

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE
4 August 2015

Agenda Item	5.8
Report No	PLN/045/15

15/00642/FUL: Arqiva Ltd per Harlequin Group Ltd
Wester Coillemore Riding Centre, Invergordon, IV18 0PG

Report by Area Planning Manager

SUMMARY

Description: Installation of 27m SMART Metering mast with 3m omni antenna and ground based apparatus

Recommendation - GRANT

Ward: 7 – Cromarty Firth

Development category: Local Development

Pre-determination hearing: N/A

Reason referred to Committee: Community Council objection.

1. PROPOSED DEVELOPMENT

- 1.1 The development comprises the installation of a SMART metering mast. Smart metering is a Government programme, to be rolled out between 2014 and 2020, and will provide smart meters to homes and small businesses. These meters will provide consumers with more accurate information on their electricity usage to end estimated billing. It is anticipated that this will reduce emissions while helping consumers to manage their energy usage. The smart meter mast, for which permission is sought under this application, is required to provide radio coverage to the local area. A temporary twenty year consent for the proposed mast is sought.
- 1.2 The mast is a 27m high structure of an open light weight lattice design with a slender 3m tall omni antenna. The mast would be sited on a square concrete foundation measuring 3.65m by 3.65m. An equipment cabinet would also be fixed on the tower base. The mast and associated equipment (including cabling) would all be located within a 6m by 6m compound formed by a 1.8m timber fence with a 1.1m wide gate. A further cabinet would be fixed in the fence line on the proposed concrete base.
- 1.3 Information on the proposed Smart Meter network was provided to the Council in December 2013 however no pre-application advice was issued in relation to this particular site.

- 1.4 The site has an existing access from the public road which serves Wester Coillemore Riding Centre located just beyond the site. There are no additional servicing requirements.
- 1.5 The application is supported by a Supporting Statement and Supporting Technical Justification Statement. Photomontages have also been provided following discussions with the agent and a certification demonstrating full compliance with the requirements of the relevant radio frequency public exposure guidelines for the has also been included with the application.

1.5 **Variations:** None

2. **SITE DESCRIPTION**

- 2.1 The site comprises a flat area of agricultural ground which is surrounded by mature birch, pine and spruce trees to the north and east. It is located around 30m east of the public road running through Newmore towards the junction at Badachonacher, lying around 3.3km north east of Alness and 3.1km north of Invergordon. The area has a predominately rural character; the nearest settlement is Newmore however there are clusters of houses north of the site at Badachonacher. Properties at Wester Coillemore are the closest residential dwellings, located just over 200m from the proposed mast site. There is a large agricultural building associated with Wester Coillemore Riding Centre located immediately east of the site.

3. **PLANNING HISTORY**

- 3.1 14/03782/FUL: An application for a 30m SMART meter mast situated 10m south of the current site was submitted in October 2014. This was withdrawn in May 2015 following concerns expressed by the Community Council with regards the height of the structure.

4. **PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3 development – 10th April 2015
Representation deadline: 24th April 2015

Timeous representations: 1 from 1 household

Late representations: 0

- 4.2 The representation raises a number of areas of concern relating to potentially significantly adverse impact on health of humans, animals, plants and trees however these relate mainly to the use of smart meters and are not specifically related to the proposed development i.e. a mast. Scottish Planning Policy outlines that '*emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency as a material consideration*'. The concerns expressed by the objector, whilst noted, fall out with the remit of scope of the planning assessment and cannot be considered.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Invergordon Community Council:** Object to the proposed development. Its representation outlines four areas of concern. These are:
- **Height:** There are no existing structures of comparable height in the area therefore the proposed mast will be totally out of character and unsympathetic to the existing landscape.
 - **Suitability of site:** Even though the proposed mast would now be more amongst the trees it is still not compatible with the surrounding landscape character which comprises a small rural settlement, several individual dwellings, wooded areas and rolling agricultural land.
 - **Visual Impact:** The appearance of a 30m high lattice tower rising above the trees is totally at odds with the character of this rural landscape. The trees are between 18m and 24m at present and although still growing they will not reach 30m in the very near future. This mast will be seen from miles around and therefore has an extremely adverse impact on this rural area.
 - **Environmental Impact:** Grave concerns about the possible effects of microwave radiation emitted from such a mast identified as possible carcinogen by the WHO in 2011. Children are particularly at risk because of their immature immune systems – there is a primary school in close proximity to the site.

The CC request, that should planning consent be granted, conditions will be added with regards a reinstatement fund and to ensure the protection of trees throughout the construction period.

- 5.2 **THC Forestry Officer:** No objections (subject to conditions). The Forestry Officer notes the application site is surrounded by mature birch, pine and spruce trees which will provide important screening of the proposed mast from the public road. With appropriate protection measures in place, current proposals should not impact on these adjacent trees. The surrounding trees will continue to grow and the applicant should confirm whether this is likely to affect the operation of the mast. If this is likely to be an issue, mitigation measures will be required in support of this application. The Supporting Statement relies on the long term retention of existing roadside tree cover to provide screening of the mast. There have been a number of trees blown down along this woodland edge and it would therefore be recommended that mitigation measures are provided in support of this application to ensure a continuity of woodland cover. A condition to ensure a protective barrier is in place during construction is also recommended.
- 5.3 **THC Environmental Health:** No objections.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

45 Communications

46 Siting and Design of Communications Infrastructure

51 Trees and Development

6.2 **Ross and Cromarty East Local Plan (As Continued in Force, 2012)**

The general policies which applied to the site have been superseded by the provisions of the Highland-wide Local Development Plan.

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Inner Moray Firth Local Development Plan (25 June 2015 full Council minded to adopt decision status pending Scottish Government clearance)

7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable.

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June, 2014)

National Planning Framework 3

PAN 62: Radio Telecommunications

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The application requires to be assessed primarily against Policy 46 of the Highland-wide Local Development Plan which is concerned with the siting and design of communications infrastructure. The policy outlines that proposals will be supported where:

- Equipment and any associated access are sited and designed sensitively to avoid adverse impacts on natural, built and cultural heritage including landscape character and views (including cumulatively);
- Existing masts cannot be shared and are not interfered with;
- Redundant masts and equipment are removed.

8.3.1 The supporting statement outlines that a site search was undertaken by the agent in a sequential manner to minimise any likely impact that may arise from the development. In this case it has not been possible to share an existing communications site or install antennas on a tall building or structure. In addition

the supporting technical justification outlines that the applicant is under a legal obligation to comply with the conditions of an Ofcom licensing agreement; these conditions ensure avoidance of interference with other radio systems, other electrical equipment, instrumentation or air traffic systems. There are no redundant masts or equipment that would require to be removed to facilitate the proposed development. The primary issue therefore relates to whether the proposed mast would result in any adverse impacts on natural, built or cultural heritage or landscape character and views.

- 8.3.2 In this instance there are no heritage designations on or adjacent to the site however given the nature and height of the proposed development, it will introduce a new and significant man made feature to a largely rural area characterised by small scale housing development and rolling agricultural land. The concerns of the Community Council, in terms of visual impact, are understood and were relayed to the agent during processing of the application and further options were explored. However there is no scope for use of smaller mast as it is designed to cover a large area and therefore it is necessary to provide as much coverage as possible.
- 8.3.3 Similarly a number of other sites were assessed including on the basis of visual