilst protecting our natural and cultural assets.*

The improved service by delivering a replacement installation would deliver a direct contribution to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services (via better connectivity and communication).

- 4.2.3 Paragraph 118 of PAN62 states that:

*118. Radio telecommunications has an important role to play in supporting the further social and economic development of Scotland.*

The proposed development would utilise a site to provide for multiple users, so negating the need for subsequent new installations in the area and ensuring accordance with the objectives of the NPF and PAN62. The proposal would very much accord with this objective and negate the need for a demonstration 'to the satisfaction of the Council' in relation to the search for other sites.

The attempt to provide discreet development at the site, using the recommended sequential approach (as evidenced in the original submission) which accords with the objectives of PAN62, demonstrates the operator's attempts to address the lack of requisite cell coverage in the area, which would if allowed improve network coverage considerably with minimal negative effect on the visual amenity of this residential location.

- 4.2.4 In addition to the consideration given to the reasons for refusal, it is also noted that material consideration should be given to developments that contribute to the delivery

of sustainability (which this facility would do). Such an objective needs to inform decisions, and is a requirement detailed in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31<sup>st</sup> March 2011.

- 4.2.5 As well as planning policy and guidance, Government Policy is also a material consideration, and one that should be given considerable weight in deliberations. Government Policy in relation to the 5G network is detailed in the 'Future Telecoms Infrastructure Review' document as published by the 'Department for Digital, Culture, Media & Sport'. In the Forward this Policy document the DCMS Minister states the following:

*"We want to ensure that the UK has the strongest conditions in place to secure the investment we need. To do this, as we move from a part fibre, part copper roll out to a full fibre and 5G roll out, we will make sure that competition and innovation can thrive. This means regulation that is limited to where it is necessary, and provides the longer-term stability and predictability that investors need.*

*The UK must become the easiest and the most attractive place to invest in new digital infrastructure. We are determined to ensure the UK has the telecoms infrastructure to meet the growing demands of consumers and businesses and promote the benefits of connectivity across the UK. While our aim is to maximise commercial investment in digital infrastructure, we recognise that parts of the country are likely to need more support than the market will provide alone.*

*Digital infrastructure is central to the future of the UK economy. This national strategy will create the right market and policy conditions to secure world-class connectivity for all, but it needs to be accompanied by changes from within the sector. Industry has a critical role in delivering the world-class connectivity we need, and the focus should be on growing the market and improving consumer experiences. This is a long-term strategy and one which will only be achieved by government and industry working together.*

- 4.2.6 The Planning Process in particular has been identified as a 'problem area' to the delivery of 5G. This is evidenced in section 3.5 of the 'Future Telecoms Infrastructure Review' as published by the 'Department for Digital, Culture, Media & Sport'. It reads:

*"3.5 Make it easier and cheaper to deploy mobile infrastructure*

*194. The Government has introduced recent reforms to planning policy and the Electronic Communications Code (ECC) to make it easier and cheaper to build mobile networks. Measures to date have largely focused on macro cells; however, 5G, in the longer-term, is likely to require greater deployment of small cells. Additional measures will be required to make small cell deployment cost effective and practical. The Government has created the Barrier Busting Task Force to work with both the fixed and mobile telecoms industry to identify barriers to network deployment. Industry has asked us to prioritise a number of actions to reduce deployment barriers:*

- *Ensuring the ECC reforms achieve their intended effect;*
- *Considering further planning reforms to support macro site expansion and small cell deployment;*
- *Improving access to public sites and exploring ways to reduce costs;*
- *Facilitating access to power supplies; and*
- *Local solutions to address deployment barriers."*

- 4.2.7 It is clear from the above that Government Policy is very much focussed towards the delivery of 5G and its requisite infrastructure. The Government acknowledge that the Planning Process is a barrier to delivery of infrastructure (as is the case with this refusal). The Government state that digital infrastructure is central to the future of the UK economy. Knowing this, public benefits in the form of social, economic and

environmental benefits must carry considerable weight in support of proposals for digital infrastructure.

## **5.0 Conclusion**

### **5.1.0 Reasoning and Summary**

- 5.1.1 It is considered that the installation of the replacement proposed would not be contrary to but would contribute to the achievement of the Policy objectives of Angus Councils Development Plan, the NPF and PAN62. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area. The proposal would further the delivery of sustainable development through intelligently managed and considered change. As stated throughout this statement it is vital to consider that this is a replacement site (following receipt of the formal NTQ from the Ashludie Hospital site) and not a new additional one in the area. It is imperative that there is not a 5G coverage hole in the area and all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected.
- 5.1.2 We consider the development complies with Government guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of business and the community while minimising visual impact.
- 5.1.3 We consider any perceived impact on amenity the site may have will be outweighed by the many positive benefits that telecommunications bring to the economy and community. As detailed above, and in light of the changing nature of planning (to allow for increased levels of home working in light of the current unforeseen pandemic and its long term social effects and implications), the development meets the requisite criteria and standards, as well as contributes and accords with the 'Planning for Growth' objectives. As such, it is respectfully requested that the appeal be allowed. If the Reporter deems that conditions on approval are required these will be welcomed.



## APPEAL APPLICATION – CS PLANNING LTD

23/00783/PRIORN

Dear James,

We are aware that CS Planning Ltd submitted an appeal in 2020, which was granted by the DPEA, but wanted to make you aware of how they purposely misled the DPEA in this appeal. Please refer to the attached document. Mr Gilpin claims that CS Planning are a company at the time of the appeal in June 2020 but they had ceased to be a company since May 2019. The application also lists Mr Gilpin's personal address on the form and not any addresses that were previously listed on Companies House for CS Planning Ltd, which immediately demonstrates that the appeal is based on false information.

In the Appeal Statement, the appellants claim **4 times** that *"it is vital to consider that this is a replacement site (following receipt of the formal NTQ from the Ashludie Hospital site) and not a new additional one in the area."* At no point in the appeal statement does CS Planning Ltd admit that the decommissioned mast had already been replaced in 2016 or that there were plans for a previous cell-split in at a nearby BT Exchange site. The fact that they did not disclose this information to the DPEA was purposely misleading in order to obtain the appeal. The Reporter mentioned in his decision that the proposed mast would be a replacement and has therefore been misled in his decision. Due to this, the appeal decision cannot be relied upon and should not be taken into consideration for the current application.

The Reporter refers to Angus Council's Report of Handling in his decision, but unfortunately, there is no mention of the council's approval of a 2016 mast that replaced the decommissioned mast or the proposed plans for a cell-split in the Planning History section, which means the Reporter did not have access to this important information, which could have highlighted the false information provided by the appellants.

In addition, CS Planning Ltd claim in their appeal statement that *"it is imperative to consider that the ESN (Emergency Services Network) also share on EE sites and thus installation would be compatible for the Police, Fire and Ambulance Services."* There are currently no issues with the ESN in the area as users of different networks can use emergency services on any network, therefore this point is irrelevant as adding a mast at the site here in Ashludie would not add any new benefits to the ESN.

In section 3.8 of the appeal document, it is stated: *"The pre-application process invites Angus Council and other key stakeholders to meet to discuss the application prior to submission. In this instance no comments were received from Angus Council following the original pre-application submission."*

This would have been an opportunity where Angus Council questioned the fact that the mast had already been replaced and queried what happened to the previous plans of a proposed cell-split at the BT Exchange site but this did not happen. If it had, these issues would have been highlighted, which would have informed the Reporter that the mast had already been replaced.

Point 3.13 of the appeal statement outlines the sequential approach from PAN62:

*"1. Upgrading an operator's own existing base station(s), 2. Using existing telecommunications structures belonging to another code system operator i.e. mast sharing, 3. Co-location or site sharing alongside existing telecommunications development, 4. Installing a base station on an existing building or tall structure."*

and claims that *"all attempts to utilise any existing telecommunications structures where they represent the optimum environmental solution have been employed."*

This statement from CS Planning Ltd is false as the BT Exchange site had previously been identified for adequate mast sharing of a mast in the 2016 application by Harlequin Group and a cell-split had been planned for this site, therefore all attempts had not been employed.

As EE already replaced the mast in 2016 just metres away from the proposed site for this application, there is also a possibility for MBNL to upgrade this base station to accommodate any coverage needs.

WHP Telecoms also did not show any attempts of investigating buildings or tall structures to attach the mast to in their application (there are several within their given parameters and topography which could work), which demonstrates that this option had not been thoroughly or properly considered by them.

As MBNL have not followed the sequential approach in PAN62, CS Planning Ltd's statement is false and once again misled the Reporter in his decision, therefore the appeal outcome should not be taken into consideration by Angus Council as PAN62 states that *"if 1-4 are unavailable, the only viable option is 5. Erection of a new ground mast in a street environment."* As we have shown in the points above options 1-4 were available, therefore a new mast should not be permitted.

In the conclusion of their appeal statement, CS Planning Ltd claim that they *"consider any perceived impact on amenity the site may have will be outweighed by the many positive benefits that telecommunications bring to the economy and community"*. The same could be said for the other discounted sites in the initial application and also for the 14 alternative sites that the residents referred MBNL to – one of these sites was a field off the main road which would have much less impact on visual amenity, but these sites were claimed to be "too residential" and have "an impact on visual amenity". Those points cannot be applied to other sites and not the site here at Ashludie, therefore the statement is misleading and the appeal outcome should not be taken into consideration by Angus Council in relation to the current application.

In the appeal statement conclusion CS Planning Ltd state: *"in light of the changing nature of planning (to allow for increased levels of home working in light of the current unforeseen pandemic and its long term social effects and implications), the development meets the requisite criteria and standards"*.

This statement was from 2020 during the pandemic. The Reporter put an expiry date on his decision for a reason as circumstances can obviously change, which they now have so this argument is no longer applicable, but is also likely to have influenced the Reporter's decision and is another reason the appeal decision should not be referred to or considered when assessing the current application.

We have pointed out several important reasons why the appeal decision is not relevant to the current application and was based on false information that misled the Reporter. We trust that the council will understand it would be extremely unfair and negligent to consider the appeal outcome in their decision for the current application.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

## **23/00783/PRIORN**

4<sup>th</sup> April 2024

Dear Councillors,

The residents at Ashludie and the surrounding area wanted to make you aware of a complaint surrounding the current Ashludie mast application 23/00783/PRIORN and Angus Council's Planning Department. We previously submitted documents to Angus Council's Planning Public Access portal highlighting the fact that the current mast applicants (MBNL) were claiming that the proposed mast here at Ashludie was a "replacement mast" for one that was decommissioned here in 2015, but a replacement mast for this had already been approved by the council in 2016.

With regards to the 2016 mast application, Angus Council's Planning Department at the time had prior discussions with the applicants and had stated that the original site they had identified was not suitable so suggested an alternative. In line with local and national planning policy, the planning department also suggested mast sharing with an existing mast at the BT Exchange site in Monifieth. Due to this, the applicants agreed to select a different site and agreed to mast share with the existing mast at the BT Exchange site, therefore having a 'cell-split' to meet coverage needs. In 2018, the applicants submitted an upgrade notification to accommodate EE equipment (18/00138/PREAPP) at the BT Exchange mast.

When the residents looked back at the Planning History section of the 2020 Report of Handling from Angus Council for the current proposed mast, we wondered why the council's planning department never pointed out in this section that they had already approved a replacement in 2016 or the planned 'cell-split' as this was a discrepancy that should have been highlighted here or at the very least questioned with the applicants. As the application has been resubmitted in 2023, we brought this to the case officer's attention via a document submitted to the public access portal in November and he did then question this discrepancy with the applicants, which indicated that he had been unaware of his department's 2016 replacement approval or the 'cell-split' when he assessed the application in 2020. He also did not mention having any awareness of the 2016 application when we first emailed and spoke with him about the matter. If he had been aware, surely he would have mentioned this in the beginning of our communication. While case officers are only required to consider the siting and design of a mast for decision, it is within their duty to question any information that they know is false, inaccurate or contradictory, therefore it was the case officer's duty to highlight or question that the mast had already been replaced in 2016 with the applicants.

We further contacted the case officer, James Wright, about the matter back in January this year and asked relevant questions pertaining to whether he had been aware of the 2016 approval back in 2020 and as to why no alternative sites were suggested by the council and why they had not suggested mast sharing as they had in 2016. The case officer, his manager and the Service Leader have all purposely and repeatedly refused to directly answer the questions put to them.

In February 2024, the applicants then uploaded a coverage plot supporting document from their 2020 application which made one very small, confusing and misleading reference to the already existing replacement mast. Mr Wright then claimed in his emails that the coverage plot had been submitted in 2020 with the application at that point, therefore a reference had been made to the existing replacement, but he did not state whether he was aware of this or had missed it in 2020. In addition, he only mentioned this once the applicants had pointed it out in 2023, suggesting that he had actually missed the reference to it in 2020 when he assessed the application. If he had not missed it, he would have questioned the mast already being replaced back in 2020 as he did when we pointed it out to him in 2023 and would have also mentioned it to me in his initial response when I brought it up in 2023.

We believe that in 2020 Mr Wright and Angus Council made an error, forgetting that they had approved a replacement mast for a decommissioned one here at Ashludie in 2016. This is understandable as a different member of the team handled the 2016 application and the applicants had been purposely misleading in their presentation of the information as they make no reference to the 2016 approved replacement mast anywhere in their principal application documents and consistently refer to the

proposed mast as the sole replacement for the decommissioned one. While Angus Council should have some sort of system in place to catch such errors (in terms of the planning department being aware/checking which masts they have previously approved), we do understand how the error could have occurred due to the underhand presentation of the facts by the applicants who sought to mislead the council.

As Angus Council refused the prior approval for the mast (which the residents were extremely grateful for), the applicants then appealed the decision with the government's DPEA. The Reporter for the DPEA upheld the appeal, but in his decision reasoning cited that the proposed mast was a "replacement" for the decommissioned one from 2015 and that the council had not suggested any alternative sites. Had the Reporter known that the mast had already been replaced in 2016 or had Angus Council suggested any alternative sites for the mast, the appeal may have been refused as these are material considerations which affect planning decisions. In addition, the residents managed to identify 14 alternative sites for the mast within technical parameters given by MBNL, therefore the council could also have easily identified alternative sites.

Both the DPEA and the Planning Minister for Scotland have stated that the DPEA rely on the council to highlight any discrepancies such as the mast already being replaced as only the council's planning department have that information to hand. They could not possibly be aware of such a thing without the council informing them, yet it was not questioned or mentioned by the case officer in 2020 in his report, therefore the DPEA had no way of knowing about the previous replacement. In the appeal documents, the applicants lie that the proposed mast is a sole replacement for the decommissioned one and do not disclose anywhere that it had already been replaced, therefore misleading the DPEA Reporter also. Although the Reporter had access to all of the application documents, he has also obviously also missed the one confusing slight mention of the replacement mast on the coverage plot document.

In order to challenge the flawed appeal decision from the DPEA, the residents had to spend £6,000 in legal fees, which was likely due to the Reporter not being privy to vital information from Angus Council. As the appeal decision has now expired, the applicants have once again submitted the same application to the council, still with completely inaccurate information and once again no declaration of the replacement mast in the principal documents. The applicants are insisting that the council must take into account the 2020 appeal decision that was in their favour.

As you can see from the email exchange below, we have tried to understand what happened with the error of not mentioning the replacement mast from 2016 with regards to the 2020 refusal decision, but Angus Council's Planning Department are refusing to directly answer important questions and are adamant they have not made any errors, which is ludicrous as they failed to point out a vital discrepancy and material consideration and likely cost us to lose the appeal.

Despite the fact that their errors potentially cost us £6,000 and much stress, we are not looking for any repercussions or reprimands for the council's planning department as we understand how the mistake happened. What we do not think is fair, however, is that the department are agreeing with the applicants and insisting that they must take the appeal decision into account when assessing the current application. As the council's errors potentially affected the appeal outcome by not disclosing information regarding them already approving a replacement, this is unfair. Admitting to their mistakes would mean admitting that they potentially affected the appeal outcome and that it would not be fair to take it into account with the current application.

Our MSP Graeme Dey also contacted Angus Council's planning department in order to ask the same questions that we have, but both ourselves and Mr Dey have had our concerns and questions dismissed.

The residents are appalled at how the council have handled our queries, their lack of transparency and their lack of attempt in finding a resolution. We are also extremely disappointed in their refusal to admit any errors. In addition, their insistence of taking into account the appeal decision, which their errors potentially influenced is unfair. Angus Council should not be willing to see Angus residents take the burden of their mistakes. As a public body they must be fair and transparent, but it appears in this case that they are not in order to cover up errors.

Please read through our email exchange below with the planning department from Angus Council. The hundreds of residents would like the Development Standards Committee to have an awareness of what has happened here and how we are being treated.

Yours sincerely,

Jillian Mannion.  
On behalf of the residents at Ashludie Grange and surrounding area

\*\*\*\*\*  
**From:** Jillian Smith [REDACTED]  
**Sent:** Wednesday, January 31, 2024 10:39 AM  
**To:** James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>  
**Subject:** Ashludie Phone Mast

Dear James,

Many thanks for our conversation confirming the processes for the Ashludie mast application. I wondered if you could please possibly refer me to any guidelines or council planning procedures that allow the applicant more time to respond on any issues queried? Will the same time period be given to members of the public to respond to any further information that WHP Telecoms provide? It seems only fair that we should be given the same time period to respond.

As the email we received from the DPEA in response to our complaint referred twice to the fact that it is the council's responsibility to point out any queries with information presented by the applicant, we went back to check the Angus Council Report of Handling from 2020 on the matter. There is no mention or query of the replacement mast from 2016 or whether the planned upgrade and cell split with BT Exchange in Monifieth actually took place – this is vital information in terms of the DPEA Reporter's decision as the applicant claims the main reason for the application is due to this being a replacement mast and the DPEA Reporter refers to this as one of his reasons for approval. To not include any details on the previous replacement or the planned cell split at BT Exchange is purposely misleading from the applicant. It should, of course, have been declared by the applicant but it should also have been picked up and queried by the council in 2020 as part of their assessment on this matter as they had approved the replacement mast in 2016. Could you please tell us why this was not raised by the council in the 2020 Report of Handling or prior to it?

The Report of Handling in 2020 summarises the supporting information from the applicant stating:

*"Advises the proposal is to replace an existing installation and is not a new additional mast. The need for this need mast stems from EE and H3G having been issued with a Notice to Quit and thus a new site is urgently needed."*

The fact that there is no mention of the 2016 replacement within the Report of Handling assessment was negligent and could have influenced the DPEA Reporter's decision of appeal. In his response to us on 12<sup>th</sup> January 2024, David Henderson, Head of Performance and Administration at the DPEA states:

*"In this appeal there were no queries from the council regarding the accuracy of the appeal supporting information."*

And:

*"...if there are any discrepancies, again the reporter would normally rely on the council to point these out as it has the information to hand."*

The council failed to highlight this discrepancy or query it with the applicant, therefore it did not provide the DPEA with relevant information that it should have and was easily accessible to it.

The Report of Handling from 2020 also declares in summarising the supporting information from the applicant that the coverage in the area is poor, yet there is no evidence that this claim was checked by the council.

*“The mast has been decommissioned so coverage in the area is poor and needs to be addressed ASAP.”*

This claim from the Report of Handling is false as everyone in the Ashludie and surrounding area who are customers of EE and 3 have no coverage issues. If you also check online on EE and 3's coverage checker for purchasing a mobile phone, it shows no issues with the surrounding area to the proposed site as claimed and for a good distance surrounding it. The coverage issues lie further south in the village near the high street – the area that the BT Exchange upgrade in 2016 was proposed to cover. Coverage maps appear to have been submitted as part of the 2020 application, but could you please confirm that these maps were technically checked and verified by the council as being accurate in terms of coverage?

In their 2020 application, WHP Telecoms discounted the BT Exchange site due to limited ground space for equipment, but as we demonstrated with photographic evidence in previous letters, there is more ground space available at the BT Exchange site than at the proposed development site in Ashludie, therefore this reason is false. Harlequin Group in 2016 in their application to the council and MBNL in 2021 (via letters to the Ashludie residents) claimed that the BT Exchange site provided good signal coverage for the south of the village, therefore this now cannot suddenly be an alternative reason why the site was discounted in the 2020 application. They also did not mention any issue with ground space for equipment. In the Report of Handling it is claimed the applicant:

*“Provides details of various sites and reasons for discounting them.”*

There is no mention here of querying the proposed BT Exchange upgrade in 2016 or the reason given here for discounting the site, which is false, therefore it was negligent not to mention this in the report, which the DPEA Reporter was relying upon.

The Report of Handling also mentions that the application from WHP Telecoms states:

*“The supporting statement goes into detailed analysis of why this site is in compliance with PAN62.”*

As demonstrated in previous correspondence from ourselves, there are multiple ways that this application does not comply with PAN62 and WHP Telecoms are being misleading by claiming it does. This was not queried in the Report of Handling, which the DPEA Reporter relied upon.

There were several other inaccuracies in the initial application from WHP Telecoms (please see previous letters for details on these) that were not questioned by Angus Council. The lack of querying or investigating these potentially also influenced the Reporter's decision.

As the Report of Handling is taken into account in the DPEA's decision (with the Reporter relying on the council to point out any queries or discrepancies with the application information) and the fact the council did not point out multiple discrepancies, particularly that they had already approved a replacement mast in 2016 and been informed of an upgrade to the BT Exchange site, it would be unfair and unethical to refer to the Reporter's decision for any kind of influence in a decision for this current application. As the mast has already been replaced, the DPEA Reporter did not have all the relevant information and the new application still does not comply with Angus Council's Local Development Plan 2016, it should once again be refused. We would very much appreciate it if you could respond to our queries in this email.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

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On Thursday, 8 February 2024 at 09:54:53 GMT, James Wright <[wrightj@angus.gov.uk](mailto:wrightj@angus.gov.uk)> wrote:

Ms Mannion,

Thank you for your e-mail and I apologise for the delayed response. I would comment as follows:

**Application 23/00783/PRIORN:**

This is a current application that is pending consideration and supporting information has already been submitted. Any new information submitted will be published online. I have asked for clarification on certain matters regarding the proposal before this service takes a view on its acceptability. This information will be assessed once submitted. The planning authority is required to undertake neighbour notification. This allows a period of at least 14 days for interested parties to make representations on the siting and appearance of the proposal to the planning authority for their consideration. This period has been given. If the siting or appearance materially changed then this may be different. However the applicant has not indicated that they intend to make changes to the siting or appearance of the mast. To confirm, the application will not be re-neighbour notified as part of the submission of further information requested for clarification, if this is submitted.

For your information, Part 20, Class 67 of the Town and The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) provides the legislative framework for this type of application. As per the legislation, the planning authority must give a decision in writing within a period of 56 days beginning with the date of receipt of the application or such longer period as is agreed in writing with the planning authority. In this instance we have agreed an extension with the applicants agent and this is in line with these requirements.

I trust this clarifies the current position.

At present, the below e-mail is not considered as a formal representation. Please confirm if you want the below e-mail to be added to the file as a formal representation?

**Application 20/00228/PRIORN:**

The Report of Handling (ROH) on this application details the planning authorities assessment. Given the timescales involved, that this permission is no longer extant and the fact that there is a current application pending consideration at this time for the same development, I do not intend to comment further on detailed matters regarding the previous application.

I would however comment that the planning authority are, under the terms of the GPDO, only to consider the siting and/or appearance of the development when an application is made to them. The same restrictions apply should a subsequent appeal be made.

In terms of the factual position at the time of determination of the previous application, with regards to supporting information the ROH states that... .. 'information does not represent a thorough analysis of alternative sites and does not include sites closer to the chosen site which could have a significantly reduced impact on visual amenity and the character and appearance of the area.' The Reporters decision states that he was ...' satisfied that alternative sites have been considered and none more suitable has been found. No other alternative sites have been drawn to my attention.'

On the current application, information has again been requested from the applicants agent for clarification.

Whilst it was clear that this service requested more detailed information to be submitted alongside the previous application, we cannot control the extent of the information submitted by the agent / applicant and ultimately needed to take a decision on the application within the agreed timeframes and based on the information available otherwise the development would have benefited from deemed approval under the

above legislation. The comments in the ROH reflected our position at that time and this was provided to the DPEA along with all relevant information submitted to the planning authority.

When we progress the current application, all material information available will be reviewed including the planning history, reporters appeal decision, letters of representation and other information submitted from the applicant as part of the current application. You will be notified in due course of how the application will be progressed.

I trust this clarifies our position.

Any further representations should be submitted via public access where possible and if this is not possible e-mailed to [planning@angus.gov.uk](mailto:planning@angus.gov.uk) to ensure they are correctly logged and considered.

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629  
| [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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**From:** Jillian Smith [REDACTED]  
**Sent:** Thursday, February 8, 2024 3:50 PM  
**To:** James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>  
**Cc:** PLANNING <[PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)>  
**Subject:** Re: Ashludie Phone Mast

Dear James,

Many thanks for your response. Unfortunately, I'm afraid the residents do not feel that your response has clarified matters.

**Application 23/00783/PRIORN:**

While we understand that the neighbour notification has been given, we are asking to be allowed time to examine and respond to any further information WHP Telecoms provide – i.e. once they respond will there be time from when that document is uploaded via public access for us to examine it and respond? As WHP telecoms have been providing false information thus far, I'm sure you can understand our concern regarding having time to respond to further comment from them. Please note we have now reported EE, 3, CS Planning and WHP Telecoms to Trading Standards due to their conduct on this matter.

**Application 20/00228/PRIORN:**

I'm afraid as the previous application influenced the appeal which followed which has been referenced in the now current application, then this matter is of relevance to the new application mentioned above. If you can confirm that the appeal being upheld by the DPEA is not of consideration in this new application then we understand your logic in separating the two. However, as you have stated in your response that this will be taken into consideration and, as the applicants have referred to this several times in their new 2023 application, then the two applications are inextricably linked and the previous application requires more comment from yourselves – specifically as the Reporter mentioned that this was a replacement mast in his decision and the council did not flag that they had already approved a replacement mast for this site.

I note our question of how the council managed to miss this has not been addressed in your response. The residents would still like an answer to this question please. We note that Kate Cowey (Service Leader) approved the mast application in 2016 and also communicated the rejection of the proposed mast in 2020, therefore the same team member handled both applications at some point. Given that



there were only 20 mast applications between 2016 and 2020, it doesn't seem unreasonable that Ms Cowey would recall the approval of the replacement mast that was decommissioned in 2015.

In addition, you were informed by a resident Andy McLaren in the comments on the 2020 application via public access that the mast had already been replaced. I attach evidence of this – please see the attached Doc19, page 10, Andy McLaren's comment:

*“Some years ago there was a telephone mast located approximately 100yds easterly from this location. It was situated in the Health Centre grounds. It is my belief that the local residents complained with this location and it was successfully relocated to the north adjacent to the electrical substation on Victoria street.”*

Another resident, Ian Melvin, also emailed you regarding the replacement mast on Thursday 16<sup>th</sup> April (please see attached image (12)) where he points out that EE already have a mast and provides a photograph of the proximity to the newly proposed site (which clearly then affects the "siting" consideration that is required to be given). Despite being given this information by Andy McLaren and Ian Melvin, this was not checked or included in the Report of Handling in 2020. Can you please explain why?

The process that the DPEA has in place for challenging decisions made by their Reporters is through a court of law, which was the only avenue that the residents could pursue to stop this. This cost us over £6000 to do. The Reporter cited one of the reasons he upheld the appeal was due to it being a replacement mast. As the DPEA have stated that the council were responsible for highlighting any discrepancies or false information in the planning application, the council failed in its duty to point out it was a replacement mast, despite the same member of staff communicating both outcomes of the 2016 and 2020 application and ignoring residents pointing out that the mast had already been replaced. Therefore, the council's failure here meant that the mast appeal was upheld and we had to spend £6000 to try to stop it. We are now trying to recover these expenses from EE and 3 as they provided false information, but the council's negligence has a part to play in this, which is another reason that further explanation and commentary is necessary.

While the local authority only needs to consider the siting or appearance, that is obviously on the proviso that the applicant is not providing false information that the council is aware of. Obviously if there is an awareness that they are providing false information, part the planning department's duties would be to investigate this as you have now done in the 2023 application. In addition, part of the "siting" is the fact that this mast has already been replaced in very close proximity, which obviously affects the siting and you were made aware of this by residents here.

While the Reporter was satisfied that alternative sites had been explored, he had not been made aware that contrary to the BT Exchange site being discounted, it had previously been selected as a site in 2016, which your department was aware of in the 2016 mast application and approval. Had he been made aware of this by yourselves and made aware the mast had already been replaced, he would likely not have upheld the appeal.

At present, we do not wish for this email exchange to be submitted via public access, but if the residents decide otherwise I'll let you know. This exchange is merely asking for an explanation from the planning department on why vital elements of information were missed and not investigated despite notification from residents, which impacted the appeal decision and resulted in a potentially un-necessary legal battle and now affects the 2023 application.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

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On Friday, 9 February 2024 at 19:23:16 GMT, James Wright <[wrightj@angus.gov.uk](mailto:wrightj@angus.gov.uk)> wrote:

Ms Mannion,

Thank you for your e-mail and I would comment as follows:

**Application 23/00783/PRIORN:**

To confirm, we must issue a decision within the agreed timeframe, otherwise it would be deemed as approved. However to clarify, information submitted will be published on public access and whilst it is beyond the statutory neighbour notification period, our current practice is to accept additional representations on applications up until the time that a report has been prepared. Therefore if additional information is submitted, additional comments can be made up until this point.

**Application 20/00228/PRIORN:**

To confirm, the planning history of the site (including the appeal decision) will be reviewed in full before we take a decision on the current application. However this is also the case with the letters of representation on the current application. All matters will be reviewed, reasons for any decision will be addressed in any report of handling / committee report prepared and a decision will then be issued. I do not intend to comment further at this time on matters which will be fully reviewed and addressed when compiling any report.

As with all applications, we ask all comments to formally be submitted as representations so we can review and take account of any material planning considerations raised. You will appreciate that when an application is pending consideration we are assessing all information including matters raised in formal representations and these matters would be addressed in any reports where they are materially relevant. As you will appreciate we can receive significant numbers of objections to applications and do not have the resources to answer all queries directly. Material topics will be covered in the report. With regard to the current application, any further representations should be submitted via public access where possible and if this is not possible e-mailed to [planning@angus.gov.uk](mailto:planning@angus.gov.uk) to ensure they are correctly logged and considered.

To again confirm, the position of the planning authority on the previous application (20/00228/PRIORN) is set out in the Report of Handling (ROH). To confirm, the ROH not specifically referring to the mast to the north, is not in any way confirmation that its presence was not acknowledged during consideration of the application. The mast to the north was clearly shown on the coverage plots provided and is even referred to as one of the replacements for the NTQ site in these plots. This appears to be very clear. This information was available to the DPEA and the information for the mast to the north (including the report of handling) was available in the planning register, which is publicly available. Similarly all representations submitted are summarised in any report but all representations submitted are also reviewed in full prior to determination of an application.

Matters relating to both DPEA procedures / decisions and separate legal proceedings are outwith the planning authorities remit and are not matters for the planning authority to comment directly on. I do not intend to comment or speculate on possible outcomes.

With regard to the current application, as above, any further representations should be submitted via public access where possible and if this is not possible e-mailed to [planning@angus.gov.uk](mailto:planning@angus.gov.uk) to ensure they are correctly logged and considered.

I trust this clarifies our position.

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629  
| [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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**From:** Jillian Smith [REDACTED]  
**Sent:** Saturday, February 10, 2024 9:38 PM  
**To:** James Wright <WrightJ@angus.gov.uk>  
**Subject:** Re: Ashludie Phone Mast

Dear James,

Many thanks for your reply.

**Application 23/00783/PRIORN:**

Will the report be completed by the planning team before the extension date of the 15th March? We are just wondering if there is a cut-off date for any documents to upload via public access?

**Application 20/00228/PRIORN:**

I think there may be a miscommunication - we do not wish for you to comment on any matters that may be in a report that has not been prepared yet. This is not a query regarding an objection nor are we making a comment on a current application in this email, but we are asking specifically about a possible error in the planning department with regards to whether you were aware as the case officer in 2020 that the decommissioned mast from 2015 at Ashludie had already been replaced in 2016 and if you were aware, why it wasn't queried with WHP Telecoms back in 2020?

We are aware the replacement mast from 2016 was marked on EE's coverage plot document although we disagree this was made clear as it was merely buried amongst a confusing and misleading coverage map. This vital information nor the planned site upgrade at the BT Exchange from 2016 were mentioned anywhere in the 2020 or 2023 application or supplementary site information, which is very misleading as these are the main application documents and what is stressed in those documents is that the proposed mast is a replacement (with no mention that one has already taken place). You have stated just because the replacement mast of 2016 has not been mentioned in the case of handling report in 2020, it does not mean that acknowledgment of it was missed, but you have not answered the question directly of whether it was missed or not. If it was missed, this means either the documents submitted by WHP Telecoms were misleading or the council neglected to notice a vital discrepancy and query it. If it was noticed, why wasn't it questioned by the planning department at the time? It has been questioned now as you stated in a phone call to me on 30th January 2024 that you had queried these discrepancies now that they had been brought to the council's attention through our comments on public access, indicating that they were not known about before. This is also clear from your extension of time letter to WHP Telecoms on 30<sup>th</sup> January 2024. If these discrepancies were known about before we do not understand why they were not queried at the time in 2020 as they have been now. Could you please answer directly whether in 2020 during the application process and case of handling that as the case officer you were aware that a mast had already replaced the decommissioned mast in 2015? And if you were, why you did not question the fact that another mast was being requested as a replacement when one already had been installed and query what had happened with the planned cell split at BT Exchange?

If there is limited time to spend on applications as yourself and the DPEA have pointed out then it is little wonder that WHP Telecoms one small confusing reference to the previous replacement mast being buried on a coverage plot document with no reference made to in the application, but stress being placed upon the proposed mast being a replacement, that the information may have been missed by the planning department and DPEA. Unless the relevant personnel from the council and DPEA handling the case had any specific prior knowledge that there was a previous replacement for the decommissioned mast, then of course it's possible it may not occur to them to query the previous replacement, but this does show that WHP Telecoms have been misleading in their presentation of information, which has clearly influenced the DPEA reporter and is another vital reason why the appeal should not be considered of relevance to the current application.

I note you are only bringing the matter of the small reference on EE's coverage plot to our attention now that WHP Telecoms have responded to you and likely highlighted this as you did not mention this information when we previously brought it up, which suggests it may have been missed in the 2020 assessment. As the DPEA state clearly in their correspondence with us that it is the responsibility of the local planning authority to query and point out any discrepancies, their opinion appears to be that the marking of these issues should have been in the report of handling as they clearly state that is not within the role of their reporters. We were not expecting you to comment or speculate on outcomes, but wanted the planning department to be aware that not flagging important discrepancies can influence appeal outcomes and result in a costly legal battle for members of the public.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

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On Wednesday, 14th February 2024 at 10:04:58 GMT, James Wright <[wrightj@angus.gov.uk](mailto:wrightj@angus.gov.uk)> wrote:

Ms Mannion,

Thank you for your e-mail.

**Application 23/00783/PRIORN:**

The application is still pending consideration. There is no specific date cut off date for comments. Again depending on the extent of the information we will accept comments up until the time that a report has been prepared.

As indicated previously, whilst it is beyond the statutory neighbour notification period, our current practice is to accept additional representations on applications up until the time that a report has been prepared. However this is discretionary as it is over the statutory period. Therefore we can progress the application to determination at any time. As such all comments should be made in writing within this statutory period where possible. Outwith this period there is a risk we will not be able to take these into account if a report has been finalised.

I do not intend to comment further on the current application at this time which is pending consideration. You will be notified in due course of the progress, any additional information submitted will be published, comments will be taken up until the point a report is prepared and if any further extensions of time are agreed these will be published on the website. If there is anything further you wish to raise again this should be done through public access as previously advised. I hope this explains the position.

**20/00228/PRIORN:**

My previous comments confirmed the factual position. The position of the planning authority on the previous application (20/00228/PRIORN) is set out in the Report of Handling (ROH) and the mast to the north was clearly shown on the coverage plots provided. I made these comments to clarify the position and also to try to be helpful. I do not intend to comment further on the detailed consideration of an application from 2020. I will reiterate that matters relating to both DPEA procedures / decisions and separate legal proceedings are outwith the planning authorities remit and are not matters for the planning authority to comment directly on.

I trust the above clarifies the situation.

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629  
| [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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**From:** Jillian Smith [REDACTED]  
**Sent:** Thursday, February 15, 2024 1:46 AM  
**To:** James Wright <WrightJ@angus.gov.uk>  
**Subject:** Re: Ashludie Phone Mast 23/00783/PRIORN and 20/00228/PRIORN

Dear James,

Many thanks for your response, but I'm afraid the residents are still unclear on this point. With regards to **20/00228/PRIORN**, you mention in the Planning History section of your Report of Handling about the decommissioned mast, but you do not comment on the replacement that you state was "clearly shown" in the coverage plots. Why would this be left out of the Planning History as it is obviously a vital part of that?

We disagree that it was clear anywhere within the application that the 2016 mast had previously been erected as a replacement to the previously decommissioned one from 2015 because there is no mention of it in the principal application documents, but much is made of the new mast being a replacement in them, therefore the presentation of this was misleading by WHP Telecoms and it would be of little wonder as to how it would be missed by the council and not included in the Planning History. The way it has been briefly mentioned in the coverage plots is confusing as it does not clearly state the history of its approval in that it was a previously planned cell-split with the BT Exchange site and why that plan was changed.

As you have stated that you think it was clearly shown on the coverage plots, we can only assume that's an admission that you were aware the mast had already been replaced and chose not to include it in the Planning History section or investigate why another new additional mast was required and what had happened to previous planned cell-split from 2016. Surely if there are any discrepancies in an application to the planning department, it should be part of a case officer's job to question and look into them and not only be queried if they decide to be helpful? You mentioned to me during our phone call on 30th January that you had gone back to WHP Telecoms to query these points because these matters had been brought to your attention by us, which suggested they were not factors that had been considered previously.

While you have said that you don't wish to comment on matters regarding the DPEA procedures, they have commented (as you have seen from David Henderson's email) that they consider it to be the local planning authority's job to highlight any discrepancies - are you saying that it is not? As the replacement mast was missed out of the Planning History section of the Report of Handling in 2020, a vital point was not highlighted.

As the 2020 application affects the current application because you have stated you need to take into account the DPEA appeal, the residents would like clarification on why the council did not query that there had already been a replacement mast with a plan to cell-split at the BT Exchange and why this was not included in the Planning History section of your report when the decommissioned mast was.

Kind regards,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

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On Friday, 1 March 2024 at 08:56:05 GMT, James Wright <wrightj@angus.gov.uk> wrote:

Ms Mannion,

I refer to your e-mail below.

With regards to the current application I have been having some discussions with the agent. Whilst as indicated previously there is no requirement to renotify in terms of the regulations, following my discussions with the agent, they have agreed to extend the timescales in terms of the determination of the application to allow the planning authority to renotify residents on additional information that is to be submitted. This extension is in the form of a basic processing agreement which will be added to the file and made public. It essentially requires the applicant to submit any information they intend to submit by 22/03/23 and it also gives timescales for the planning authority to re-notify and then determine the application once this information has been assessed.

With regards to the application that is no longer extant, as per my previous e-mail, I do not intend to comment further on the detailed consideration of an application from 2020. The planning authority presented its case for refusing the application to the DPEA and the DPEA chose to approve the application. At this time I don't intend to enter into any further dialogue regarding the previous application which was approved by the DPEA at appeal as I have clarified the planning authorities' position in relation to that matter. We will assess and review all material considerations raised in the current application when progressing it to determination.

With regards to the current application, the processing agreement showing the extent of the timescales will be made public on the website today.

I hope this clarifies the position.

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629  
| [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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**From:** Jillian Smith [REDACTED]  
**Sent:** Friday, March 1, 2024 9:52 AM  
**To:** James Wright <WrightJ@angus.gov.uk>  
**Subject:** Re: Ashludie Phone Mast 23/00783/PRIORN and 20/00228/PRIORN

Dear James,

Thank you for the update. Could you provide more information on the discussions you have had with the agent please - will these be added to the public access portal?

As I have previously mentioned, the application from 2020 affects the current application on two counts -

- 1) The applicants have asked you to take into consideration the appeal from 2020 in their 2023 application.
- 2) You have confirmed that you will be taking the appeal from 2020 into account with regards to this current 2023 application

The appeal decision was based on information presented to the DPEA Reporter in 2020 by CS Planning Ltd and by yourself on behalf of Angus Council. As a vital point about the replacement mast being approved in 2016 by the council and planned cell-split at BT Exchange was missed out of the planning history section of the Report of Handling, this is likely to have affected the outcome of the appeal. It is only fair that you either:

1) Comment on the question you have been asked directly several times about the important information being missing from the report or

2) Agree not to take into consideration the DPEA appeal because it was based on the 2020 application and 2020 Report of Handling, which missed out the vital information that a replacement mast had been approved by Angus Council in 2016 and there had previously been a planned cell split at one of the listed discounted sites.

To refuse to comment on a potential error which affected the appeal but refuse to disregard the outcome of the appeal despite this error is biased and unfair towards the objectors. We really do not want to take this further, but we do not understand why you are refusing to answer a question that affects a current application decision because you have told us that you will be considering the appeal outcome from 2020 in regards to this current application.

Could you please answer our query within seven days or provide us with the relevant personnel that we can escalate the matter to?

Yours sincerely,

Jillian Mannion.

on behalf of the residents at Ashludie Grange and surrounding area

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On Thursday, 14 March 2024 at 17:12:45 GMT, Stephanie G Porter <portersg@angus.gov.uk> wrote:

Dear Ms Mannion,

Thank you for your e-mail.

Firstly, and in light of the nature of your correspondence I have been asked to review the 2020 application for the mast (ref: 20/00228/PRIORN). For the avoidance of any doubt, I confirm that I have had no previous involvement in relation to that case.

The 2020 application was submitted under the prior approval procedures set out in the Town and Country Planning (General Permitted Development)(Scotland) Order 1992. For clarification, an application made under the prior approval procedure is different from an application for planning permission. Regulations are clear that for a prior approval application, the only matters that the planning authority are entitled to consider are the siting and appearance of the development. That position is set out both in the council's report of handling and in the DPEA reporter's decision letter and I am aware that you have copies of both.

The council did not consider that the information submitted with the application was sufficient to demonstrate that issues of siting and appearance of the development had been adequately addressed by the applicant. The council refused to grant prior approval for the siting and appearance of the proposed mast. The council's report sets out what officers considered to be the planning considerations relevant to a prior approval assessment, and they were limited to factors relating to siting and appearance as required by legislation. The report focused on the issues which the planning authority considered justified refusal of that proposal. The council's approach to its report of handling is consistent with the requirements of planning legislation and with requirements established by relevant case law.

The report of handling draws attention to Scottish Planning Policy (current at the time the report was written) and its clear reference that planning authorities should not question the need for the service to be provided. The report of handling does not mention the 2016 mast in the assessment section of the report because the existence of that mast did not relate to the question of siting or appearance of the development. However, the presence of that mast was detailed in the information submitted with the application.

I note your criticism of the report of handling, but I am satisfied that it met relevant legislative requirements and properly addressed all relevant matters. I have indicated above why reference to the 2016 mast was not appropriate, but I am aware that the mast was referenced in information provided by the applicant, and which was available to interested parties, the planning authority, and the DPEA reporter. The report of handling summarised the applicant's supporting information in the same way it provided a summary of letters of objection and support. Any objective reading of the report gives a clear understanding that officers did not accept the arguments advanced by the applicant.

You have suggested that the lack of reference to the 2016 mast in the report of handling for application ref: 20/00228/PRIORN would 'likely [...] have affected the outcome of the appeal.' I have seen no evidence to support that proposition and I have explained above that consideration of the application was limited to issues of siting and appearance. I have also clarified that issues associated with the need for the development were not relevant to determination of the application, or indeed the subsequent appeal. The planning authority refused the 2020 prior notification application on the basis that it did not find the siting and appearance of the proposed development to be acceptable. The information on which this decision was based, which included reference to the 2016 mast and all representations submitted by members of the public, was available to the DPEA reporter when he made his decision. For clarity, regulations make specific provision for reporters to seek and obtain any additional information they consider necessary to make a decision. That can include by means of written submissions, hearing, or formal inquiry. In this case the reporter chose not to seek further information before making his decision, notwithstanding the concerns raised by interested parties and the planning authority. That was a matter of planning judgement for the reporter; he was satisfied he had sufficient information on matters related to the siting and appearance of the proposed mast to determine the appeal. The appeal decision has not been quashed by the courts and as such it stands as a valid decision.

With regards to the current application for prior approval (ref: 23/00783/PRIORN), the planning authority's consideration is again limited by regulations to consideration of the matters of the siting and appearance of the development. The planning authority is required to have regard to all material considerations relevant to those matters. A recent appeal decision for a similar development on the same site is a material consideration. However, appeal decisions are not binding precedents, and the planning authority is not bound to follow the reporter's decision.

In relation to your query regarding discussions with the applicant's agent, I understand that this was a meeting to agree a formal extension of time to the application determination deadline. This was to allow the applicant opportunity to submit further information and to allow time for neighbours to be renotified and to provide comment on such submissions. A processing agreement was subsequently issued to the agent detailing the terms of the extension of time and this completed document can be viewed on Public Access.

The decision to grant the 2020 prior approval application was a decision taken by the DPEA reporter. If you have concern regarding the process involved in making that decision you should seek independent legal advice. Similarly, if you have further questions or require assistance in relation to the current prior approval application process you may wish to seek independent planning advice. However, and for clarity, officers have ensured that you will have opportunity to comment on any further information submitted by the applicant, and, if the application is to be supported by officers, you will have opportunity to address a meeting of the council where the matter will be determined. Meantime, any further comments should be submitted directly as representation to the application using the council's Public Access system. Any material planning considerations raised will be taken into account in assessing the proposal.

I trust this response further clarifies matters.

Regards



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**From:** Jillian Smith [REDACTED]  
**Sent:** Thursday, March 14, 2024 9:20 PM  
**To:** Stephanie G Porter <PorterSG@angus.gov.uk>  
**Cc:** James Wright <WrightJ@angus.gov.uk>; Graeme Dey MSP <graeme.dey.msp@parliament.scot>  
**Subject:** Re: Ashludie Phone Mast 23/00783/PRIORN and 20/00228/PRIORN

Dear Ms Porter,

Many thanks for your response. As you have made comment on the duties of DPEA Reporters, I have included our MSP Graeme Dey into this exchange.

You have stated that the planning authority are only entitled to consider the siting and design of a mast that is submitted under the prior approval procedures of the Town and Country Planning Order 1992. Firstly, part of the siting and appearance is the fact that there is another mast for the same telecommunications company only metres away, therefore the previous mast from 2016 is relevant to the siting and design of the 2020 application.

Secondly, while there may be a focus on commenting on the siting and design, surely if an application has been submitted with clear contradictory and incorrect information from an applicant, it is part of the planning officer's duty to question this. As it was stated in the 2016 application to Angus Council from Harlequin Ltd that the mast they proposed was a replacement mast for EE due to mast being decommissioned at the health centre in 2015 and that there was a planned upgrade to a BT Exchange site nearby, the information that WHP Telecoms submitted in 2020 claiming the new mast was a replacement for the 2015 mast was contradictory and incorrect and should have been questioned or at least commented on by the council in the report of handling. Angus Council's planning department had that information to hand and had a duty to either question or highlight it but did neither. Claiming that it is not within the planning department's remit to highlight such matters is preposterous. The residents have brought the discrepancy to your attention this time and now it has been questioned with the applicant as it should have been in 2020.

The DPEA and the Planning Minister for Scotland are certainly of the opinion that any potential discrepancies or incorrect information from the applicant to do with previous planning applications should be highlighted by the local authority. Please see the attached letter from the Planning Minister which states:

*"In this appeal there were no queries from the council regarding the accuracy of the appeal supporting information"*

and

*"In terms of submissions from the developer, the reporter relies heavily on the council and any other parties involved to pick up and inform the reporter where evidence is disputed"*

and

*"it is not the reporter's task to investigate all other planning applications to assess whether the information is accurate – if there are any discrepancies, again the reporter would normally rely on the council to point these out as it has the information to hand."*

The DPEA and the Planning Minister clearly agree that any discrepancies over planning applications are within your remit to highlight to them. The fact that EE had already replaced a mast that had been decommissioned and had stated they had plans for further upgrades then applied again in 2020 claiming a new mast was a replacement and not mentioning anywhere in their principal application

documents that they had already replaced the mast is a discrepancy and one that the planning department of Angus Council should have picked up because it had the previous mast application details to hand. This was not about questioning whether there was a need for a service, but questioning why the council had received two applications both claiming to be a replacement for one mast, which is a clear discrepancy and was purposely misleading by the applicant. Applications should not simply be permitted to be misleading or state incorrect information with no questions asked or highlighted by the local authority. The fact that the case officer highlighted discrepancies to do with alternative sites but did not think it necessary to highlight that a replacement mast had already been approved is ludicrous.

Contrary to your point above about the Reporter having a duty to ask for more information or question points, the Planning Minister in his letter states about reporters:

*"They do not actively seek evidence and will normally take evidence before them at face value unless significantly unclear, disputed or clearly factually inaccurate."*

As the planning authority failed to provide vital information about the planning history of a replacement mast, the Reporter would not have had a reason to question the mast being a replacement because he did not have the 2016 application details but you did. While he did have access to the only fleeting mention of the very confusing coverage plot showing the 2016 mast, he had no knowledge of the details of the 2016 application to the council containing EE's previously stated plan of a cell-split but you did.

While EE admitted to the 2016 mast being a replacement on their coverage plot, it is presented in a very misleading way by only stating the mast number and saying it along with the new mast are replacements and it is not mentioned anywhere in their principal application documents. What is mentioned several times is that the 2020 application is a replacement for the decommissioned 2015 mast which is extremely misleading. In any of the initial correspondence we had with Mr Wright he did not mention that the replacement mast was referenced in the coverage plots for EE that were submitted in 2020. He only referenced this after WHP Telecoms resubmitted the coverage plots as part of the 2023 application, which suggests it was possibly missed by the planning officer in 2020 when assessing the application. If it was, while this would be an error, it is completely understandable due to how misleading the applicant was with this information and is a reason why the 2020 appeal decision should not be taken into consideration.

In order to be very clear - are you saying the case officer was fully aware of the approved 2016 mast and that it had been a replacement for the decommissioned one from 2015 and that he did note the fleeting and confusing reference to the 2016 mast in the 2020 application, but did not think it competent or important to question this with the applicant or highlight it in his report of handling?

The Town and Country Planning Order legislation is irrelevant to this complaint because we are asking about a case officer's duty to be competent when handling applications, not what the legislation states the planning authority should consider applications on. Obviously that Order assumes that the information presented in the application is truthful and not purposely misleading. The Order is the legislation that applications are considered under and does not cover the exact job roles and responsibilities of local authority planning officers. Surely questioning misleading or incorrect information should be part of that when assessing an application. There is a specific planning history section of the report of handling so of course any previous masts also claiming to be a replacement for the decommissioned 2015 one should have been mentioned here as that is part of the planning history with regards to having a replacement mast for the decommissioned one. While the DPEA Reporter had access to EE's coverage plot document which contained the one confusing mention of the 2016 mast, he did not know that it had been claimed to Angus Council in 2016 that this was the only replacement mast along with a planned cell-split at BT Exchange but your department did know that information and should have questioned and highlighted it so he could take this into consideration.

As you seem to be claiming that the case officer was fully aware of the 2016 mast application and approval but chose not to include it in his report, the residents are extremely frustrated and disappointed that important and vital information was left out and view this as negligence. You said

you see no evidence that this negligence led to the appeal decision, but it states in point 5 of the reasoning in Reporter's decision:

*"The proposed mast would replace one dismantled following a 'Notice to Quit' from the nearby former Ashludie Hospital site."*

Had the Reporter been informed of the fact the council had already approved a mast claiming to be that replacement, he may not have made the same decision. This is evidence that the outcome may have been affected due to the fact that the Reporter specifically mentions the mast being a replacement in his reasoning.

In point 10 the Reporter also states regarding alternative sites in his report:

*"The council has not provided any information about other potential alternative sites."*

In 2016, the council suggested an alternative site for a mast to Harlequin Group Ltd but did not do this in 2020. The applicants claimed that one of the discounted alternative sites in the 2020 application at BT Exchange had not enough ground space for equipment, but this site actually contained more space than the proposed site here at Ashludie, but this was not highlighted by the council. Perhaps if the council had disputed the alternative sites and suggested others, the residents at Ashludie would not be facing having 3 masts in one street. Once again, the planning authority failed in their duties here.

During a phone call with MBNL we were informed that they had had regular discussions with the planning officer with regards to submitting further information for the 2023 application. Could you confirm if all these exchanges were in writing please? The public access portal only shows one brief email exchange - can you confirm that was the only discussion that took place?

The residents are fully aware that the case officer refused the 2020 application in terms of the effect on visual amenity, which we are in complete agreement with and were very grateful for, but what we are not in agreement with is the fact that Mr Wright has stated that he will be taking the 2020 appeal decision into account when assessing the 2023 application and you have also stated this in your response to us. The residents find this to be extremely unfair, negligent and biased towards the applicant. You have said the appeal decision still stands because it was not quashed in court. The only reason that it was not quashed in court was due to the applicants asking us to settle the matter out of court by them giving serious consideration to alternative sites, which they did not do. The appeal decision should not still stand because it has expired and the fact you are saying it does despite that expiration is absurd. You cannot say you will be taking into account the appeal decision but not take into account that it has expired and is no longer relevant because that is selective and biased towards the applicant.

As there has been negligence from the planning authority on the 2020 application and this could have affected the appeal decision, it would not be fair or diligent to refer to the 2020 appeal outcome with regards to the 2023 application. The Reporter put an expiry date on his appeal for a reason and the 2023 application should be treated as a new application in light of this. In addition, the previous appeal decision should not be relevant due to Angus Council's planning department not highlighting a vital discrepancy with the application, which could have affected the outcome of the decision.

Can you please confirm whether the position of the planning authority is that they will still be taking into account the 2020 appeal decision with regards to the 2023 application even though it has expired and was obtained without transparency from the applicant and negligence from the planning authority? If this is still your position, the residents have no choice but to escalate this matter further due to the unfairness and negligence of the planning department. Could you please let us know within 7 days the answers to the questions we have asked and if necessary who we can escalate this matter to at Angus Council?

Yours sincerely,

Jillian Mannion.

on behalf of the residents at Ashludie Grange and surrounding area

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On Thursday, 21 March 2024 at 14:57:31 GMT, Stephanie G Porter <portersg@angus.gov.uk> wrote:

Dear Ms Mannion

In response to your email below I would advise the following.

I am satisfied that the approach adopted by officers in the preparation of the report of handling and the subsequent appeal for the 2020 mast was appropriate. Officers highlighted concern and refused to grant prior approval. In the subsequent appeal, the council raised concern regarding the adequacy of the appellant's supporting information, but the appeal reporter chose not to seek further information. The reporter had access to coverage maps which identified the coverage provided by the 2016 mast.

No, I believe that not all correspondence between Mr Wright and the applicant/agent has taken place in writing. It is not unusual for officers to have telephone discussions with agents during the course of an application.

There is case law which confirms that reporters' decisions are material planning considerations. In that respect, the planning service's opinion is that the 2020 mast appeal decision is a material consideration in the assessment of the current prior notification application. As I indicated in my previous email the weight afforded to this is a matter for the decision maker and the weight will reduce over the passage of time and may change as the development plan evolves.

The issues that you raise occurred in 2020 and are outwith the time period for consideration through the council's complaints procedure. I understand that this is similar to the complaints process administered by the DPEA. However, if officers are minded to recommend the current mast proposal for approval, the application will be presented to the council's Development Standards Committee and interested parties will have opportunity to make representation to members of that committee before a decision is made.

I trust this response further clarifies matters.

Regards

**Stephanie Porter** | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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On Thursday, 21 March 2024 at 15:21:07 GMT, Jillian Smith [REDACTED] wrote:

Dear Stephanie,

Thanks for your response. Unfortunately, it does not clarify matters as the Reporter's decision has expired and is therefore no longer relevant as a material planning consideration due to it being from 4 years ago. Our complaint is that you are saying you will be taking into account a decision that has expired and was potentially influenced by an error made from your department which all relates to the current application, therefore our complaint is not outwith the time period because it is about a current application.

I asked if you could please refer us to the name of the relevant personnel that we should escalate this matter to which you have not provided us with. Could you please respond with this information as soon as possible?

Many thanks,

Jillian.

On behalf of the residents at Ashludie Grange and surrounding area

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**From:** Jillian Smith [REDACTED]  
**Sent:** Thursday, March 21, 2024 3:49 PM  
**To:** Stephanie G Porter <PorterSG@angus.gov.uk>  
**Cc:** James Wright <WrightJ@angus.gov.uk>; Graeme Dey MSP  
[REDACTED]  
**Subject:** Re: Ashludie Phone Mast 23/00783/PRIORN and 20/00228/PRIORN

Dear Stephanie,

Further to our last email, can you please provide us with the case law that you are referring to?

Many thanks,

Jillian.

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On Tuesday, 26 March 2024 at 17:36:10 GMT, Stephanie G Porter <portersg@angus.gov.uk> wrote:

Dear Ms Mannion

Thank you for clarifying the grounds of your complaint. You have advised you are aggrieved that the Planning Service has intimated that it will be taking a previous Scottish Government prior notification appeal decision into account in the assessment of a current prior notification application for a similar telecommunications mast development on a similar site.

Firstly, as the current 2023 mast prior notification has not yet been determined and the weight this Service proposes to attribute to the previous appeal decision has not yet been established, we cannot consider your complaint under the Council's complaints procedure.

The Council's complaints procedure states that the council will not deal with grievances through the complaints handling procedure when the complaint relates to the disagreement of a decision where there is a statutory procedure for challenging that decision or an established appeals process. In that regard, the 2023 prior notification application will either be determined by Development Standards Committee if this Service is minded to recommend the proposal for approval, or it will be refused under delegated powers by this Service with the potential for the applicant to appeal. In either of those circumstances you, and other interested third parties, will have opportunity to express opinion on the materiality or otherwise of the previous appeal decision. Therefore, there are other statutory procedures in place to voice concerns and as such we cannot consider your complaint via the complaints procedure.

The Service Leader of Planning and Sustainable Growth is aware of the concerns raised and is in agreement with the above. Therefore, if you wish to make any further comments in relation to the 2023 mast these should be submitted directly as representation to the application using the council's Public Access system. Any material planning considerations raised will be taken into account in assessing the proposal.

Lastly, in response to your query regarding specific case law which ascertains earlier planning decisions are capable of being a material consideration, one of the more widely referenced cases is ' North Wiltshire DC v SoS & Clover 15/4/92'. The following is a direct quote from that case which you may find helpful;

*"In this case the asserted material consideration is a previous appeal decision. It was not disputed in argument that a previous appeal decision is capable of being a material consideration. The proposition is in my judgment indisputable. One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency in the appellate process. Consistency is self-evidently important to developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. I do not suggest that, and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons to departure from the previous decision".*

I have also indicated in my previous emails as to why this Service does not agree with the allegations that the 2020 appeal decision was 'potentially influenced by an error made' by this Service and clarified the weight afforded to a previous appeal decision will reduce over the passage of time and may change as the development plan evolves. To elucidate further, the fact a previous planning decision has expired does not in itself prevent the decision from being a material consideration in the assessment of a future application for a development of a similar nature in a similar location.

I appreciate the above may not be the response you were hoping for, but I trust it clarifies this Services' position. Please submit any further comments you wish to make in relation to the 2023 mast as a representation to the application using the council's Public Access system [here](#).

Regards

**Stephanie Porter** | Team Leader – Development Standards |Planning & Sustainable Growth|Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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**From:** Jillian Smith [REDACTED]  
**Sent:** Wednesday, March 27, 2024 12:03 AM  
**To:** Stephanie G Porter <PorterSG@angus.gov.uk>  
**Cc:** James Wright <WrightJ@angus.gov.uk>; Graeme Dey MSP [REDACTED]; Jill F Paterson <PatersonJF@angus.gov.uk>  
**Subject:** Re: Ashludie Phone Mast 23/00783/PRIORN and 20/00228/PRIORN

Dear Stephanie,

Thanks for your reply. Both yourself and James Wright have stated that the DPEA's appeal decision will be taken into account when deciding about the current mast application. It is irrelevant that the mast application has not been decided yet because our complaint is not about the future outcome, but is about the fact you have both stated in writing that you will be taking into account the appeal decision which we believe is biased, therefore the complaint is valid for consideration on 2 counts which I will detail further:

1. You are choosing to rely on an appeal decision which has expired
2. The decision you are choosing to rely on was potentially influenced by an error from your department.

The other avenues for expressing concern that you refer to are in relation to the decision itself but that is irrelevant in terms of what we are complaining about. The council should be considering our complaint as it is valid and has already happened in the sense that you have told us you definitely will be taking the appeal decision into consideration, which the residents do not believe is fair.

You have claimed that the Service Leader of your department is in agreement with this, but we do not believe you have been clear to them on the grounds of our complaint as you have not seemed to understand it so far and keep assuming it is about a future decision when it is not.

Unfortunately, the case of North Wiltshire District Council v SoS & Clover that you have provided is not relevant. That case, which is over 30 years old, was decided in an English Court and related to English legislation. That decision is, therefore, not binding in Scotland. That particular case related to planning permission to build a house and garage within a walled garden in Wiltshire. Those circumstances have no relevance to our case, a phone mast in Scotland, which is governed by a completely different system and applicable to different legislation. That particular, old English case was only relevant to the particular circumstances of that case and in line with particular English legislation and, in the words of Mr Justice Stuart-Smith in Wainhomes Holdings Ltd v SoS for Communities and Local Government, who referred to the case - "this guidance cannot simply be applied by rote". Could you please refer us to the relevant case law relating to **Scots Law** that pertains to expired government appeal outcomes being taken into consideration for local planning decisions?

Unfortunately, neither you or James Wright have answered the question directly which we have now asked seven or eight times and our MSP has enquired about as to whether there was an awareness of the 2016 mast approval in 2020 when forming the Report of Handling, and if there was an awareness, why vital information relating to the planning history was left out. You have also not answered why Angus Council did not ask questions about the discrepancy of the previous replacement mast and the 2016 planned cell-split in 2020, but did so in 2023 once the residents brought this to your attention.

You have also not answered why in 2016 Angus Council worked with Harlequin Group to find alternative sites but did not do this in 2020. You have also not answered why in 2016 Angus Council suggested mast sharing at the BT Exchange site in line with local and national policy but did not do this in 2020. As the 2020 Report of Handling affected the 2020 appeal and you have clearly stated you will be taking that appeal into consideration, those questions are relevant to our complaint.

The DPEA and Scottish Planning Minister have stated that it is your jurisdiction to point out any discrepancies with planning applications, but you did not and the residents had to do this for you in 2023 - only at this point did your department do as they should have in 2020.

All of these factors affected the appeal, which you have stated you are taking into consideration for the current application, which is biased and unfair in light of our points, therefore our complaint is valid.

While you claim not to agree that errors made from your department influenced the appeal, you have provided no evidence for this argument whereas we have by contacting the DPEA and Planning Minister who have both stated it was your duty to point out any discrepancies. There were 2 clear discrepancies that you failed to highlight for the DPEA's consideration:

1. That you received an application for a replacement mast to an NTQ in 2015 and approved this in 2016 then received another application in 2020 consistently inferring in the principal application documents that it was also a sole replacement for the 2015 NTQ.
2. That you knew of a planned 'cell-split' at the BT Exchange site from 2016 but did not query what had happened to this. As this was also listed as a potential alternative site in the 2020 application, you could have highlighted this as you had this information to hand but chose not to share it in your Report of Handling despite it being extremely relevant to the planning history.

The residents cannot help but think because this a matter pertaining to errors from your department, which you will not directly answer questions about, that their concerns are being simply shut down and covered up rather than properly considered.

Due to errors from your department in 2020, the DPEA Reporter did not have all of the relevant information to hand in order to make an informed decision as he mentioned in his report that the fact the 2020 mast was a replacement for the 2015 NTQ was a factor. There is no way that you can possibly claim the appeal decision was completely unaffected by your department not disclosing important information that only it had as there is no way you could be sure of this, just as we have never claimed that it definitely was - we have always said potentially. Yet you are claiming you know this as a fact but have not supported why you believe this to be fact. It is therefore unfair to take into consideration an appeal which was potentially affected by your department not highlighting the relevant discrepancies that it should have as it may have affected the outcome. Based on all of these points our complaint is valid and should be treated as such.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

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On Thursday, 28 March 2024 at 09:54:01 GMT, Jill F Paterson <patersonjf@angus.gov.uk> wrote:

Dear Mrs Mannion

I refer to your correspondence below to which I was copied in to and has also been forwarded to me.

I am aware of background on this case and have reviewed all the recent correspondence on the matter.

The primary issue relates to the materiality of an issue to be considered in the context of the current application. As set out in previous correspondence it is a matter for the decision maker to decide what considerations are material to the determination of the application and to assess the weight to be applied. The rationale for coming to the position that we have has been communicated to you. I note that you take a different view of which you are entitled to do. As advised the planning authority has yet to determine the application and therefore the appropriate route for you to express those views is through a representation to the application through the relevant channels. My colleague has also advised of further opportunities for your views to be heard dependent on the process for determination of the application. Ultimately whether something is a material consideration or not is a question of law and for the courts to determine.

I do not agree with your assertion that English case law is irrelevant. As chartered planning officers we are qualified to work across the UK as the underlying principles remain the same. It is recognised in Scot's law that decisions from English legislation can be influential or binding in Scotland. There is further case law that confirms an expired decision can be material.

Previous correspondence set out the planning authority's position on matters relating to the earlier applications and appeal and therefore I will not repeat this here. I have reviewed that information and am content that the correspondence from Ms Porter of the 14th March 2024 clearly explains and addresses the question about reference to the earlier 2016 application in the Report of Handling for the application in 2020. That response also explains that issues relating to need for the development were not relevant to the determination of the application or indeed the subsequent appeal, therefore addressing the further questions you raise below.

I have given the concerns raised due consideration. There is a difference of opinion on materiality and the correct course of action is for that to be considered through the course of consideration of the current application and any subsequent procedure.



Considerable resource has been directed to answering your queries and explaining our approach. Given the position we are unlikely to reach a conclusion and therefore the Service will not be corresponding further on this matter. This will enable officers to direct resource to timeous consideration of the current prior notification application.

Should you remain unhappy with the position taken then you have the right to approach the Scottish Public Services Ombudsman (SPSO), [www.spsos.org.uk](http://www.spsos.org.uk) or 0800 377 7330.

Regards

Jill

**Jill Paterson | Service Leader - Planning & Sustainable Growth | Chief Planning Officer**

Vibrant Communities & Sustainable Growth |Angus Council |Tel 07500 784794 |  
Email [patersonjf@angus.gov.uk](mailto:patersonjf@angus.gov.uk)

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**From:** Jillian Smith [REDACTED]  
**To:** Stephanie G Porter <[portersg@angus.gov.uk](mailto:portersg@angus.gov.uk)>; Jill F Paterson <[patersonjf@angus.gov.uk](mailto:patersonjf@angus.gov.uk)>  
**Cc:** James Wright <[wrightj@angus.gov.uk](mailto:wrightj@angus.gov.uk)>; Graeme Dey MSP [REDACTED]  
**Sent:** Thursday, 28 March 2024 at 17:21:41 GMT  
**Subject:** Re: Ashludie Phone Mast 23/00783/PRIORN and 20/00228/PRIORN

Dear Ms Paterson,

Thank you for your response, but the tone and content of your email is extremely disappointing to the residents. The Scottish Ombudsman always ask complainants to try to seek a resolution with the public body first, which we had hoped to do with you, but your department has attempted no discussion with the residents or sought to find a resolution, which is unacceptable for a public body.

While the same rationale for certain points has been reiterated, all members of staff involved in correspondence have been evasive about directly answering the questions we and our MSP have asked. While Ms Porter pointed out that the 2016 replacement mast was referred to on a coverage plot in her email, she did not answer whether the case officer had picked up on this slight confusing reference or whether he did not. Mr Wright did not answer this question either and only referred to said coverage plots after MBNL submitted them via the public access portal. If the reference to the replacement mast was known about in 2020, why did Mr Wright not mention it when we first asked him and only mentioned after MBNL had pointed it out?

Angus Council's website states:

*"Angus Council believes that complainants have a right to be heard, understood and respected. We work hard to be open and accessible to everyone."*

The residents have not felt heard, understood or respected because your department has refused to answer our questions directly, has refused to understand our points and has not shown respect by purposely not answering questions. Not answering the questions asked is also not in keeping with being open and accessible.

We have checked with our solicitor and while English Law can be influential in Scots Law it is not binding in decisions to do with Scots Law. The case Ms Porter referenced would not be influential in Scotland because it is referring to completely different regulations and completely different circumstances – that case, and our case, are hugely different. As it stands, there is absolutely nothing in Scots Law that supports your assertion that an expired decision relating to a telecoms mast should be considered in a brand new application. We have asked for relevant case law to be pointed out to us but you have not provided this.

You stated that Ms Porter's response *"also explains that issues relating to need for the development were not relevant to the determination of the application or indeed the subsequent appeal"*. Both the DPEA and the Planning Minister for Scotland have said it is the council's remit to question any discrepancies to do with planning applications such as the 2016 replacement mast because you had this information to hand and they did not. This was not about questioning the need for a service, but doing something within the job of a local authority planning officer by asking about a discrepancy - you received two applications both claiming to be sole replacements for a decommissioned mast in their principal documents, therefore it was your department's job to question this. The fact your team has now gone ahead and questioned it for the current application shows that it was something that should have happened in 2020, not when the residents brought it your attention in 2023. The Reporter cited the fact it was a replacement mast in his reasoning, therefore it is not fair to take into account an appeal which was potentially affected by this. There is no proof that this information wouldn't have affected the Reporter's decision, but there is an admission by the DPEA and Planning Minister that reporters rely on the council for such vital information that only they possess.

The questions we have asked about why the discrepancy wasn't picked up and queried in 2020 has not been answered along with why alternative sites were not suggested by the council or mast sharing not suggested, which the department did do in 2016. We are not asking for anything other than fairness and we understand why the council made the error in 2020 as it was due to the misleading application from WHP Telecoms and likely dealt with by a different staff member than the 2016 application. On admission of such an error we would not be looking for any repercussions to the department. The only thing the residents ask is that due to such an error potentially affecting the appeal outcome, that the appeal should not be taken into consideration in the current application.

As your team will not answer direct questions, the residents are forced to conclude that Angus Council Planning Department did not provide the service it should have in 2020 when dealing with a planning application, which then potentially affected an appeal decision.

The only reason considerable resource has been allocated to our case is due to members of your team repeatedly refusing to answer direct questions or provide adequate explanation. Given the amount of resources that have been dedicated to phone calls and meetings with WHP Telecoms, denying the residents any sort of discussion or reasonable time is unacceptable. The residents are appalled that the planning department has refused to even try to find a resolution with them and simply refused to directly answer questions that are important to our complaint.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange and surrounding area

[REDACTED]

16<sup>th</sup> November 2023

Dear Mr Wright,

As a follow up to our previous letter, we would like to now respond on the new application that has been submitted to you by WHP Telecoms for a 20m phone mast at Ashludie on the land across from the bus terminus.

**IT IS EXTERMELY IMPORTANT TO UNDERSTAND THAT THIS IS A NEW APPLICATION. THE DPEA REPORTER PUT AN EXPIRY DATE ON THE DECISION OF THE PREVIOUS APPLICATION FOR A REASON – THINGS MAY HAVE CHANGED WITHIN THE LANDSCAPE IN THAT TIME AND THIS IS THE CASE IN THE SURROUNDING AREA AS 3 YEARS HAS PASSED AND A NEW HOUSING DEVELOPMENT COMPLETED. IT IS ALSO EXTREMELY IMPORTANT TO CONSIDER THAT THE DPEA REPORTER WAS MISLED AND MISINFORMED ON PURPOSE BY WHP TELECOMS AND CS PLANNING LTD IN THEIR FIRST APPLICATION (PARTICULARLY WITH THE FALSE STATEMENT THAT THIS IS A REPLACEMENT MAST, PLEASE SEE BELOW FOR DETAILS) AND THE REPORTER DID NOT ACT WITH DUE DILIGENCE TO CHECK THEIR FALSE CLAIMS. WHP TELECOMS ARE NOW TRYING TO MISLEAD ANGUS COUNCIL AGAIN WITH THEIR NEW APPLICATION.**

We have outlined below the numerous ways that WHP Telecoms have lied and tried to purposely mislead Angus Council in their latest planning application.

1. Once again in this application WHP Telecoms claim that they are not near a school, despite the fact that they contradict themselves later in the application by actually referencing the school, which is south of the proposed site as one of their discounted options.
2. In their application, WHP Telecoms quote the DPEA Reporter’s conclusion. However, as the Reporter was misled by their initial application and CS Planning Ltd’s appeal document (as per our previous formal letter), these findings cannot be relied upon. In addition, as per our previous document, the DPEA Reporter erred in his report on several counts, therefore his findings cannot be relied upon. He also added an expiry date to this conclusion and as that has now passed, any applications must be treated as the surrounding landscape has changed.
3. The main argument that WHP Telecoms use in their application is an outright false claim:

*“It is imperative to consider that this proposal is to replace an existing installation and is not a new additional mast.”*

**This statement is untrue as once the previous EE mast was given an NTQ, a new mast was installed at the top of Victoria Street in its place by Harlequin Group on behalf of EE in 2016, which was approved by Service Manager Kate Cowey at Angus Council in the same year (application ref**

**16/00399/FULL**), but WHP Telecoms have chosen not to disclose this in their application and have tried to purposely mislead Angus Council into thinking the proposed mast is a replacement this has in fact already taken place. The following information is taken from said planning application for the mast at the top of Victoria Street adjacent from sub-station (all documents pertaining to this application from Harlequin Group on behalf of EE and 3 and its approval from Angus Council are available on Angus Council's website):

*"This site is required to replace an existing site which is being decommissioned. That site is located on the land at the old Ashludie hospital building which is being redeveloped for housing."*

This statement in EE's previous planning application from Harlequin Group in 2016 proves that WHP Telecoms are trying to mislead Angus Council by saying that this new proposed site is to replace a mast that was previously decommissioned, but as evidenced above that mast has already been replaced.

2. In their application, WHP Telecoms claim *"Views of the site from residential will be limited and obscured by existing semi-mature trees."* This is completely untrue as the views from residential are not obscured from the mast at all, either on the Ashludie Development side or on the opposite side of the street at Carmyllie Place and Redfort Place – these properties will actually be looking out their windows and gardens at the mast constantly and even more so in autumn and winter when there are no leaves on the trees. In addition, residents at Ashludie Lodge are completely exposed to the mast as it sits right outside of their house. The mast is also on a public footway, next to a bus terminus and at the opening of the entire village, therefore there would be no limited view of the mast. Please see photos below as evidence:



View from residents at Redfort Place, across from proposed mast site



View from Ashludie Lodge, please note no trees are obscuring this view



View from 8, 10 & 12 Ashludie Hospital Drive – please note how different the landscape looks when there are no leaves on the trees.



View from 1 & 2 Ashludie Hospital Drive

3. In their application, WHP Telecoms state: *“This site has been carefully selected in a position that benefits from some screening effects”*. As described above and can be seen in the photographs, there are no screening effects here. As can be seen from the drawings WHP Telecoms submitted, the mast towers far above any trees that are near it and the trees do not obscure the mast from the street for passers-by or from residents in the surrounding area.

4. In their application, WHP Telecoms claim *“The site benefits from a mature tree belt to the rear of the site which will considerably assist shielding the installation from wider views.”* Again, this statement is untrue. As described above there is not a “mature tree belt” that would assist shielding as the mast would still be seen from all residents and passersby because the location of it is on an island which sits away from any nearby trees and the trees offer no shielding of any kind particularly in the autumn and winter. Please note that some trees in this particular area have been lost to storm damage and being unsafe over the last 3 years since the first application and have had to be removed. This is another reason this application should be treated as new and reassessed in light of landscape changes.

5. The photos included in WHP Telecoms’s application are all from several years ago and were taken in the summer time when the trees are in full leaf. Please see the photographs above for how those trees look for 6 months of the year when they are without leaves. The photos supplied by WHP Telecoms are purposely misleading.

6. WHP Telecoms say in their application *“Over time the topography and clutter in an area is subject to change”* – this statement illustrates exactly why the Reporter’s decision had an expiry date and why this latest application must be treated as a new one. As we demonstrated in our previous letter, the Reporter was also misled by a plethora of misinformation and false statements from WHP Telecoms and CS Planning Ltd. He also provided an extremely flawed report and did not use diligence to check any of the misinformation.

7. In their application, WHP Telecoms claim *“This proposed development at the site seeks to consolidate all the requisite elements into one location, with a design minimised to ensure the scale and mass is sympathetic to its surrounds, limiting visual impact on the wider character of the area”*. This statement is untrue as the design is not sympathetic to its surrounds as it sticks out on an island in the middle of a street as can be seen in the photographs.

8. WHP Telecoms state in their application: *“In keeping with the NPF guidelines of using “high quality communications infrastructure”, the proposed design has been selected to minimise visual impact upon the street scene.”*

As can be seen from the photographs above, an unconcealed 20m mast with surrounding antenna, cabinets and other equipment in a wide open space on a main road is not a design that minimises visual impact in any way and cannot be considered high quality, therefore this statement is false.

9. In their application, WHP Telecoms claim: *“The National Planning Framework clearly states that authorities should not question the need for the service”*.

In this particular case, there is a need for the local authority to question the need for the service as there are no coverage issues for any residents in the area with an EE or 3 network. EE’s own coverage checker and independent coverage checkers online demonstrate this. Poorer connection lies to the far south and west of the village, where a mast may be more welcomed. There are already 2 masts on Victoria Street, 1 of which was a replacement for a decommissioned mast, which is probably why there are no coverage issues around the area, but this shows that there is no need for a 3<sup>rd</sup> mast in the same street.

10. WHP Telecoms state in their application: *“In compliance with its licence and the sequential approach outlined in the NPF all attempts to utilise any existing telecommunications structures where they represent the optimum environmental solution have been employed.”*

As demonstrated above this statement is false as no attempts have been made to utilise any existing telecommunications structures as the 2 masts already present in Victoria Street have not been explored properly and either discounted for false reasons or purposely left out.

11. In their application WHP Telecoms list alternative sites but the reasons for discounting them are not feasible. Please see below for details on each one:

*D1 Monifieth BT Exchange – “site share option considered dead due to limited space for MBNL equipment”*. There is plenty of space for MBNL equipment as shown in the photos above, therefore this statement is false. In addition, Harlequin Group’s application back in 2016 considered this site completely feasible:

*“A – BT Exchange (Existing Mast) – Approx NGR: 349637E 732538N Sharing this mast is being currently explored by the applicant in order to achieve coverage to the east west and south of the Exchange. This should be possible using the operators’ permitted development rights*

*B – BT Exchange (Greenfield i.e. new mast) - Approx. NGR: 349633E 732518N The feedback from the Angus Council planning department has been to suggest we use PD rights to utilise the existing mast rather than propose a new greenfield mast – this would be in line with local and national policy.”*

Angus Council previously suggested to Harlequin to site share the existing BT mast at the bottom of Victoria Street, but WHP Telecoms are lied that the site share option is dead due to false reasons. From the statement above it also seems that a new mast at this location is possibility also, yet WHP Telecoms have chose not to explore this.

*D3 Land off Queens Street – “site discounted due to proximity of cell to the north”.* There has been no consideration given to the fact that the proposed mast site is less than 200 metres from another mast at the top of the street. That reasoning cannot be applied to this site and not to the Ashludie site.

*D4 Jct of St Regulus Road/Queen Street - “Site could cause visibility splay issues and the space looks limited. Site is also in close proximity to residential so discounted.”* The site at Ashludie also has visibility splay issues and is in close proximity to residential. This reasoning cannot be applied to this site and not Ashludie.

*D5 Ashludie Park – “Site discounted as we would struggle with planning.”* This is a very generic claim and no discussions have taken place with Angus Council to actually find out if there would be planning issues, therefore this statement requires further explanation in order to be deemed feasible.

*D6 Airlie Drive – “Site within a dense residential area so would struggle with planning. Space on the pavement also seems very limited for equipment.”* The site at Ashludie is also a dense residential area and space is limited as it is only a small island, which passersby often use as a footpath, therefore space is also limited. This reasoning cannot be applied to this site and not Ashludie.

*All other SW discounted due to proximity to residential, limited space or underground services.* This is a very generic statement once again and requires detail of what other sites exactly have been discounted and why.

12. In their application, WHP Telecoms state: *“Increasingly, people are also using their mobiles in their homes, and this means we need to position base stations in, or close to, residential areas.”* When people use mobile phones in their homes, they are usually using WiFi, and therefore positioning base stations in residential areas is not always necessary and demonstrates that WHP Telecoms are trying to be misleading with this statement.

13. WHP Telecoms claim in their application: *“We consider the development complies with both central government and local planning policy guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community while minimising visual impact.”*

The application does not comply with central government policy as it does not fully accord with PAN62 as detailed below. In addition, the proposed development may seek to improve the telecommunications benefits for the community, but it certainly does not minimise visual impact due to the unsuitable site that has been selected.

14. In their application, WHP Telecoms state *“It fully accords with the requirements of PAN62”.* This claim is incorrect on several counts, which we have outlined below:

In PAN62, it states:

*a)“The second stage is to identify individual sites. This starts with an operator identifying an area of search for a new base station including the theoretical optimum location and a radius within which an alternative proposal may be acceptable. An acquisition consultant is appointed and siting parameters are usually discussed further with a planning consultant and radio coverage engineer. The planning consultant should examine relevant development plan policy and may seek initial comment on siting and design issues from the planning authority. The acquisition agent will visit the search area and identify an average of three potential options which best meet the coverage requirements, taking into account the planning advice as well as other considerations such as power supply, access and*



construction costs. The potential options may be shown to the planning authority who may comment and indicate their preference.

"The planning authority should then be approached to seek their detailed views on the proposal. The operator will then proceed with site acquisition and submission of a planning application or notification if it is permitted development."

WHP Telecoms did not follow the guidance here as they did not consult the planning authority about their potential options or seek their detailed views on the proposal, therefore the application does not fully accord with PAN62.

b) There should be "Mast design which minimises contrast with the surrounding urban landscape." As the mast would be on an island in the middle of a street, it would not contrast with the surrounding urban landscape, therefore the application does not fully accord with PAN62.

c) "34. In selecting the site and design which minimises contrast operators and planning authorities will find it helpful to consider the series of options... The options are: • installing small scale equipment; • concealing or disguising equipment; • mast sharing; • site sharing; • installing on existing buildings or other structures; and • erecting a new ground based mast."

There is no evidence in their application that WHP Telecoms have considered the series of options as they could consider using small scale equipment and concealing equipment on existing structures or buildings in the area, mast share and site share with existing sites to the north and south, therefore their application does not fully accord with PAN62.

d) "35. In considering the options operators and planning authorities must have regard to the cumulative effects when two or more masts are intervisible (i.e. simultaneously visible), but also when several base stations are seen in succession as people pass through an area. They also need to think beyond individual proposals and consider how future telecommunication equipment will be integrated into the landscape because one mast on a site may be acceptable but the cumulative effect of two or three might not."

If a new mast were to go ahead at Ashludie, it would be intervisible with the other mast at the top of Victoria Street for many residents, therefore this application does not fully accord with PAN62.

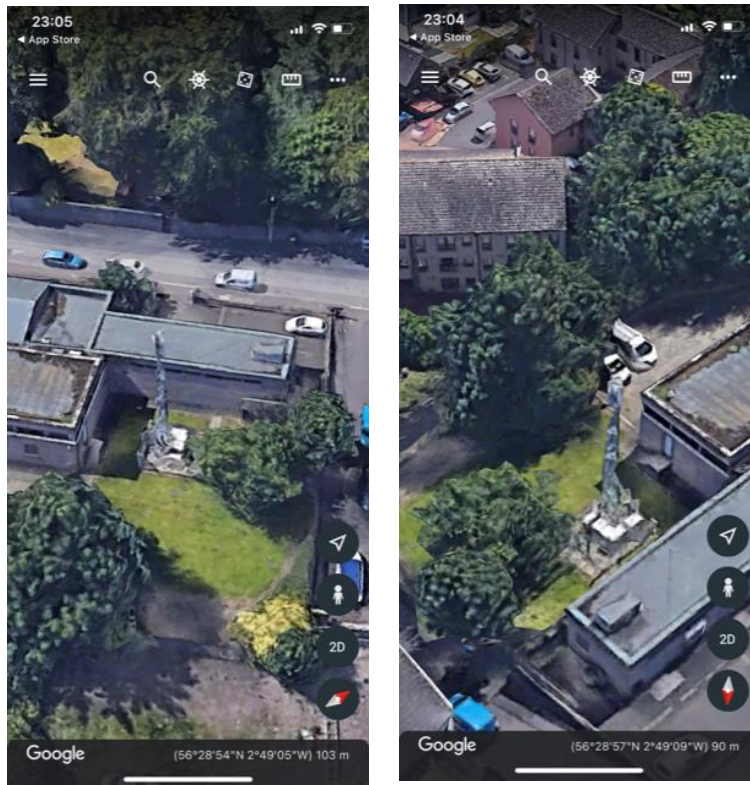
e) "36. Small scale microcell antennas are increasingly being used by operators to provide increased capacity in urban areas and other locations of high mobile phone usage. They are normally considered as de minimis. De minimis installations in our urban environment, such as conventional television aerials and their mountings, have become an accepted element of the urban environment and in most cases go unnoticed. Small scale antennas can be integrated into street furniture, CCTV equipment or placed inconspicuously on shop fronts and other building elevations."

No attempts have been made by WHP Telecoms to identify buildings where small scale microcell antennas could be placed to boost signal issues within the area. As explained in our previous letter, there are no signal issues in Ashludie or the surrounding area, the slight problems lie to the south and west, therefore consideration should be given to boost signals with small scale microcell antennas in problematic areas in order to fully accord with PAN62.

f) "44. The conditions in code system operators' licences require them to explore the possibility of sharing an existing radio site. Evidence of this should accompany planning applications. Mast sharing will often enable quicker and cheaper installation and in some cases the additional equipment will be permitted development."

In their application, WHP Telecoms mention an existing radio site at the bottom of Victoria Street in the BT Exchange but claim that this is discounted due to a lack of space for MBNL equipment. As shown in the previous letter, this is untrue as there is more space at this site than the proposed site at Ashludie for MBNL equipment (please see photos below). In addition, MBNL themselves admitted that the site would provide good coverage. Due to the points mentioned, this does not fully accord with PAN62.

BT Exchange Mast and surrounding ground, Victoria Street, aerial view:



BT Exchange Mast and surrounding ground, Victoria Street, close up:



Proposed mast site at Ashludie Hospital:



g) *“45. In some situations adding antennas to an existing mast may have less impact than an additional mast.”*

Antennas could easily be added to the mast at BT Exchange. This option would have much less impact on the landscape and has not been properly considered by WHP Telecoms as they have falsely claimed there is not enough space for additional MBNL cabinets, which you can see from the photographs above that there is, therefore this does not fully accord with PAN62.

h) *“46. The scope to mast share might be constrained because: existing masts would not provide suitable coverage due to their height and locations”*

MBNL have admitted that the BT Exchange site would provide good coverage, therefore this should have been seriously considered as a viable option. As it has not been, this does not fully accord with PAN62.

i) *“48. In some circumstances radio frequency interference can be overcome by interference reduction techniques such as filtering, the use of circulators, improving site earthing, shielding and similar practices. Planning authorities can consult a telecommunications engineer, with experience in radio frequency compatibility engineering, who can analyse potential radio frequency interference and give advice on ways to overcome incompatibility between the different equipment. Mast sharing sometimes has less impact than an additional mast.”*

If WHP Telecoms were to claim that radio frequency was a problem at the BT Exchange site, the above paragraph discusses how that can be problem solved and more importantly stresses that mast sharing sometimes has less impact than an additional mast as would be the case here. The fact that WHP Telecoms have not considered the BT Exchange site seriously means their application does not fully accord with PAN62.

j) *“49. Where the existing mast is not strong enough to share it can be strengthened or replaced, although this may lead to a more sizeable structure. In this situation a planning authority will have to decide whether the increase in size is preferable to an additional site.”*

If a new slightly taller mast would be needed at the BT Exchange site, it would not have the same effect on visual amenity as the propose site as it is at the bottom of a steep hill and does not interfere with the skyline and would not be nearly as visible as the proposed mast site at Ashludie. As WHP Telecoms have failed to consider this option properly and did not consult Angus Council, their application does not fully accord with PAN62.

*k) In relation to mast sharing at an existing site - "50. Operators will want to explore the various ways of overcoming these constraints before submitting a planning application."*

As WHP Telecoms have lied about there being not enough space at the BT Exchange site and have not discussed overcoming any constraints at this site before application, they have not acted in full accord with PAN62.

*l) 51. In some cases an existing operator might not wish to share for commercial reasons. The Secretary of State for Trade and Industry and the Director General of Telecommunications (DGT) are required, where a public telecommunications operator has been granted code system powers, to encourage the sharing of facilities or properties. The DGT can intervene to resolve disputes over co-location and facility sharing. The DGT considers disputes relating to facility and site sharing on a case by case basis, and if they conclude that site sharing is technically feasible or is being refused for reasons other than third party property rights, they are obliged to take positive steps to encourage sharing.*

Site sharing with the BT Exchange Mast should not pose a problem for EE as they are owned by BT. As WHP Telecoms have not looked properly into sharing the BT Exchange Mast site, they have not acted in full accord with PAN62.

*m) "53. Site sharing involves a new installation being located in close proximity to an existing one. The five main mobile operators have made a commitment to speed up and increase site sharing, where appropriate. The concentration of installations on one site reduces proliferation but increases the contrast and the impact at that location. One mast of good design may go relatively unnoticed but a number of masts could draw the eye and provide a prominent focus. Site sharing will appear more visually acceptable if the masts and other base station elements - equipment housing, power supply, access tracks and fencing - appear as a single group."*

The guidelines here clearly state that sharing an existing mast site would cause less impact on visual amenity. There is also another mast at the top of Victoria Street which was a replacement mast for the one previously decommissioned at Ashludie, which could be added to or site shared:



This mast is less than 200 metres away from the proposed site at Ashludie. As WHP Telecoms have not given site sharing serious consideration in their application, it does not fully accord with PAN62.

n) "55. A wide range of buildings and other structures can be used for siting equipment. These may include: • office blocks, • churches, • granaries, • chimneys, • water towers, • gasometers, • floodlighting towers, • electricity pylons, and • agricultural silos."

No consideration has been given to siting any equipment onto buildings in the surrounding or other structures in the surrounding area by WHP Telecoms, therefore their application does not fully accord with PAN62.

o) 56. "The architectural style and materials used in a building or other structure will help influence the siting and design of equipment. Buildings or other structures of historic or architectural value will usually only be capable of accepting the installation of equipment where it can be disguised or concealed. There may however be instances where no installation is acceptable. Modern buildings, or buildings that already have telecommunications equipment sited on them, may be more suited to accepting new equipment. Architects, urban designers or specialist telecommunication design companies can provide advice."

There is no evidence in WHP Telecoms application that they sought architectural, urban designer or telecommunications design advice about how they could potentially install a mast or equipment onto a building or structure in the area, therefore they did not give this option serious consideration and did not fully accord with PAN62.

p) "65. Locating a mast within an existing group of trees and/or planting new trees and shrubs can help integrate it into the landscape. Different degrees of natural screening can apply in summer and winter."

As is evident in PAN62 guidelines, different degrees of screening from trees can apply in summer and winter. This is something that neither WHP Telecoms, CS Planning Ltd or the DPEA reporter took into account in applications. Due to this factor, the application does not comply with PAN62.

q) "69. A mast that breaks the skyline or is sited on a prominent ridge is generally not desirable as it creates a visual focus which draws the eye away from the natural landscape. The ever-changing light and weather which is characteristic of Scotland can also at times illuminate a metallic structure and increase its prominence."

The proposed site at Ashludie that has been suggested by WHP Telecoms is considered a prominent ridge as it sticks out as an island away from the road at the bus terminus. A mast here would be the visual focus of the street and surrounding area and would immediately draw the eye of any passersby or residents. Due to suggesting this site at Ashludie and ignoring this point, WHP Telecoms application does not fully accord with PAN62.

r) "90. Many opportunities exist in urban areas to use small scale equipment, to disguise and conceal equipment and sensitively install equipment on buildings and other structures. These options are considered in the siting and design general principles section of this PAN."

Once again, WHP Telecoms have given no consideration to using small scale equipment in the area or installing on buildings and other structures, which does not fully comply with PAN62.

s) "91. Visually sensitive locations within urban areas where it is particularly necessary to take positive steps to disguise or conceal equipment include: • conservation areas; • scheduled ancient monuments and their settings; • listed buildings and their settings; and • recreational areas, eg public open space."

All residents here at Ashludie Grange were advised by Miller Homes and Angus Council when we bought the houses that this was an area of historic interest and a conservation area due to ancient

buildings, trees and wildlife. We were also assured that the decommissioned mast would not be replaced anywhere nearby and this was upheld as the replacement was moved north to beside the sub-station. The area of the proposed site at Ashludie is also a public open space as it is a small island beside the estate. As the guidelines above state, it is particularly necessary to take positive steps to disguise or conceal equipment, but this has not been done by WHP Telecoms, therefore their application does not fully accord with PAN62.

t) *"92. Areas that already have engineered forms and structures may offer the best opportunity for siting equipment. Badly sited and designed masts can detract from principal views and skylines."*

No attempt has been made by WHP Telecoms to find a form or structure that could offer the best opportunity for siting equipment. Due to being completely out in the open on an island, the proposed site would look horrendous on the character landscape of the area, not to mention it would be placed at the opening of the village near to a 'Welcome to Monifieth' sign. The proposed mast would absolutely detract from principal views and the skyline, but WHP Telecoms have not considered this and therefore their application does not fully accord with PAN62.

u) *"97. The key natural heritage issue will be the equipment's landscape impact. Other important issues are - • Loss of habitat - the development of a mast may not in itself contribute to any significant loss of habitat but consideration should be given to the associated development of new access tracks, widening existing tracks, powerlines, underground cables and equipment housing. • Disturbance to wildlife especially during the breeding season - construction should be timed to avoid any sensitive periods. • Indirect habitat damage through modification of drainage patterns - this could arise from construction activities such as cable trenching or access road formation."*

In Ashludie, we have lots of amazing wildlife that would be disturbed and displaced by the erection of yet another 20m mast. Hedgehogs, owls, bats and foxes as well as multiple bird and insect species would be hugely disrupted and adversely affected by the erection of a mast in the proposed area, potentially upsetting the biodiversity, thus having a great landscape impact. There is no mention of any consideration given to this in WHP Telecoms application, therefore it does not fully comply with PAN62.

v) *"98. There is a statutory requirement that planning authorities consult SNH on proposals that might affect natural heritage designations. Early consultation with the planning authority and SNH will help inform the design process. In exceptional circumstances a planning authority may request a habitat survey or other specialist advice."*

As there is a multitude of wildlife and biodiversity in the Ashludie area, a habitat survey would be very worthwhile. Monifieth, and the Ashludie area in particular, is an unusual environment as it is both urban and rural and therefore still has a variety of species of bats, owls and insects among other wildlife. WHP Telecoms fail to understand the unique landscape of the proposed site and have not considered the effects of the proposed mast on wildlife and biodiversity here, thus they have not acted in full accordance with PAN62 in their application.

w) *"110. NPPG19 emphasises the importance of establishing good communications and trust between operators and planning authorities. It encourages pre-application discussions on the overall nature of an operator's network intentions and subsequently on individual proposals. Pre-application discussions help determine where equipment can be introduced more easily, where the environmental and operational constraints are likely to be greatest, and the most appropriate siting and design approaches. This can avoid unnecessary time and expense applying for planning permission on*

unsuitable sites or submitting inappropriate designs. There are a number of suitable occasions for preapplication discussions.”

It is difficult to see how there can be any trust between Angus Council and WHP Telecoms after they have now lied and been purposely misleading in two applications and on several counts. MBNL as a company have conducted themselves in an extremely underhand and deceitful manner on several occasions with the residents and the council, even agreeing to look into alternative sites so we would drop our challenge at the court of session with them as well as trying to build the mast illegally twice – once by breaching our legal agreement and the second time by no longer having any permissions in place. No pre-application discussions have been attempted by WHP Telecoms and Angus Council despite it being encouraged throughout PAN62 in paragraphs such as the one above. WHP Telecoms have now applied twice on a completely unsuitable site with an inappropriate design and are wasting the time of all parties involved with such a ludicrous proposal for a mast site. Due to this, their application does not comply with PAN62.

x) “111. NPPG19 encourages operators to explore alternative siting and design. Information about these enquiries should accompany every planning application. Operators should thoroughly explore alternative sites to find the solution with the least landscape impact, which may help allay public concern.”

WHP Telecoms has not thoroughly explored alternative siting as the local residents found 14 other potential sites that provided good coverage as they were in accordance with MBNL’s stipulations of coordinates, parameters and topography. MBNL disclosed in writing that these sites gave good coverage yet these have not been explored in WHP Telecoms previous application or this one. There are only 7 other possible sites (some of which are ludicrous suggestions e.g. Seaview Primary School) but there are many more that could potentially work and were not mentioned or considered. Of the ones that were mentioned, reasons such as being too close to residential housing or the effect on visual amenity were listed as the reason for rejection. There is more effect on residential housing and visual amenity in the proposed site than any of the other listed alternatives due to it being on an island in the main road into the village, at the opening point of the village, having no screening around it and being close to a ‘Welcome to Monifieth’ sign. Those reasons cannot be applied to other sites with less impact but not to the proposed site here at Ashludie. Due to WHP Telecoms not thoroughly exploring and seriously considering other sites, their application does not fully accord with PAN62.

y) “112. If the consideration of alternative sites is not thought to be satisfactory the planning authority may be justified in refusing planning permission.”

As demonstrated above, consideration of alternative sites from WHP Telecoms is not satisfactory. If local residents could work with MBNL to identify 14 other sites that WHP Telecoms could not, then consideration cannot be deemed to be satisfactory. As this is the case, the application does not fully accord with PAN62.

z) “118. The challenge is to ensure that radio telecommunications development can be made an accepted and unobtrusive feature of urban and rural areas, through high standards of siting and design and sensitive, imaginative and creative design solutions. It is anticipated that the good practice advice in this PAN will help improve the design quality of radio telecommunication equipment and the confidence of planning authorities in considering planning applications.”

High standard of siting has not been applied to WHP Telecoms application in this case. As they have not been in full accordance with PAN62 guidelines on several counts, there can be no confidence in the application or company itself from the planning authority.

For all of the above reasons, the application from WHP Telecoms should require planning approval from Angus Council and should be treated as a new application as the permission for the previous one has expired and there are new considerations to take into account. The application should also be rejected by Angus Council on the basis that it contains false information, is purposely misleading, is not a replacement mast for a previous one, does not comply with several points in PAN62, other potential sites have not been given serious consideration and approval of the proposed site would have an immense effect on character landscape and visual amenity.

Yours sincerely,

Jillian Mannion.

On behalf of the residents Ashludie Grange



**From:** Jillian Smith [REDACTED]  
**Sent:** 15 November 2023 12:19  
**To:** James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>; PLANNING <[PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)>  
**Cc:** Cllr Heather Doran [REDACTED]; Cllr Craig Fotheringham  
[REDACTED]; Cllr Lloyd Melville [REDACTED] Cllr Beth  
Whiteside [REDACTED]  
**Subject:** Proposed Mast at Ashludie Grange - Official Letter from Residents

Dear Mr Wright,

Please find attached a formal letter on behalf of the residents at Ashludie Grange pertaining to the application for Telecoms Mast at a site here. I have also attached some other documents that may be useful - alternative sites for the mast in Monifieth, the legal undertaking that MBNL signed with the residents here but then breached and our court papers that were lodged challenging the DPEA Reporter's decision.

Please can you pass all of this on to whomever is dealing with the application if it is not yourself. I have copied in the Ward Councillors for Monifieth as CS Planning Ltd previously stated in their appeal document for the last application that there was no response from Ward Councillors and that a consultation had taken place with them regarding the proposed mast. Now that Councillors are very aware how the residents at Ashludie feel about this matter, I thought they should be included in the information within the attached documents.

Could you please acknowledge receipt of this email? I'm happy to mail a registered letter also if that would be best.

Yours sincerely,

Jillian Mannion.  
On behalf of the residents at Ashludie Grange.

[REDACTED]

13<sup>th</sup> November 2023

**PLEASE NOTE: THIS LETTER IS WRITTEN ON BEHALF OF THE RESIDENTS AT ASHLUDIE GRANGE WHICH COMPRISES OF OVER 150 HOUSEHOLDS**

Dear Mr Wright,

We have recently been informed by MSP Graeme Dey that another planning application has been submitted for a telecoms mast here at Ashludie and there are a number of factors that we wanted to make you aware of at this stage.

Please note that the residents in Ashludie are not opposed to a mast in principle, but we object to the proposed site of the mast because of its effect on landscape character and visual amenity – it would be at the entrance to the village and there are already two existing BT/EE/3 phone masts in Victoria Street already. Due to there being no 4G coverage issues in the area, we see no need for a third mast in the proposed location. We also know that WHP Telecoms, CS Planning Ltd and MBNL have misled, lied and not given proper consideration to other potential sites in the area.

We have not seen the new planning application yet, but given how quickly it was submitted after the lapsing of the appeal decision, we are assuming it is the same application that was submitted by WHP Telecoms back in 2020. The documentation in the planning application submitted by WHP Telecoms and the information in the appeal document submitted by CS Planning Ltd contained false information and was misleading to Angus Council and the DPEA.

We are also aware that you need to take into consideration that the DPEA Reporter overturned the council's decision and granted planning permission last time around. However, after a legal consultation with a specialist planning solicitor, we discovered there were several inaccuracies and flaws in the Reporter's decision and wanted to also make you aware of these. Due to these flaws, we challenged the Reporter's decision in the Court of Session, but MBNL asked us to settle on an agreement out of court. We did not wish to take legal action unless it was necessary, so we agreed in good faith to drop the court action and sign a legal undertaking that stated MBNL would look into 14 other proposed sites that we suggested in the Monifieth area for the mast (please note these sites were all within parameters, co-ordinates and site coverage given to us by MBNL so complied with their needs for the mast). Unfortunately, MBNL did not comply with their own legal undertaking and tried to illegally build the mast on two occasions by misleading the Roads Department at Angus Council to obtain permits and were stopped by the residents here at Ashludie.

We have outlined the inaccurate information that WHP Telecoms put forward in their initial application, which was perpetuated by CS Planning Ltd in their appeal document to mislead the council and the DPEA, as well as flaws and inaccuracies in the DPEA Reporter's decision. We feel very strongly

that you should be aware of the intended falsehoods and inaccuracies that WHP Telecoms and CS Planning Ltd have tried to mislead the council and the DPEA with, which have resulted in an extremely flawed report and decision from the DPEA Reporter. Had the Reporter had accurate information before him, he would very likely not have overturned the Council's decision.

### **1. CLOSE PROXIMITY OF SCHOOL**

In their original planning application to Angus Council and their appeal to the DPEA, WHP Telecoms stated that there was not a school in close proximity to the proposed site, but this is false information as Seaview Primary School is within close proximity to the site being just down the road, therefore the Council and the DPEA were misled.

### **2. PROPOSED SITE IS IN DENSELY RESIDENTIAL AREA**

WHP Telecoms in their initial application listed some other potential sites for the mast but concluded that these areas were too residential. The selected site is just as residential if not more so as two new housing developments comprising of hundreds of homes surround it along with longstanding neighbourhoods. The selected site is more densely populated than these other proposed areas which were discounted for the same reason.

### **3. REPLACEMENT OF A DECOMMISSIONED MAST**

In WHP Telecom's initial planning application and CS Planning Ltd in their appeal documents state that the proposed mast was to replace a decommissioned mast from six years ago.

*"The proposed site has been sourced in the 79652 Cell following a Notice to Quit (NTQ) from the Ashludie Hospital site. The intention of the proposal is to ensure continuity of service in the DD5 post code location".*

However, this statement is misleading as a new 4G mast was built only 200 metres north at Victoria Grange (Mast 92420) after the decommissioned mast was taken down, but the DPEA Reporter was not provided with this information in his report, which very likely affected his decision. The erection of this mast means there is no need for another one extremely close to it and that it is a falsehood that the proposed mast is a replacement for one that was removed.

In their appeal document, CS Planning Ltd claim:

*"It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors (it's to use the same site as the existing installation). It would be similar to numerous similar structures in this location (street lights etc.)"*

This information is incorrect - the proposed mast is not going in the same location as the previous mast that was removed. The previous mast was based beside the Monifieth Health Centre, quarter of a mile from the new proposed site and tucked away in a wooded area and secluded by a high boundary wall. The new proposed site is out in the open, part of a public footway and at the entrance to the village near a sign that says "Welcome to Monifieth" and at the opening of the historically preserved Ashludie grounds. There is a huge difference in the locations and sites. It is also inaccurate for CS Planning Ltd to claim that it is similar to other structures such as street lights as the height of the mast is much taller and there are accompanying cabinets, which make it extremely different from a street light.

#### 4. 5G COVERAGE

WHP Telecoms initial application states that the proposed mast is for the purposes of the area requiring 5G coverage:

*“It is imperative that there is not a 5G coverage hole in the area”.*

We received an email on 6<sup>th</sup> November 2020 from MSP Graeme Dey with a response from Planning Policy & Public Affairs Manager Mr Henry Parker from BT/EE who claimed *“I should be clear that we are not building this site to deliver 5G”*. The mast is primarily for 4G purposes, therefore WHP Telecoms have been misleading in claiming that the mast is for 5G purposes.

In their appeal document, CS Planning Ltd state:

*“Provision of this infrastructure, in an area identified as being lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses”.*

This statement is false as the connection in the area surrounding the mast is good - there are already two BT/EE 4G masts in the area and 4G coverage in Monifieth provides good coverage already. Many of the residents who this letter represents have mobile contracts with EE and 3 and their signal coverage is good. The same is true for others in the surrounding area and throughout Monifieth. Slightly poorer connection lies further south on Monifieth High Street and to the west beside Grange Road. As connectivity issues are in areas further away from the proposed site, a new mast would likely meet less resistance from locals who do not already have two masts in their street and actually have a poorer connection. The mere two letters of support that were received by the council in relation to initial application in 2020 came from residents in areas where connection wasn't as good. The previous mast that WHP telecoms and CS Planning Ltd falsely claim the new one would be replacing has been gone for 6 years, yet coverage in the entire area of Monifieth has remained stable throughout this time, which is likely due to the two existing masts already in Victoria Street.

In addition, CS Planning Ltd give no actual evidence of local businesses suffering from poor digital access. Monifieth is a village with a small number of local businesses and if connectivity was a problem, fibre broadband may be a better solution as there is no issue with phone connectivity in this area according to EE's own website and an independent coverage checker. It seems as though EE and 3 are more concerned with boosting phone sales against rival competitors by advertising that there is a 5G signal as opposed to having any real economic interest in the village or consideration for the residents.

#### 5. ONLY VIABLE SITE

CS Planning Ltd claim in their appeal document that they have tried to find a site that is *“as far from properties as possible”*, but this is untrue. We identified 14 alternative sites in the Monifieth area that were within parameters and co-ordinates given to us by MBNL as having good coverage and some were much further away from properties than the proposed mast site here. MBNL discounted them due to the effect on visual amenity or being too close to residential areas. This makes no sense as the proposed site is actually closer to surrounding houses and there is a greater effect on visual amenity as it is at the entrance to the entire village, a bus terminus and a housing development.

The Monifeith area is full of brownfield sites that could be used. WHP Telecoms could have worked with the Planning Department of Angus Council to identify an appropriate site, but they did not do this. A new mast would be better placed elsewhere in the area in one of the other sites identified as giving good coverage and where connectivity is actually poorer.

In their appeal, CS Planning Ltd also claim that the proposed site at Ashludie is the only suitable site and viable location but MBNL agreed that most of the other 14 sites we suggested to them were considered viable sites with good coverage, which contradicts WHP Telecoms application and CS Planning’s appeal reasoning.

In the appeal document, CS Planning Ltd mention erection of a new ground-based mast as being the only option because it’s not possible to share another existing mast site, but there are already two masts in Victoria Street that could be shared. There is an existing mast 200 metres north which is also owned by EE:



EE Mast at the top of Victoria Street

There is also another mast 300 metres south at the bottom of Victoria Street. This is a BT mast (please note BT own EE), therefore infrastructure sharing could easily take place at this site but may cost EE and 3 a little more money in development. In their planning application, WHP Telecoms mention this site:

*“D1 - Monifeith BT Exchange - GF - NGR: E 349638, N 732538. Site share option which was considered dead due to limited space for additional MBNL equipment.”*

Please see the picture below for evidence that there is enough ground space for the required cabinets as the space here is actually larger than at the proposed site here in Ashludie:



BT Mast at the bottom of Victoria Street



Proposed site at Ashludie Grange

As there is more space here than at the proposed site in Ashludie, WHP Telecoms have been misleading in their application. Please note that MBNL initially claimed in a grid report that this site “*is not suitable as per coverage assessment*” but later claimed in a further document to the residents that “*the location would provide good network coverage*”. The inconsistencies here between WHP Telecoms and MBNL demonstrate that they are not properly considering any alternative sites.

The area around the BT Exchange site is closer to the area where connectivity is poorer so would very likely meet less objection. In our opinion, amalgamation with this existing mast at the bottom of Victoria Street is the optimal site in Monifieth as MBNL have admitted that this is within their parameters and would provide good coverage. The residents in the area have already accepted the location of this existing mast.

In their appeal document CS Planning claim:

*“As stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day to day life and business”.*

This statement is untrue as we have identified 14 other viable sites within the correct parameters and topography that MBNL have admitted have good coverage, yet these were not explored by WHP Telecoms in their initial application. They also discounted the existing BT mast already in Victoria Street claiming a false reason. Please note that MBNL initially claimed the 14 existing sites did not give good coverage but later admitted in a legal document that they in fact did.

## **6. VISUAL AMENITY & CHARACTER LANDSCAPE**

In the appeal document CS Planning Ltd state:

*“The proposal would not be to the detriment of visual amenity or result in harm to the character of the area”.*

This statement is completely false as all residents here at Ashludie feel very strongly that visual amenity would be greatly affected, which the council also agreed with when rejecting the planning permission.

Other surrounding sites were rejected by WHP Telecoms as it was stated that there was too much of an effect on visual amenity, but the visual amenity of those alternatives is less affected than at the proposed site here in Ashludie. As previously mentioned, the proposed site here is on the main entrance into the village with a “Welcome to Monifieth” sign nearby and is part of a public footpath, bus terminus and entrance to a housing development so the effect on visual amenity would be worse than in other areas considered by WHP Telecoms and alternative sites suggested by ourselves to MBNL.

The previous mast site was within the local Health Centre’s grounds, half a mile to the South of the proposed one and much closer to one of WHP Telecoms other proposed sites at the corner of St Regulus Road. The previous mast was also much smaller and less obtrusive and was located within a wooded area behind a high boundary wall where it was concealed from the public road. Every effort had been made with the previous mast to minimise its effect on visual amenity but the new proposed mast site does not adhere to the same considerations in any way.

CS Planning Ltd mention in their appeal document that the new proposed mast is also bigger than the one that they falsely claim it is replacing demonstrating just how much of an effect it will have on visual amenity:

*“The applicant appreciates that the development has an increased mass than the one that it is replacing”.*

CS Planning Ltd also claim in their appeal document:

*“... all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected”.*

All efforts have not been made in the selection process as we listed 14 other sites that fit the topography and coverage parameters given by MBNL, which WHP Telecoms Ltd did not investigate back at the start of the process. It is obvious to all in the area and to Angus Council that visual amenity and landscape character would be adversely affected. Ashludie is a historic site that has been carefully planned to preserve local historical features and at the opening of the entire village, therefore the effect on landscape character and visual amenity is immense. MBNL claimed visual amenity would be affected in some of the other sites we proposed as well as WHP Telecoms listing visual amenity being affected in other sites they considered, but none of these other sites are situated at the opening of the entire village or in a historically preserved area. That particular reasoning cannot be applied to all other sites except Ashludie.

## **7. IMPACT ON PROTECTED TREES**

The location has limited access from the main road in order for heavy equipment to be present on site and the adjacent trees' root bowls would be within close proximity if not directly under any equipment and foundations proposed thus dangerously impacting upon the viability of the character landscape and trees.

## **8. BUS TERMINUS STILL IN USE**

MBNL claimed in their response to our legal undertaking that the current bus terminus at Ashludie is not in use, but this is inaccurate as the bus terminus is in use and is constantly busy, therefore the visual amenity of the many residents and visitors would be affected as well as any road closures affecting the terminus use. More importantly, the mast would block the bus driver's view of the busy oncoming traffic, which is a potential hazard

## **9. FLAWS IN REPORTER'S DECISION**

a) At paragraph 3 of the Decision, the Reporter noted that: *“Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.”*

The Reporter misdirected himself as to the correct approach to take to the determination of this appeal. The Angus Local Development Plan 2016 (“the LDP”) policy TC13 contains provisions setting out the approach that the Council will take in determining applications for prior approval. Where a

Local Development Plan has been adopted containing policies relating to the siting and appearance of telecommunications apparatus, a local council must give primacy to those policies in its decision making. A local council should only deviate from those policies where material considerations indicate otherwise. In treating the LDP as merely a material consideration, the Reporter erred. The planning advice note 5/2018 ("PAN 5/2018") contains non-statutory guidance which constitutes a material consideration in any application for prior approval. The Reporter, whilst mentioning PAN 5/2018, does not make clear that it is a material consideration in the Decision. To that extent, the Reporter erred.

b) Policy TC13 of the LDP states that: *"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"*. At paragraph 15, the Reporter noted that *"I am satisfied that alternative sites have been considered and none more suitable has been found. No alternative sites have been drawn to my attention"*.

The Reporter erred in concluding that alternative sites have been considered and none more suitable found. The Reporter did not have an evidential basis for that conclusion. Section 6 of the applicants' site specific supplementary information ("SSSI") lists six alternative locations or buildings on which the mast could be erected: a. Site D2 is discounted for *"planning reasons"*. b. Site D4 is discounted as *"in close proximity to residential"*. c. Site D5 is discounted as *"we would struggle with planning"*. d. Site D6 is discounted as *"site within a dense residential area so would struggle with planning"*. No argument is given for discounting site D2 beyond *"planning reasons"*. No argument is given for discounting site D5 beyond *"we would struggle with planning"*. In the cases of sites D4 and D6, the justification for discounting the sites appears to be their proximity to residential development. The proposed location of the present appeal is close to residential development, but was not discounted therefor. An objective analysis of the SSSI suggests that no serious and diligent consideration was given to alternative sites, and does not disclose any clear metric used by the applicant for distinguishing between the different possible sites. Consideration of alternative sites requires more than simply listing alternatives and dismissing them without reasoning. The Reporter's conclusion that alternative sites had been considered was irrational, perverse, and unreasonable.

c) At paragraph 10, the Reporter noted that *"the council has not provided any information about other potential alternative sites"*. The Reporter misdirected himself in that he appears to have assumed that it was for the Council to suggest potential alternative sites to the Reporter. The question to be addressed by the Reporter was whether the applicant had properly explored the possibility of alternative sites. Reference is made to paragraph 7. 4 10. The Reporter was not required to address the question of whether another site would be more suitable, except in his analysis of section 6 of the SSSI. Insofar as he appears to have attempted to balance the application site against the lack of suggested alternatives, the Reporter erred.

d) Policy TC13 of the LDP states that *"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"*. At paragraph 14, the Reporter concludes that *"I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal"*. On the evidence before him, it was not open to the Reporter to conclude that the proposed mast minimises impact on the visual amenity, character or appearance of the surrounding area. There was insufficient evidence for the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to justify dismissing the appeal. The proposed mast is to be sited on a prominent island in the road, and will be 5 metres higher than the tops of the surrounding trees. It will be visible from the surrounding residences, and the Reporter's conclusion at paragraph 8 that *"residential amenity would not be harmed to an extent that was significant"* is not one which was open to the Reporter. Furthermore, the Reporter conducted his site visit in June, when the trees surrounding the application site are in full leaf. Had he visited the



application site in winter, when there are no leaves on the trees, it is likely that his impression of the probable impact of the mast on the visual amenity of the surrounding area would have been different. The Reporter's conclusion at paragraph 8 that "the orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast" was unreasonable.

e) The cabinets proposed to be part of the mast site would be bordering a pavement and when open would obstruct part of the grass, causing a potential trip hazard. This point has been used by other DPEA reporters when refusing planning permission to a mast site, but was not considered by the Reporter on this occasion.

As you can see from the numerous points above, WHP Telecoms, CS Planning Ltd and MBNL have demonstrated falsehoods and tried to mislead Angus Council and the DPEA. Due to this and the Reporter's lack of diligence, the various departments were misinformed and the Reporter made an inaccurate decision. Please note that MBNL responded to the legal undertaking they had agreed upon with us, two years after the agreed time limit and provided generic statements but no proper reasons or evidence of considering the alternative sites. They also did not allow us to instruct our own planning officer to check the generic claims and tried to illegally build the mast twice during this time – once by breaching our legal undertaking and the second time when their permission from the DPEA Reporter had lapsed. They were stopped by local residents on both occasions who knew they were behaving in a deceitful manner. MBNL tried to claim that both incidents were simply "errors on their system". They also misled Angus Council's Roads Department by trying to obtain permits without disclosing that they had signed a legal undertaking not to begin work and that their permission from the DPEA had expired. We have now surmised that their goal in signing the legal undertaking was simply a tactic to try to have us drop the court action that we were pursuing against them. MBNL recently acknowledged in an email to MSP Graeme Dey that they had not handled the situation well and could have done better. As to why they are refusing to be honest about other potential site locations or consider them properly is unclear, although it may be due to cost. However, the residents feel strongly that saving Telecoms companies money should not be prioritised over effects to character landscape and visual amenity, especially when BT/EE already have two masts in this location.

Unfortunately, this conduct of misleading and claiming falsehoods means that any new applications from WHP Telecoms or CS Planning that are the same or similar to the first one for a telecoms site here at Ashludie should be thoroughly investigated and checked in light of all the above points before any decision making can even be considered. It would be negligent of Angus Council not to do so in light of the information that we have now shared.

Yours sincerely,

Jillian Mannion.

On behalf of the residents at Ashludie Grange

## STATUTORY APPEAL – ASHLUDIE

### SCHEDULE OF SITES IDENTIFIED BY THE RESIDENTS FOR MBNL

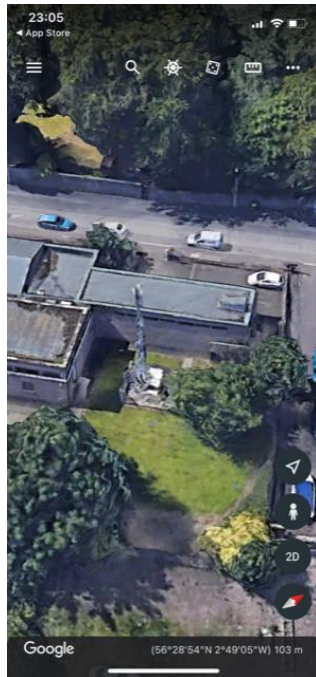
1. SITE 1 – Land off Broomhill Drive 56°29'22"N 2°48'52"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*
2. SITE 2 – Land off Airlie Drive 56°29'04"N 2°49'42"W  
*(identified by MBNL as providing good coverage)*
3. SITE 3 – Land off St Regulus Road 56°29'05"N 2°49'32"W  
*(identified by MBNL as providing good coverage)*
4. SITE 4 – Land off Malcolm Crescent 56°29'04"N 2°49'43"W  
*(identified by MBNL as providing good coverage)*
5. SITE 5 – Airlie Drive 56°29'05"N 2°49'43"W  
*(identified by MBNL as providing good coverage)*
6. SITE 6 – Airlie Drive 56°29'05"N 2°49'51"W  
*(only a few metres away from site 5 so should provide good coverage)*
7. SITE 7 – Grange Road 56°28'56"N 2°49'55"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*
8. SITE 8 – Hill Street 56°28'58"N 2°49'07"W  
*(BT Exchange across from this identified by CS Planning as potential site providing good coverage therefore this site would likely have good coverage)*
9. SITE 9 – Field behind Travebank Gardens 56°29'04"N 2°49'11"W  
*(identified by MBNL as providing good coverage)*
10. SITE 10 – Lorne Street 56°29'12"N 2°49'02"W  
*(within parameters advised by MBNL of 500 metres N, NE or S of proposed Ashludie site)*
11. SITE 11 – Land at bottom of Fairway 56°29'17"N 2°48'35"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*
12. SITE 12 – Wasteland at Invertay House, Maule Street 56°28'47"N 2°49'12"W  
*(within parameters advised by MBNL of 500 metres N, NE or S of proposed Ashludie site)*
13. SITE 13 - Corner of Airlie Drive/Grangehill Drive 56°29'03"N 2°50'00"W  
*(only a few metres from site 5 so should provide good coverage)*
14. SITE 14 – Broomhill Drive 56°29'18"N 2°49'04"W  
*(within parameters advised by MBNL of N, NE and S of 500 metres N, NE or S of proposed Ashludie site)*

Along with these 5 from CS Planning original list of potential sites:

- (i) D1 - Monifeith BT Exchange - GF - NGR: E 349638, N 732538. Site share option which was considered dead due to limited space for additional MBNL equipment.

**PLEASE NOTE:** CS Planning said limited space but below are photos which show plenty of space is available. This appears to be the best option for everyone as this could replace an already existing mast there, would see BT, EE and 3 sharing a site as per

government policy of infrastructure sharing, would echo EE's commitment to the Shared Rural Network, wouldn't affect visual amenity and would be unlikely to meet any objection as there is already an existing mast here.



- (ii) D3 - Land off Queens Street - GF - NGR: E 349320, N 733339. Large ploughed field located off the junction of Queen Street and Park View. Site discounted due to proximity to existing cell site to the North.

**PLEASE NOTE:** *this appears to be incorrect. Is this supposed to be Victoria Street and Park View?*

- (iii) D4 - Jct of Saint Reguius Road/Queen Street - SW - NGR: E 349355, N 732850. Streetworks site located on the jct of Saint Reguius Road and Queen Street. Site could cause visibility splay issues and the space looks limited. Site is also in close proximity to residential so discounted.

**PLEASE NOTE:** *this is the wrong street, there is no junction at St Regulus Road/Queen Street. Is it supposed to be St Regulus Road/Victoria Street? This site is the same size as the Ashludie site, is no more residential than the proposed Ashludie site and as the connection issues are actually in this area is less likely to meet any objections.*

- (iv) D5 - Ashludie Park - GF - NGR: E 349604, N 733020. Large public park surrounded by residential property. Site discounted as we would struggle with planning.

**PLEASE NOTE** - *there are many areas of the park which would be appropriate and are far less residential than the proposed Ashludie site.*

- (v) D6 - Airlie Drive - SW - NGR: E 349051, N 732862. Streetworks site situated towards the West of the search ring. Site within a dense residential area so would struggle with planning. Space on the pavement also seems very limited for equipment.

**PLEASE NOTE** - *this area is no more residential than the proposed Ashludie site.*



OUR REF M7234.865/EXM  
YOUR REF  
3 March 2021

[REDACTED]

Dear Sirs

**Mobile Broadband Network Limited (“MBNL”)  
Statutory Appeal by Jillian Mannion and others (reference XA86/20) (“the Statutory Appeal”)**

On behalf of and as instructed by our clients MBNL a company incorporated under the Companies Acts (Company Number 0637522) and having its registered office at Sixth Floor, Thames Tower, Station Road, Reading, England, RG1 1LX, we hereby undertake to you on behalf of your clients, Jillian Mannion, 34 Margaret Lindsay Place, Monifieth, DD5 4RD, Ian McHoul, 4 Ashludie Hospital Drive, Monifieth, DD5 4RB, Fiona Siveweight, 6 Ashludie Hospital Drive, Monifieth, DD5 4RB, and Steven Robertson, 81 Margaret Lindsay Place, Monifieth, DD5 4RD, that, on receipt of confirmation from the Court of Session, no later than 17 March 2021, that the Statutory Appeal has been withdrawn or abandoned or dismissed, our clients shall :-

1. Within twelve (12) months give proper and reasonable consideration to locating a telecommunications mast capable of fulfilling the network requirements previously fulfilled by Mast Reference 29287 TAY0016 Ashludie Hospital Monifieth:
  - (i) on the alternative sites set out in Chapter 6 of the Site Specific Supplementary Information by WHP dated 19 March 2020 submitted in respect of prior approval application 20/00228/PRIORN (being sites D1, D3, D4, D5 and D6); and
  - (ii) on the undernoted fourteen sites.
2. Give such consideration consistent with the diligent approach that a prudent, reasonable, and competent telecommunications operator authorised under the Communications Code would reasonably be expected to take to identify an appropriate site for a telecommunications mast having regard to all relevant matters including, but not limited to, the impact of the siting and design of a proposed telecommunications mast on residential amenity.

**5th Floor, 1 Exchange Crescent  
Conference Square  
Edinburgh EH3 8UL  
DX 551970 Edinburgh 53  
T +44 (0)131 228 9900  
F +44 (0)131 228 1222**

1 West Regent Street  
Glasgow  
G2 1RW  
DX GW409 Glasgow  
T +44 (0)141 566 9900  
F +44 (0)141 565 1222

Condor House  
10 St. Paul's Churchyard  
London EC4M 8AL  
DX 98945 Cheapside 2  
T +44 (0)20 7429 4900  
F +44 (0)20 7329 5939

Commercial House  
2 Rubislaw Terrace  
Aberdeen AB10 1XE  
DX AB103 Aberdeen 1  
T +44 (0)1224 621 166  
F +44 (0)1224 623 103

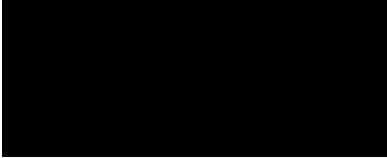
**shepwedd.com**

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3. Provide you with proper and intelligible reasons for either accepting or discounting those sites as an appropriate location for siting a telecommunications mast capable of fulfilling the network requirements previously fulfilled by mast reference 29287 TAY0016 Ashludie Hospital Monifieth.
4. Not commence any works in respect of the prior approval granted by the Scottish Ministers (reference PAC-120-2001) until they have satisfied the terms of paragraphs 1 to 3 of this undertaking.

Yours faithfully

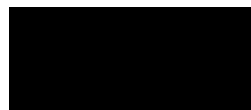


Ewan MacLeod  
For and on behalf of Shepherd and Wedderburn LLP



**Note referred to in the foregoing letter:-**

1. SITE 1 – Land off Broomhill Drive 56°29'22"N 2°48'52"W
2. SITE 2 – Land off Airlie Drive 56°29'04"N 2°49'42"W
3. SITE 3 – Land off St Regulus Road 56°29'05"N 2°49'32"W
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13. SITE 13 - Corner of Airlie Drive/Grangehill Drive 56°29'03"N 2°50'00"W
14. SITE 14 – Broomhill Drive 56°29'18"N 2°49'04"W



.....  
Ewan MacLeod



Signed: \_\_\_\_\_

CERTIFIED COPY APPEAL

*to*

THE COURT OF SESSION

*under*

Section 239 of the Town and Country Planning  
(Scotland) Act 1997

*by*

JILLIAN MANNION, residing at 34 Margaret Lindsay Place, Monifieth, DD5 4RD, IAN MCHOUL, residing at 4 Ashludie Hospital Drive, Monifieth, DD5 4RB, FIONA SIVEWRIGHT, residing at 6 Ashludie Hospital Drive, Monifieth, DD5 4RB, and STEVEN ROBERTSON, residing at 81 Margaret Lindsay Place, Monifieth, DD5 4RD

APPELLANTS

*against*

A decision of the Scottish Ministers, by their Reporter, Trevor Croft, Esq. under section 47(1)(c) of the 1997 Act dated 15th October 2020 and communicated to the Appellant on that date

---

The Reporter's decision ("the Decision") is set out in an Appeal Decision Notice dated 15th October 2020. The Decision is appended to this appeal.

The Appellants are aggrieved by the foregoing Decision and desire to question its validity on the grounds that it was not within the powers of the Town and Country

Planning (Scotland) Act 1997. The Appellants therefore appeal under section 239 of the 1997 Act against the Decision on the following grounds:

## GROUNDS OF APPEAL

### *Ground 1*

1. At paragraph 3 of the Decision, the Reporter noted that:

*“Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.”*

2. The Reporter misdirected himself as to the correct approach to take to the determination of this appeal. The Angus Local Development Plan 2016 (“the LDP”) policy TC13 contains provisions setting out the approach that the Council will take in determining applications for prior approval. Where a Local Development Plan has been adopted containing policies relating to the siting and appearance of telecommunications apparatus, a local council must give primacy to those policies in its decision making. A local council should only deviate from those policies where material considerations indicate otherwise. In treating the LDP as merely a material consideration, the Reporter erred.

3. The planning advice note 5/2018 (“PAN 5/2018”) contains non-statutory guidance which constitutes a material consideration in any application for prior approval. The Reporter, whilst mentioning PAN 5/2018, does not make clear that it is a material consideration in the Decision. To that extent, the Reporter erred.

### *Ground 2*

4. Policy TC13 of the LDP states that *“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”*.

5. At paragraph 15, the Reporter noted that *“I am satisfied that alternative sites have been considered and none more suitable has been found. No alternative sites have been drawn to my attention”*.

6. The Reporter erred in concluding that alternative sites have been considered and none more suitable found. The Reporter did not have an evidential basis for that conclusion. Section 6 of the applicants’ site specific supplementary information (“SSSI”) lists six alternative locations or buildings on which the mast could be erected:

- a. Site D2 is discounted for *“planning reasons”*.
- b. Site D4 is discounted as *“in close proximity to residential”*.
- c. Site D5 is discounted as *“we would struggle with planning”*.
- d. Site D6 is discounted as *“site within a dense residential area so would struggle with planning”*.

No argument is given for discounting site D2 beyond “planning reasons”. No argument is given for discounting site D5 beyond “we would struggle with planning”. In the cases of sites D4 and D6, the justification for discounting the sites appears to be their proximity to residential development. The proposed location of the present appeal is likewise close to residential development, but was not discounted therefor. An objective analysis of the SSSI suggests that no serious and diligent consideration was given to alternative sites, and does not disclose any clear metric used by the applicant for distinguishing between the different possible sites.

7. Consideration of alternative sites requires more than simply listing alternatives and dismissing them without reasoning. The Reporter’s conclusion that alternative sites had been considered was irrational, perverse, and unreasonable.

### *Ground 3*

8. At paragraph 10, the Reporter noted that *“the council has not provided any information about other potential alternative sites”*.

9. The Reporter misdirected himself in that he appears to have assumed that it was for the Council to suggest potential alternative sites to the Reporter. The question to be addressed by the Reporter was whether the applicant had properly explored the possibility of alternative sites. Reference is made to paragraph 7.



10. The Reporter was not required to address the question of whether another site would be more suitable, except in his analysis of section 6 of the SSSI. Insofar as he appears to have attempted to balance the application site against the lack of suggested alternatives, the Reporter erred.

*Ground 4*

11. Policy TC13 of the LDP states that “*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*”.

12. At paragraph 14, the Reporter concludes that “*I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal*”.

13. On the evidence before him, it was not open to the Reporter to conclude that the proposed mast minimises impact on the visual amenity, character or appearance of the surrounding area. There was insufficient evidence for the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to justify dismissing the appeal. The proposed mast is to be sited on a prominent island in the road, and will be 5 metres higher than the tops of the surrounding trees. It will be visible from the Appellants’ residences, and the Reporter’s conclusion at paragraph 8 that “*residential amenity would not be harmed to an extent that was significant*” is not one which was open to the Reporter.

14. Furthermore, the Reporter conducted his site visit in June, when the trees surrounding the application site are in full leaf. Had he visited the application site in winter, when there are no leaves on the trees, it is likely that his impression of the probable impact of the mast on the visual amenity of the surrounding area would have been different. The Reporter’s conclusion at paragraph 8 that “*the orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast*” was unreasonable.

QUESTIONS OF LAW FOR THE COURT

1. Whether, in terms of section 239 of the 1997 Act, the Decision was within the powers of the 1997 Act.

2. Whether the Reporter misdirected himself as to the correct approach to take to the determination of the appeal.

3. Whether the Reporter's conclusion that alternative sites had been considered and none more suitable found was irrational, perverse, and unreasonable.
4. Whether the Reporter misdirected himself in implying that it was for the Council to suggest alternative sites to be compared to the application site.
5. Whether on the evidence before him it was open to the Reporter to conclude that the impact of the proposed mast was insufficiently adverse as to dismissing the appeal.
6. Whether the failure of the Reporter to consider the seasonal variation in the tree screen renders his conclusions on impact on residential amenity unreasonable.

IN RESPECT WHEREOF

Stuart Clubb

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## SCHEDULE FOR SERVICE

The Respondent is:

1. The Scottish Ministers, Victoria Quay, Edinburgh, EH6 6QQ

The following persons may have an interest in the appeal:

1. EE Limited, Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW
2. Hutchison 3G UK Limited, Star House, 20 Grenfell Road, Maidenhead, Berkshire, SL6 1EH

## APPENDIX

1. Letter from Planning and Environmental Appeals Division dated 15<sup>th</sup> October 2020
2. Appeal Decision Notice dated 15<sup>th</sup> October 2020

## DOCUMENTS

3. Application for Prior Notification and Prior Approval
4. Location Plan, Site Plan, and Elevations
5. Site Specific Supplementary Information dated 19<sup>th</sup> March 2020
6. Report of Handling dated 20<sup>th</sup> May 2020
7. Council Decision Notice dated 22<sup>nd</sup> May 2020
8. Planning Appeal Form and Statement of Appeal dated 4<sup>th</sup> June 2020
9. Planning Authority Appeal Response
10. PAN 62 Radio Telecommunications
11. Angus Council PAN 5/2018 Telecommunications Developments
12. Angus Local Development Plan 2016, Policy TC13

## APPENDIX 1



[REDACTED]  
[REDACTED]

Sent to interested parties

Our ref: PAC-120-2001  
Planning Authority ref:20/00228/PRIORN

15 October 2020

Dear Sir/Madam

**PRIOR APPROVAL CONSENT APPEAL: LAND AT BUS TERMINUS ADJACENT TO FORMER ASHLUDIE HOSPITAL VICTORIA STREET MONIFIETH DD5 4RB**

I am writing to let you know that the above appeal has been allowed by the reporter and prior approval has been granted.

A copy of the decision notice and where applicable any claim for expenses is now available on our website [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk). If you cannot access the website and would like a copy of the decision to be sent or emailed instead, then please contact me and I will arrange.

The reporter's decision is final. However, you may wish to note that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal must be made within six weeks of the date of the appeal decision. Please note, though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <https://beta.gov.scot/publications/challenging-planning-decisions-guidance/>.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/) - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>

I trust this information is clear. Please do not hesitate to contact me if you require any further information or a paper copy of any of the above documentation.

Yours sincerely

*Jayne Anderson*  
**JAYNE ANDERSON**  
Case Officer  
Planning and Environmental Appeals Division



## APPENDIX 2





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Decision by Trevor A Croft, a Reporter appointed by the Scottish Ministers

- Prior Approval appeal reference: PAC-120-2001
- Site address: Land adjacent to Victoria Street, Monifieth, Dundee, DD5 4RB
- Appeal by EE Ltd and Hutchinson 3G UK Ltd against the decision by Angus Council
- Application for prior approval 20/00228/PRIORN dated 23 March 2020 refused by notice dated 22 May 2020
- The development proposed: Installation of 20 metres high monopole mast incorporating antennas, dishes and ancillary equipment cabinets
- Application drawings: see schedule at end of notice
- Date of site visit by Reporter: 6 August 2020

Date of appeal decision: 15 October 2020

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## Decision

I allow the appeal and approve the siting and appearance of the development. Attention is drawn to the advisory note at the end of the notice.

## Reasoning

1. Part 20 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) provides planning permission for certain types of development by electronic communications code operators. Class 67 of that order allows for construction of new ground based apparatus including new masts which do not exceed 25 metres in height and subject to a number of specified criteria. The criteria include a requirement for an operator to apply to the planning authority to establish whether prior approval is required. The principle of the proposed development is therefore established.
2. The procedure allows only for the consideration of the acceptability of the siting and appearance of the proposed development. The council refused prior approval on the basis that the siting and appearance of the proposed apparatus would not minimise the impact on visual amenity or on the character and appearance of the surrounding area.
3. Section 25 of the Town and Country Planning (Scotland) Act 1997 does not apply to applications for prior approval, so the development plan does not have primacy in decision making. Relevant policies may however be useful in providing guidance on the assessment of the impact of the siting and appearance of the mast, and thus be a material consideration. In its decision notice the council quoted policy TC13 Digital Connectivity & Telecommunications Infrastructure of the Angus Local Development Plan 2016 and its advice note 5/2018 Telecommunication Developments.



4. Taking these points into account the main issue in this appeal is the acceptability of the proposed siting and appearance of the mast and its associated infrastructure.
5. The appeal site is located on the east side of Victoria Street, which is an important local road linking the centre of Monifieth at its southern end with the main A92 Dundee to Arbroath Road which runs north of the settlement. Some 1.5 kilometres in length, the site is some 0.6 kilometres from the northern end of the road. It is located adjacent to the footway on a semi-circular grass covered area the lies within a bus-turning area. There is a bus shelter and stop sign at the southern end of the turning area. A bus stop sign and street light shown on drawing '150 Existing elevation A' as being located on the west side of the road do not exist. The proposed mast would replace one dismantled following a 'Notice to Quit' from the nearby former Ashludie Hospital site, set back on the east side of Victoria Street.
6. From my site inspection Victoria Street appears as a relatively busy road, including bus services. It is predominantly residential throughout its length. In the vicinity of the appeal site it has a sylvan character with significant tree and hedge cover along both sides of the road. The immediate surroundings of the site have a relatively open character due to the open ground formed by the bus turning area.
7. From drawing '265 Max configuration elevation' the proposed mast, at 20 metres high, would be five metres higher than the nearby mature trees, shown clearly on the drawing. Whilst from a distance to the north and south it would be relatively well concealed by trees lining the road, views from close to the site would not benefit from this because of the open ground of the bus turning area. Its location against the footway, with open ground behind when seen from the road or west side footway, would be prominent with no immediate backcloth. The ancillary cabinets, located either side of the mast, would also be prominent and give an impression of clutter.
8. There are houses along both sides of the road but those nearby the site on the east side are set back behind a stone wall that bounds the turning area. Those on the west side are largely behind screening hedges. The orientation of the houses and protective trees and other vegetation would largely prevent direct views of the mast. Although residential amenity would not be harmed to an extent that was significant, the wider visual amenity of passers-by on the road would be adversely affected.
9. Local development Plan policy TC13 supports telecommunications development subject to criteria, the relevant ones here being to minimise the impact on visual amenity, character and appearance of the surrounding area, and to demonstrate that the possibility of erecting apparatus on an existing building, mast or other structure has been explored. Advice note 5/2018 prefers telecoms installation to be within industrial areas, on brownfield sites or in town centres, away from residential property.
10. The original application was supported by information relating to alternative sites that the then applicant considered and discounted, as well as opportunities that exist for attaching the equipment to existing buildings or structures. The council does not consider that the information represents a thorough analysis of alternative sites and does not include sites closer to the chosen site which could have a significantly reduced impact on visual

amenity and the character and appearance of the area. It says the information submitted does not provide evidence that serious and diligent consideration has been given to other less sensitive sites or opportunities for attaching the equipment to existing buildings or structures. The council has not provided any information about other potential alternative sites.

11. National Planning Framework 3 emphasises the important role planning has to play in strengthening digit communications capacity and coverage across Scotland. Scottish Planning Policy states at paragraph 293 that the planning system should support development that helps deliver the Scottish Government’s commitment to world-class digital connectivity. This includes the need for networks to evolve as well as keep environmental impacts to a minimum. This evolution provides for the rolling out of the new 5G network across the whole of Scotland and I am satisfied there is strong policy support in principle for the proposed mast at national level.

12. The council received 59 representations objecting to the proposal and two in support. Most of these have been dealt with above. Matters relating to loss of view and house values are not relevant to my determination. Emmissions of radio frequency affecting health are controlled and regulated under other legislation. Paragraph 300 of Scottish Planning Policy says that it is not necessary for planning authorities to treat radio frequency radiation as a material consideration. In this case the appellant has submitted a certificate of compliance with the International Commission on Non-Ionizing Radiation Protection standards and no further consideration is necessary.

13. The council has not asked for any conditions to be imposed in the event of the appeal being allowed. I do not consider any to be necessary.

14. Drawing all these matters together, although the proposed mast would have an adverse impact on general visual amenity this would mainly affect passers-by on Victoria Street and therefore relatively fleeting. I do not consider the impact to be sufficiently adverse as to justify dismissing the appeal, taking into account substantial support from national policies as well as the local development plan. Any impact on residential amenity would similarly not justify dismissal.

15. I am satisfied that alternative sites have been considered and none more suitable has been found. No other alternative sites have been drawn to my attention.

16. Overall I find the benefits of the proposal outweigh the adverse impact on local visual amenity. I therefore give approval, for the reasons set out above, for the siting and appearance of the development. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

[Redacted signature]

Reporter

[Redacted footer text]

## Advisory note

1. **The duration of this prior approval:** This prior approval 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 Class 23(g) of Part 20 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2017).

## Schedule of drawings

All drawings have master drawing No. 1568451\_ANG094\_79652\_M001

002 SITE LOCATION PLAN

003 ACCESS PLAN

005 CHERRY PICKER AND CRANE LOCATION

100 EXISTING SITE PLAN

150 EXISTING ELEVATION A

215 MAX CONFIGURATION SITE PLAN

265 MAX CONFIGURATION ELEVATION

304 MAX CONFIGURATION ANTENNA SCHEDULE AND LINE CONFIGURATION

305 EQUIPMENT SCHEDULE AND SUPPORT STRUCTURE DETAILS





IN THE COURT OF SESSION

CERTIFIED COPY APPEAL

*under*

Section 239 of the Town and Country  
Planning (Scotland) Act 1997

*by*

JILLIAN MANNION & OTHERS

*against*

A decision of the Scottish Ministers, by their  
Reporter, Trevor Croft, Esq. Dated 15<sup>th</sup>  
October 2020 and communicated to the  
Appellant on that date

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2020

Shoosmiths LLP

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

AGENTS REF: S-00089137/FZM

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Margaret McLaren

Address: 11 Carmyllie place Monifieth. / . Dundee

## Comment Details

Commenter Type: Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: To build this mast here would be like building it at the bottom of my garden. It would be continually targeted by vandals who at present kick the bus stop cover for reasons unknown.

It would be in the centre of a housing site and a complete eyesore which would have a drastic effect on the local house prices.

We have objected before and MBNL continue to try and get in the back door and evade the rules such that they can illegally build this tower. I urge the council to Please read everything that has happened in the past with regards to their underhanded efforts to get this built. I would also ask the council members if they would be happy to have this monstrosity at the bottom of their garden. I believe not.

## OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

If visual amenity of the residents at alternative sites is being considered and these sites are being deemed unsuitable because of this, why the visual amenity of Ashludie area residents is being completely disregarded?

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

Furthermore, the visualisations are inaccurate and deceiving. In some of the visualisations the proposed mast is towering high over the trees while in others it is at the same height as them to give perception of it being smaller.

It would be only fair to show realistic and accurate visualisations, particularly from the points highlighted below to show how this mast will be practically in residents' front and back gardens.



3. The proposed Ashludie site is not the “optimum” site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE’s existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Marion Robertson

Address: 6 Dronley road Birkhill Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The mast is to be situated only yards from my house. It shouldn't be this close to a residential area. It is a health concern, an eyesore and will devalue all the houses.

There is no need for this mast as everything in the area works unlike other areas in Monifieth where they would benefit from this.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Miss Clare Angus

Address: Seaview Primary School Monifieth

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing in my role as Head Teacher of Seaview Primary School to object to this due to the proximity of the mast to my school, being less than 600 yards away. The school has 447 children aged 3-12, and I am concerned around the possible health implications that a mast such as this could have on the young children and their families.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Miss Ellis Shirkey

Address: 5 Ashludie Hospital Drive Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Miss Ellis Shirkey

Address: 5 Ashludie Hospital Drive Monifieth Dd5 4rb

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing

EE mast.

4. The previous mast based in the health centre

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Miss Hayley Irvine

Address: 5 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object. Would be able to see from my house so directly impacts me. Do not want close to my young family.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Miss Johanna Horsburgh

Address: 14 West Smieton Street Carnoustie

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:No

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Miss Susan McConnachie

Address: 73 Margaret Lindsay Place Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The mast is not required to support this location and should be built in the south where issue is. The mast will also tower above the landscape. There is already 2 masts close by to the area.



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Case Officer: James Wright

## Customer Details

Name: Miss Tracey Jamieson

Address: 10 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are already masts in Victoria Street and this particular one will be an eyesore that will be viewed by me from my back garden above the trees and so close to my house! This will also impact on the value of my home. Not even needed in this area.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Alexander Boath

Address: 7 Fothringham Drive Monifieth

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No need for a phone mast at the Ashludie lay-by. There are many other more suitable places for a phone mast near the fields on the outskirts of Monifieth and not close to private homes.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Alexander Boath

Address: 7 Fotheringham Drive Monifieth Dundee DD5 4SL

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Why put the mast there when there's plenty more suitable sites in other areas. It will be a eyesore for all the local residents that will look onto it.

Also local youngsters will try their best to somehow try to cause some form of vandalism.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mr Andrew McLaren

Address: 11 Carmyllie place Monifieth DD5 4SS

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL do not seem to align themselves to previous reasons given. Seem to be grasping at straws. Most of these sites previously proposed by previous objections provide good coverage, are just as residential and the effect on visual amenity would be less given the amount of traffic of all kinds in these areas, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village or new housing estates. The mast will cause a distraction to drivers on an already dangerous and tight corner of roadway.

2. The mast's visual appearance can not be hidden from my view as it is basically at the bottom of my garden and once again you have detailed this on an incorrectly drawn ordnance map with regards to my boundary lines. My conversation with the planing officer obviously went unheeded again.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Bryan Gibson

Address: 17 Margaret Lindsay place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is no requirement for this mast in this area

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mr Chris Henderson

Address: 8 Ashludie Hospital Drive Monifieth DD54RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I agree with the comments that my neighbours have stated and my views have not changed at all from my original objection when this mast was first proposed.

We don't need another god unsightly mast that nobody wants or needs, that would also ruin the look of the area. It will devalue the properties in this area. Mine included as it will be situated right beside my house.

There has been a lot of comments of mast sharing, the council should encourage this. There is a mast just a few hundred meters north of the proposed sight that could be shared.

Please decline this planning request.

Chris Henderson

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Daryl Barr

Address: 3 Angus Gardens Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The erection of this mast will have a detrimental impact on the local and should be refused!

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr David Emslie

Address: 85 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the mast being built!



# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Derek McCombie

Address: 12 Carmyllie Place Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this idea of installing an ugly mast in a residential area of Monifieth. There is also the health issues that go with it, being so close to our and our neighbours houses.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Ervin Lutaj

Address: 18 Margaret Lindsay place Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want this near a residential estate due to the risk to health

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mr Ewan Macfarlane

Address: 9 Carmyllie Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Surely there are plenty other suitable locations for this mast to be erected so it doesn't need to be slap bang in the middle of a housing estate.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Gary Mannion

Address: 34 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1) The reporters decision has expired. Therefor, this has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2) After consultation with a planning lawyer, the Reporter's decision was deemed to be flawed, which we challenged in the court of session. The action was discharged and a legal agreement entered into with MBNL and they have not complied with the terms of the legal agreement. MBNL misled the reporter which led to an completely false report based on mis information. The number of innacuraccies are staggering and that is why the report cannot be relied upon and is subject to legal challenge. In any case, as in point 1, the report is now expired and, legally, cannot be relied upon.

3) The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4) A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5) The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth  
Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Gary Mannion

Address: 34 Margaret Lindsay place Monifieth DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing

EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.

# Comments for Planning Application 23/00783/PRIORN

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Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Gary Shirkey

Address: 5 Ashludie Hospital Drive Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Gary Shirkey

Address: 5 Ashludie Hospital Drive Monifieth Dd54rb

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in



the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.

# Comments for Planning Application 23/00783/PRIORN

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Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr George Philip

Address: 9Redford Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a farce already been refused 2masts already one in Hill Street one at the top off Victoria Street

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Graeme Russell

Address: 75 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Too close to houses

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Graham Maclean

Address: South Lodge Ashludie Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object to installation of a 20m high monopole mast at the land at bus terminus

This will impact on my health and be visible from my garden. I don't own a mobile phone so see no benefit to this being near my house and will be asking for compensation if put up due to loss of value of property and impact on health and wellbeing . This is an area of nature beauty with lots of wildlife which would be impacted on the erection of this mast.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Graham Maclean

Address: South Lodge Ashludie Monifieth DD5 4RP

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

### OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.
2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.
3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.
4. The previous mast based in the health centre gr

# Comments for Planning Application 23/00783/PRIORN

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Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Ian McHoul

Address: 4 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposed development of the 20m monopole mast for the following reasons.

This development has previously been objected to and has in fact seen its planning consent lapse. This should therefore be treated as a brand new application.

After consultation with a legal planning expert, the reporter's previous decision in relation to this development (previous application) was deemed to be flawed and was challenged in the court of session, as part of that legal challenge we agreed to drop proceedings in good faith to enter into a legal undertaking with the developer which they breached and then tried to build the mast illegally. Contrary to the developer's claims, the mast is not a replacement as a new mast was installed at the top of Victoria St after the previous mast at the health centre was decommissioned.

A third mast within the vicinity of Victoria St would further impact the character, landscape and visual amenity of the area, especially as it is one of the main arterial routes into the village, is surrounded by residential properties, mature trees, a public footpath and bus terminus as well as being another mast in close proximity to a primary school and nursery.

The DPEA reporter was misled by WHP Telecoms and CS Planning by providing misinformation, details of which have already been provided to Angus Council.

To summarise, this is yet another attempt by the developer to bend the rules which they have repeatedly done in the recent past causing distress, and anxiety amongst the neighbours, including the elderly occupant(s) of the closest residential dwelling to the proposed site.

I would request that the application be rejected.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Ian McHoul

Address: 4 Ashludie Hospital Drive Dundee DD5 4RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing

EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.



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Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr James O'Donnell

Address: 12 12 Redford Place, Monifieth Monifieth, Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I previously objected, in the strongest terms, against this proposal and I have not changed my stance in any way. Please note that as the occupier of the property immediately across the road from this proposed site I wish to register my objection, again, against this proposal.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr James ODonnell

Address: 67 Portree Avenue Broughty Ferry Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to add my objection to the installation of this mast for too many reasons to list here but the main ones are as follows:

The site of this is to be directly adjacent to my parents property.

The reported health risks such a mast poses in a residential area with a nearby school.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr James O'Donnell

Address: 12 12 Redford Place, Monifieth Monifieth, Dundee DD5 4ST

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Not for the first time I register my strong objection to this application.

The reasons are identical to my previous objections. I would further inform the committee that since lengthening of daylight hours - youths are again beginning to congregate at the location - mainly the bus terminus shelter and to erect this mast would, in my opinion. issue a challenge which some might find irresistible and attempt to climb the structure potentially resulting in serious injury or death. Such an event would/should weigh heavily on the mind of any who support this application.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mr John Melvin

Address: 36 Margaret Lindsay Place MONIFIETH DUNDEE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1.This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2.After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3.The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4.A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5.The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr John Melvin

Address: 36 Margaret Lindsay Place MONIFIETH DUNDEE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As far as I can tell this application contravenes current UK legislation and therefore MUST NOT proceed.

As per the press release dated 13 October 2022 from The Rt Hon Michelle Donelan MP entitled Huawei legal notices issued.

It states "Huawei technology must be removed from the UK's 5G public networks by the end of 2027 under legal documents handed to broadband and mobile operators today."

It then proceeds to note "The direction sets out the controls to be placed on operators' use of Huawei, following consultation with Huawei and telecoms operators, including: an immediate ban on the installation of new Huawei equipment in 5G networks;"

As per the Equipment Schedule from the original application there are a number of devices manufactured by Huawei and since there is no new equipment schedule submitted I am left to assume nothing has changed.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mr John Melvin

Address: 36 Margaret Lindsay Place MONIFIETH DUNDEE

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Ensuring the email sent directly is registered here too.

Hi

I write to seek clarification re the above planning request, specifically there is no new equipment schedule on the new application so I can only assume it remains the same as the old application?

In which case, I would like to draw your attention to the press release dated 13 October 2022 from The Rt Hon Michelle Donelan MP entitled Huawei legal notices issued.

It states "Huawei technology must be removed from the UK's 5G public networks by the end of 2027 under legal documents handed to broadband and mobile operators today."

It then proceeds to note "The direction sets out the controls to be placed on operators' use of Huawei, following consultation with Huawei and telecoms operators, including: an immediate ban on the installation of new Huawei equipment in 5G networks;"

As MBNL, the applying party is co-owned by EE and Three they have been notified of the above so I seek the above application to be declined.

I also want to note the under handed nature of the above request whereby, even though the request had expired they somehow think it is still the same request. The above is a material change of position and should be recognised as such especially as the above puts the UK governments position on a legal footing.

Thanks in advance

Ian

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr John Melvin

Address: 36 Margaret Lindsay Place Monifieth Dd54rd

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hi

I am interested to find out that 1) the BT site at Hill Street has been upgraded and 2) other planned works at BT site in Monifieth are planned in the near future.

Surely this would be the time to work together with all telco operators and provide a better solution for all of Monifieth.



# Comments for Planning Application 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Len Malloy

Address: 4 The Stables Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Len Malloy

Address: Pavilion House 4 The Stables Monifieth DD5 4GB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal keeps coming up and I yet again object to the building of this installation on primarily health and safety grounds. There is already sufficient capacity in place in the area and there's no need for this unsightly and environmentally suspect installation on the main road so close to a primary school, a medical centre and local housing.

# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mr Mark David Swadel

Address: 23 Fotheringham Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

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Case Officer: James Wright

## Customer Details

Name: Mr Martin Rennie

Address: 1 Beechgrove Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having ALREADY objected to this DEW being placed into my community, I find it absolutely Disgusting that there are OBVIOUSLY people in the council who are either totally braindead OR are taking substantial back hands in relation to placing a piece of technology that's it has been PROVEN there's clear Evidence that Microwave radiation emitted from these cell towers causes CANCER!!

Not to mention NUMEROUS other life threatening illnesses!!

In two 2018 studies, the 10 yr \$25 Million National Toxicology project study by the National Institute of Environmental Health Science's, and an independent 2018 study by the RENOWNED Ramazzini institute in Italy.

In 2019 Poland's Prime Minister signed the Global appeal to ban 5G from Earth and Space..ie Satellites.

Class Action lawsuits are underway to stop 5G in Quebec, California and elsewhere worldwide although MSM are Complicit and won't tell us, wonder WHY that maybe ?

There are 2 variations of this tech, Thermal and Non Thermal which neither the US or Canadian government are willing to consider.

Two forms of RF radio frequency Electromagnetic radiation EMR, correctly called RF EMR ...

1 : Thermal, that which heats the skin and the body can sense and 2 : Non Thermal which does not heat the skin and the body cannot sense.

Anyone who is for this ridiculous proposal NEEDS Educated on the dangers that it WILL cause to themselves and families, friends, Co workers etc.

Pulsed EMRs are even more harmful to ALL biological life!!

Not to mention also .... Next to a doctor's clinic and in a built up area of families whom if you are local will possibly know some of these people.

I am REQUESTING that WE as the public can do our OWN independent analysis and research as

obviously you ARE NOT!!!

This DEW ( direct energy weapon )

Ranges from sub GHZ upto 300GHZ

May I add at 60GHZ we will not be able to breathe!

WHO in the council agreed for this ?

Shocked!!

Disgusted !!!

Bewildered at the sheer thought of MORE of these cell towers being erected.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Martin Rennie

Address: 1 Beechgrove Monifieth Dd5 4te

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having already objected to this new cell tower, I'm very upset at the fact the cell tower in Hill St has been upgraded to a much higher radiation level.

My 1st point - can the telecom company supply details of Whom Exactly is the CEO of said company ?

2nd point - can the telecom company supply any Risk Assessment of RF-EMR poisoning on the community?

3rd point- can the telecom company supply for the council the INSURANCE documents and name of said Insurer, IF NOT....WHY NOT??

4th point - Can the telecom company supply ANY unbiased NON telecom company SAFETY analysis of Microwave Radiation poisoning to the general public?

IF NONE of these requests have not been met then WHY are the council ALLOWING these Toxic towers to be put up in the community WITHOUT said requests??

I've done my own analysis of two towers in Monifieth using a Trifield EMF reader and the results were STAGGERING!!

SO...if a member of the public can do their own testing and find the radiation levels SKY HIGH ....WHY have the council NOT done any independent testing of this technology and gave the go ahead to irradiate the community?

All I can say on this matter is that as an example, in Australia the community are HOLDING councillors whom are making these decisions, through substantial back handers no doubt, LIABLE and been put on notice for ANY untoward radiation poisoning on the public.

Ponder over this as once the general population realise what the people meant to have our best interests at heart, whom WE pay for as PUBLIC SERVANTS have basically sold us out to these telecoms companies.

Be it on your heads as if NO independent testing is done on this then I'll be doing more of my own

testing and put it forward.

Funnily enough I was going to attend a meeting to put forward my findings but ALAS the meeting was postponed, I Wonder Why that may be??

If NO unbiased testing is to be done then mark my words I'll be going to MSM as I'm already in touch with a reporter from evening telegraph.

Take heed

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Martin Sivewright

Address: 6 ashudie hospital drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The reporter's decision has expired and, therefore, can no longer be relied upon. The landscape has changed. It is vital to understand that the mast company misled the reporter in the first instance and this information would have had a direct impact on his decision. A legal dispute remains ongoing - advice from a planning lawyer was sought and the information sent by the mast company to the reporter was found to be wrong on a number of grounds. In terms of this application, one of the main issues is that the mast company argue this is simply a replacement mast for a decommissioned mast several years ago. This is completely untrue. The replacement mast has already been erected, just 200 metres away on the same street. Therefore, the arguments that the new proposed mast is simply a replacement is a lie. Further, this completely new mast will mean there is now 3 masts on the same street - that will absolutely have a huge impact on the visual amenity of the area.

The main points I wish to make, in summary are:

1. The reporter's decision has expired. It can no longer be relied upon as the landscape has completely changed since the date of that report. That is why the reporter input an expiry date on his report - because things change. A new reporter's decision would be fair for all parties. Legally, that report cannot be relied upon.
2. In any case, there is an ongoing legal dispute in relation to the accuracy of that report. The reporter was given incorrect information and we have clear evidence of that.
3. This is NOT a replacement mast, despite what they are telling you. The replacement mast has already been erected just a 2 minute walk away from this proposed site.



4. Having 3 masts on the same street will dramatically affect the visual amenity.

I hope these above points can be considered please.

Angus Council absolutely made the correct decision in refusing this mast previously.

Thank you.

Martin

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Martin sivewright

Address: 6 Ashludie hospital drive Monifieth DD5 4rb

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Michael Roberts

Address: 61 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objection relates to the need for this mast and the fact that there is a mast at either end of Victoria Street, why do we need another tower that will not only be an eye sore but could cause other health issues to those near by.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Nicholas Forbes

Address: 19 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This should be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which was challenged in the court of session, until it was dropped in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

A 3rd mast in Victoria Street would affect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

Due process is not being followed.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Norman Macleod

Address: 16 Ashludie Hospital Drive, Monifieth, Dundee DD5 4RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In addition to the comments which I agree with, and so have pasted below, I would like to strongly object given:

- (a) the visual impact of such a large planned structure
- (b) the high frequency electromagnetic field radiated to adjacent homes from a 5G mast
- (c) the fact that there is existing fast 4G coverage in this area, along with fibre broadband - there is literally no need for the planned installation
- (d) I hope the planning officers note the underhand way in which the company tried to action these plans, against the letter of the application -very unprofessional, and only policed by the vigilance of residents

The following comments are agreed with, and pasted from previous complaints against this application:

1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.
2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.
3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.
4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a

busterminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Philip Smith

Address: 15 Ashludie Hospital Drive Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the election of this mast in this location. There is no connection issue here. The natural beauty of the old hospital grounds will be spoiled by the size of this planned mast which will be much taller than the trees nearby and will be a blot on the landscape. Have the proposers looked at alternative sites? If not, why not?



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Roy Jarvis

Address: 87 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Already have 2 masts in Victoria Street and another is unnecessary as connection and speed is good.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Scott Robertson

Address: 2 Ashludie Hospital Drive Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The mast is to be situated only yards from my house. It shouldn't be this close to a residential area. It is a health concern, an eyesore and will devalue all the houses.

There is no need for this mast as everything in the area works unlike other areas in monifieth where they would benefit from this.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Seamas Sharkey

Address: Braade Kincasslagh Letterkenny

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:dont want this near my house

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Seaview Parent Community

Address: Seaview Primary School Victoria Street Monifieth

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Parent Community/Council of Seaview Primary school object to the installation of the mast. It is in close proximity to the primary school and there are already 2 Masts on the same street. It is not acceptable to subject the children to 3 masts on the same street and this, new, proposed mast will be closer to the school than the others - certainly within close proximity. It also massively affects the visual amenity of the street by having 3 masts all within close proximity of each other.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

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Case Officer: James Wright

## Customer Details

Name: Mr Stanley Finlayson

Address: 1 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My property is closest to the proposed mast site, besides the unknown long term health risk, if/when the time comes to sell the property it is going to be very difficult to attract a buyer due to the mast right next to it, this will also effect the value of the property.

If someone can guarantee me in writing that there is no health risk or my property will not be devalued, it would be much appreciated

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Stephen Larter

Address: 25 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:A 3rd mast in Victoria Street would affect the character, landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and public footpath.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Stephen Larter

Address: 25 Margaret Lindsay Place Monifieth Dundee DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. MBNL have rejected all alternative proposed sites although their reasons for rejection apply equally, if not more so, to the proposed Ashludie site. Their reasoning appears to suggest a cursory review at best with no detailed reasoning behind their conclusions.
2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (including a house that belongs to the historic landscape of the area, Ashludie Lodge), mature trees and would be at the opening of a historic site (Ashludie). It would also ruin the visual effect of the entrance to the village. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents.
3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area.
4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done.
5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Steve Burrows

Address: 26 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the placement of this mast in this location as it will spoil the appearance of the area and be visible to local residents like us above the tree line. There is already plenty of 5G coverage in the area and other similar masts nearby. This application was rejected for good reason previously, and nothing has changed - it should be rejected again.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Steve Burrows

Address: 26 Margaret Lindsay Place Monifieth DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the installation of this mast on the basis that it is simply not compatible with the surroundings and will have a negative impact on the visual appearance of the area.

This is a residential area and is not a suitable location for antennas, dishes and cabinets, which would be overlooked by a number of houses.

The proposed site is one of the few grassy areas on the street and would adversely affect the character of the village, which has already suffered as a result of the existing 20 metre mast not far from the proposed location.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Steve Robertson

Address: 81 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this mast receiving planning and believe that MBNL have paid lip service to any consideration of alternative sites that the community suggested to them. This build will be almost 20m high and within a residential area. The original planning application lapsed in the last month and a new application should be required. MBNL have shown themselves to be underhand and perfectly willing to ride roughshod over planning rules and this should be taken into account. While I accept the importance and principle of new comms infrastructure there should be a requirement to share structures between providers and I am unsure whether this is the case. The concept of a third mast in Victoria street is frankly absurd and unnecessary and I believe, from my understanding, that the DPEA Reporter was misled by misinformation from WHP Telecoms and CS Planning, details of which are already with Angus Council Planning Dept. The local community feels, like I do, that the location and need for the tower to be this close to housing and the community is unjustified. I would be delighted to speak further on this topic

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Stuart Aitken

Address: 7 Ashludie Hospital Drive Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No issue with signal strength at this location so not required.

Detrimental impact on location.

Underhand way the process has been undertaken by the developer.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Stuart Robertson

Address: 43 Ashludie House Ashludie hospital drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which was challenged in the court of session, until dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Stuart Robertson

Address: 43 Ashludie House Monifieth DD54RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. MBNL have rejected all alternative proposed sites although their reasons for rejection apply equally, if not more so, to the proposed Ashludie site. Their reasoning appears to suggest a cursory review at best with no detailed reasoning behind their conclusions.
2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (including a house that belongs to the historic landscape of the area, Ashludie Lodge), mature trees and would be at the opening of a historic site (Ashludie). It would also ruin the visual effect of the entrance to the village. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents.
3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area.
4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr Thomas Harding

Address: 2 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the installation of this mast by MBNL. There are already several masts on Victoria street and a further new mast would significantly impact on the natural beauty of the area. MBNL have previously attempted to install masts on this site illegally. After previous consultation with a legal planning expert, the previous reporters decisions were flawed and challenged in court of session. The telecoms company have consistently acted in poor faith and have actively sought to provide misinformation and mislead the dpea reporters in the past. It is highly likely that the information that they are providing again with this new application is not factually accurate.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr William Stoops

Address: 9 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mr William Stoops

Address: 9 Ashludie Hospital Drive Monifieth DD5 4RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Alison Forbes

Address: 19 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Alison Malone

Address: 15 broomhill wynd Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel this could be located in a different location which would not interfere with the aesthetic of the area. I also think being so prominent that it could invite potential vandals to the area. I feel there are several different areas that this could be located that would not only help the signal in the most affected areas but also not be such an eye sore.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Caroline Crichton

Address: 8 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the installation of this mast, for the following reasons:

1. This application has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.
2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.
3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.
4. A 3rd mast in Victoria Street would affect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.
5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

Please listen to the immediate residents of this planned monstrosity and treat us fairly.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Caroline Crichton

Address: 8 Margaret Lindsay Place Monifieth Dundee DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing

EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Dani Emslie

Address: 85 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the mast being built!

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Debbie Houston

Address: 23 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed location. It would be better placed in town where there is a black spot and you never get a signal.



# Comments for Planning Application 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mrs Debbie Macfarlane

Address: 9 Carmyllie Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Would like the council not to give permission to this application as I don't want a mast erected within such close proximity to my property.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Deborah Harding

Address: 2 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wholeheartedly object to the construction of this mast. It is an inappropriate place in a residential area close to the local primary school. It would be the 3rd mast on Victoria street. This must be treated as a new application as the landscape has changed. The reports decision was flawed in the first place. MBNL have illegally tried to build the mast since we took them to court in session and dropped the case in good faith. Details of the misinformation given to the DPEA reporter has been submitted to the Angus council planning department.

I hope all of these points are taken into consideration, as so far MBNL have been extremely underhanded in their approach to this matter which massively impacts our community.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mrs Denise Boland

Address: 79 Margaret Lindsay PI Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is not a new application. MBNL also tried to build on the site illegally, after their previous application was challenged and subsequently expired. There are already mobile masts in close proximity to this. This mast will affect the character of the area where there are a number of protected trees.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Case Officer: James Wright

## Customer Details

Name: Mrs Denise Boland

Address: 79 Margaret Lindsay Place Monifieth Dundee DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The previous mast based in the health centre grounds which was decommissioned in 2015, was already replaced by EE in 2016. MBNL can't claim a 2nd mast is also a replacement without any explanation of their planned cell-split at BT Exchange from 2018, which they haven't done. In line with local and national policy, EE's existing replacement mast could be shared with 3, and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

2. The alternative sites were not rejected by MBNL for intelligible reasons. Most provide good coverage, are just as residential and the effect on visual amenity would be less, especially as these sites don't already have a replacement mast in close proximity and aren't at the entrance to the village

3. The mast would be in direct view of residential housing (including Ashludie Lodge, which belongs to the historic landscape of the area), close to trees and at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast on that site would be obtrusive, incongruous, and ruin the character landscape and the visual effect of the entrance to the village where residents and visitors regularly pass by. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Diane Melvin

Address: 36 Margaret Lindsay Place MONIFIETH DUNDEE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on a number of points, including:

Carbon footprint: Each 5G mast requires approximately 3 x more power than a 4G mast (as much as 73 typical homes). <https://spectrum.ieee.org/5gs-waveform-is-a-battery-vampire>

Appearance: The proposed mast will be obtrusive, ugly and incongruous with the surrounding character and appearance, resulting in detriment to the visual amenities of the area, as well as a harmful impact to the outlook of residential properties nearby.

The mast will have an imposing and overbearing impact on the amenity of the nearby area causing local residents unnecessary upset and anxiety, impacting the quality of the local area.

Traffic Distraction: The mast may create a visual distraction to road users, and its associated equipment cabinets would clutter and degrade the look and feel of the area.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mrs Donna Breckenridge

Address: 59 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection raised

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Eileen Keddie

Address: 12 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The height and positioning of the mast is above the height of the buildings close by and placed directly by well established trees. This will be an eyesore in which is a natural pleasant residential setting. There is no issue with phone signal in the area being suggested and therefore there is no benefits for the residents in the area

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

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Case Officer: James Wright

## Customer Details

Name: Mrs Emma McGinlay

Address: 10 Broomhill Wynd Monifieth Angus

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object to this proposal



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Erin McNally

Address: 12 Rattray street Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not feel its good to have this in a community area

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Fiona Kennedy

Address: 53 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Mast would be situated in wrong place in village, there are far better sites, nearer to areas where the problems are.

2. Other potential sites were not properly considered.

2. Eyesore and will tower above surrounding trees.

3. Non adherence to court orders relating to permits expiring and attempting to illegally proceed with building! This is underhand and disgraceful behaviour by MBNL and a strong message should be sent to prevent this behaviour in future.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Fiona Kennedy

Address: 53 Margaret Lindsay Place Monifieth DD5 4rd

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Fiona Sivewright

Address: 6 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this mast.

Firstly I believe it's currently under various legal proceedings which the mast installer has tried to breach on numerous occasions now.

This mast is being put in a built up area, within walking distance from a school, medical centre and large housing estate. It is absolutely awful that despite being consulted and having numerous objections from residents and members of the public that this is still a possibility! The whole aesthetic of the landscape will change. There are numerous protected trees within metres of the mast which gives the neighborhood such a lovely look and to be absolutely ruined by this mast.

A lot of other mast sites were proposed to the installer however they were ruled out due to their proximity to houses, schools etc but yet this one has all of those close by too but is still being pursued.

There has been a lot of misinformation supplied by the installer which has been recognised and should be taken into consideration.

The previous application they submitted has now expired so this should not be seen as the same application, they can't and shouldn't go on the back of their initial application as it was found to be completely flawed and some of it quote untrue!

They tried to illegally install the mast a few weeks ago which again shows their complete and utter disregard for the correct, moral and legal process !

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mrs Fiona Sivewright

Address: 6 Ashludie Hospital Drive Monifieth DD5 4rb

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Georgina Paterson

Address: 24 Keats Place Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I regularly look after my grandchildren at a house that would be right next to this mast so I am in the area often. This would make the surroundings look terrible and shouldn't be the first thing people see as they come into the village. There are already 2 masts in the street so it's unfair to put up another one in the same street. The mast the telecoms company are trying to claim this is replacing has already been replaced at the top of the road. Angus Council should reject this application as they did last time because the effect it would have on the landscape would be awful.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Jacqui Robertson

Address: 18 Mortimer Drive Minifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The DPEA Reporter was misled with misinformation by WHP Telecoms and C S Planning, details of which have been submitted to the Angus Council Planning Department.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Jennifer Galloway

Address: 21 margaret lindsay place Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the citing of the mast in an area of natural beauty and wildlife.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mrs Jennifer Galloway

Address: 21 margaret lindsay place Monifieth Dundee Dd5 4rd

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please note my objection to this development

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Jennifer heffell

Address: 16 Margaret Lindsay place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to register a concern against the planned build . Both in terms of health and safety and proposed sight

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mrs Jennifer Sparks

Address: Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Installation seems unnecessary when there are 2 other masts within close proximity and there is no lack of coverage in this area. I'm sure there could be a better site where the coverage is void in the centre of Monifieth (beside Tesco etc).

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Case Officer: James Wright

## Customer Details

Name: Mrs Jillian Mannion

Address: 34 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Jillian Mannion

Address: 34 Margaret Lindsay Place Monifieth DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please note that the previous appeal decision from the DPEA relating to the 2020 mast application was challenged with a court action from the local residents. This action was not dismissed but was agreed to be settled out of court with the appellants (MBNL). However, the terms of this agreement were breached and have still not been met therefore the matter is still an ongoing legal dispute. It was agreed in the legal undertaking that no works should commence until the terms of the agreement had been satisfied.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Jillian Mannion

Address: 34 Margaret Lindsay Place Monifieth DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Jillian Mannion

Address: 34 Margaret Lindsay Place Monifieth Angus

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If the Planning Department are taking into account the 2020 appeal decision, it should be noted that the Monifieth Community Council objected to the 2020 mast application. It appears they were unaware of the current application and have not had notification/time to respond to it.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Juliet Jarvis

Address: 87 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Mast not needed in this location. We already have 2 masts in Victoria Street. Any connection problems are to the south and west of here.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs JUNE O'DONNELL

Address: 12 Redford Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I previously objected, in the strongest terms, against this proposal and I have not changed my stance in any way. Please note that as the occupier of the property immediately across the road from this proposed site I wish to register my objection, again, against this proposal.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Lana Robertson

Address: 2 Ashludie Hospital Drive Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As far as I am aware, the proposed phone mast had been previously overturned and denied planning. In which case, I fail to understand why the planning for this structure is even being considered.

It's far too close to the residential area.

Little is known about the long term health effects of such a structure and I strongly object to this proposed development.

The detrimental effect of this structure on the local area, health and environment far outweigh any possible gains.

In my opinion and many others, the Council would be showing a complete disregard for the local residents in allowing this to go ahead.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Laura Burrows

Address: 26 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wholeheartedly object to this proposal. The development of a mast in this area will ruin the scenery of the surrounding area affecting tourism, wildlife and residents in Monifieth.

The company have on several occasions attempted to breach fair and just protocols.

The residents of Monifieth should have their views considered over a company who have no links to the local area and have already behaved in an unethical manner.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Laura Burrows

Address: 26 Margaret Lindsay Place Dundee DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity on a historical site which great lengths have been made to persevere local Wildlife.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Lee Harrow

Address: 7 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application on the following grounds...

1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.
2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.
3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.
4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.
5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

Thank you, Lee Harrow

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Lingxia Finlayson

Address: 1 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My property is closest to the proposed mast site, besides the unknown long term health risk, if/when the time comes to sell the

property it is going to be very difficult to attract a buyer due to the

Mast right next to it, this will also effect the value of the property

If someone can guarantee me in writing that there is no health risk

or my property will not be devalued, it would be much appreciated



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Lynn Henderson

Address: 8 Ashludie Hospital Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Not required. Already two masts on the same street and no issue with coverage.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Lynn Russell

Address: 75 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It's too close to the houses

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Lynne Peters

Address: 14 broomhill wynd Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I completely object to this being constructed within a family development. Not only will it be unsightly. It will also be dangerous to the young/teenage children who will see it as some form of climbing frame unaware of the risks/danger to themselves.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Maria Robertson

Address: 43 Ashludie House Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which was challenged in the court of session, until dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Marion Robertson

Address: 81 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the plan to install a 20metre phone mast on such a small piece of land. The application for this had already expired and should be treated as a new application, what is the point of giving an expiry date if you don't enforce it. The area has changed since the previous application and a 20 metre phone mast so close to the road entering Monifieth in a very nice residential area would ruin the appearance of the area. Can you guarantee it will not have a detrimental impact on the environment or the health of residents.

This mast is NOT being installed as a replacement for a previously decommissioned mast. The replacement for this was already built at the top of Victoria Street. Why can't they build this one on the same site.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Nadia Sime

Address: 57 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which was challenged in the court of session, until it was dropped in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

6. This area is home to several species of birds, and animals who make nests/burrows/drays in the trees/hedges/undergrowth/grass in the proposed area. These include starlings and hedgehogs. At present starlings are on the RSPB's red list i.e. near extinction; this applies also to hedgehogs, who are also near extinction with a 75-90% reduction in numbers in the last few decades- these animals need an environment free from further elective building/digging/destruction. Erecting a mast in a dense area of tree/shrub/hedges/grass would

have a grave impact on wildlife which is already near extinction.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Nicola Shirkey

Address: 5 Ashludie Hospital Drive Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.

2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.

3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.

4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.

5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Nicola Shirkey

Address: 5 Ashludie Hospital Drive Monifieth Dundee DD5 4RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in

the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Sandra Larter

Address: 25 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Sandra Larter

Address: 25 Margaret Lindsay Place Monifieth Dundee DD5 4RD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. MBNL have rejected all alternative proposed sites although their reasons for rejection apply equally, if not more so, to the proposed Ashludie site. Their reasoning appears to suggest a cursory review at best with no detailed reasoning behind their conclusions.
2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (including a house that belongs to the historic landscape of the area, Ashludie Lodge), mature trees and would be at the opening of a historic site (Ashludie). It would also ruin the visual effect of the entrance to the village. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents.
3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area.
4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done.
5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Sarah Gibson

Address: 17 Margaret Lindsay place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is no requirement for this mast in this location

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Susan Pattison

Address: 15 Margaret Lindsay Place Monifieth Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not want this near my house causing visual obstruction.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Tabitha Roberts

Address: 61 Margaret Lindsay Place Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Tracy-Anne McHoul

Address: 4 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposed development of the 20m monopole mast for the following reasons.

This development has previously been objected to and has in fact seen its planning consent lapse. This should therefore be treated as a brand new application.

After consultation with a legal planning expert, the reporter's previous decision in relation to this development (previous application) was deemed to be flawed and was challenged in the court of session, as part of that legal challenge we agreed to drop proceedings in good faith to enter into a legal undertaking with the developer which they breached and then tried to build the mast illegally. Contrary to the developer's claims, the mast is not a replacement as a new mast was installed at the top of Victoria St after the previous mast at the Health Centre was decommissioned.

A third mast within the vicinity of Victoria Street would further impact the character, landscape and visual amenity of the area, especially as it is one of the main arterial routes into the village, is surrounded by residential properties, mature trees, a public footpath and bus terminus as well as being another mast in close proximity to a Primary School and Nursery.

The DPEA reporter was misled by WHP Telecoms and CS Planning by providing misinformation, details of which have already been provided to Angus Council.

To summarise, this is yet another attempt by the developer to bend the rules which they have repeatedly done in the recent past causing distress, and anxiety amongst the neighbours, including the elderly occupant(s) of the closest residential dwelling to the proposed site.

I would request that the application be rejected.



# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

Address: Land At Bus Terminus Adjacent To Former Ashludie Hospital Victoria Street Monifieth

Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Mrs Tracy-Anne McHoul

Address: 4 Ashludie Hospital Drive Dundee DD5 4RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

OBJECTIONS TO MBNL'S ALTERNATIVE SITES JUSTIFICATION DOCUMENT

1. The alternative sites that are rejected by MBNL are not for intelligible reasons. Most of these sites provide good coverage, are just as residential and the effect on visual amenity would be less, especially given these sites do not already have a replacement mast in close proximity and are not at the entrance to the village.

2. The mast's visual appearance would not be compatible with the surroundings as it is in direct view of residential housing (one of which is a house that belongs to the historic landscape of the area, Ashludie Lodge), trees and grass and would be at the opening of a historic site (Ashludie) which has a grade B listed building and carefully protected historical landscape. To place a mast in such a site would be obtrusive and incongruous and ruin the character landscape. It would also ruin the visual effect of the entrance to the village where residents and visitors pass by regularly. There are now many more residential houses which have been built since 2020 (the Barratt and Taylor-Wimpey housing developments), therefore the impact on visual amenity of the area is affected for even more residents. It would also be right next to a busy bus terminus and in close proximity to an existing 20 metre mast, which has already ruined the character landscape.

3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in

the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

4. The previous mast based in the health centre grounds which was decommissioned in 2015, has already been replaced by EE in 2016. MBNL cannot claim a 2nd mast is also a replacement, especially without any explanation of their planned cell-split at BT Exchange from 2018, which they have not done. In line with local and national policy, EE's existing replacement mast could be shared with 3 and both EE and 3 could share the existing mast site at the BT Exchange (which MBNL have stated would provide good network coverage) to prevent a further need for additional masts, which was the direction given to MBNL from Angus Council in 2016. Alternatively, one of the other 18 alternative sites could be used for the mast in order for masts to be spread out in different areas of the village rather than having 2 next to each other and greatly affecting the visual amenity of one particular area.

5. In line with local and national policy, Angus Council can suggest mast sharing or some of the alternative sites to MBNL as they did with the 2016 application as they are aware they have already approved a replacement mast which currently affects the visual amenity of the village entrance and Ashludie area.

# Comments for Planning Application 23/00783/PRIORN

## Application Summary

Application Number: 23/00783/PRIORN

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Proposal: Installation of 20m High Monopole Mast incorporating Antennas, Dishes and Ancillary Equipment Cabinets

Case Officer: James Wright

## Customer Details

Name: Ms Adele Cocker

Address: 30 Margaret Lindsay Place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It's unnecessary as the phone signal is perfectly good here and fears of it being dangerous to our children's Health and our health.

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Case Officer: James Wright

## Customer Details

Name: Ms Jillian MacLeod

Address: 16 Ashludie Hospital Drive Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

1. This has to be treated as a completely new application as the landscape has changed and that's why an expiry date was given by the DPEA Reporter.
2. After consultation with a legal planning expert, the Reporter's decision was deemed to be flawed, which we challenged in the court of session, until we dropped it in good faith to enter into a legal undertaking with MBNL, which they breached and then tried to build the mast illegally.
3. The proposed mast is not a replacement mast as MBNL are claiming because they installed a new mast at the top of Victoria Street after the previous mast at the Health Centre was decommissioned.
4. A 3rd mast in Victoria Street would effect the character landscape and visual amenity of the area as it would be at the entrance to the village and surrounded by residential housing, a bus terminus and a public footpath.
5. The DPEA Reporter was misled with misinformation by WHP Telecoms and CS Planning, details of which have been submitted to the Angus Council Planning Department.

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Case Officer: James Wright

## Customer Details

Name: Ms Joan Barrie

Address: 34 Margaret Lindsay place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The company wishing to install the mast and absolutely lying in their application to Angus Council. It is vital to note that this is NOT a replacement mast for the previous mast near the GP practice as they have stated. The replacement mast has ALREADY been installed just 100 metres or so up the same street. There are now 2 masts on this street. That is lie number 1. Number 2 is that the bus stop adjacent to the mast is no longer in use. It is also far too close to the residential properties. The mast will hugely affect the beautiful landscape and trees in this area. No reports have been undertaken in relation to the damage to the protected trees - the roots of the trees will be damaged by the underground installation. The area is also home to hedgehogs and bats - again, there has been no consideration as to the impact on the wildlife. The entire proposal is a lie with no proper consideration taken place. The mast company are trying to bully the Council and the residents.

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Case Officer: James Wright

## Customer Details

Name: Ms Joan Mannion

Address: 34 Margaret Lindsay place Monifieth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This mast will massively affect the landscape and is not in keeping with the area. It will ruin the natural beauty of the area. There are already 2 masts on this street, one being a replacement for the previous mast. The residents have an ongoing legal case against the mast company as they supplied false information to the reporter which influenced his decision. Scottish Government policy is for telecommunication companies to share existing mast sites - the mast at the bottom of Victoria Street is capable of being shared and has been identified as being suitable. The mast company, in this instance, is ignoring Scottish Government policy. For these reasons, their application should be rejected.

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Case Officer: James Wright

## Customer Details

Name: Ms Verity Scott

Address: 343 Queen Street Broughty Ferry

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My elderly step father lives in South Lodge Ashludie which I own. We object again to phone mast being installed so close to our house and feel this is not wanted or needed in the area which is an area of natural habitat and beauty .

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Case Officer: James Wright

## Customer Details

Name: Ms Verity Scott

Address: 343 Queen Street Broughty Ferry Dundee DD5 2HT

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My name is Verity Scott and I am the owner of South Lodge ashludie. The lodge is in a trust after my mother passed away in August. My elderly infirm step father resides in South Lodge. He doesn't have internet or any IT devises so I have to support his to object. The stress of around this is effecting his ill health. In addition to the objections below I also want noted that South Lodge would have direct views of the mast and it would look intrusive and incongruous from my house as it would be right outside the garden with no screening from any trees. I also want it noted that the Lodge was part of the original landscape and of historical importance.

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3. The proposed Ashludie site is not the "optimum" site for the proposed mast as it is not in



keeping with local and national planning policy. This policy promotes mast sharing, which has not been properly explored and is possible for any MBNL coverage needs. Local and national planning policy also promotes limiting the effect on visual amenity as much as possible, but MBNL are not following this guidance by selecting a site that is in a residential area with direct views, in the middle of an island ridge that sticks out upon entrance to a small village and beside an existing EE mast.

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## Customer Details

Name: Verity Scott

Address: 343 Queen Street Broughty Ferry Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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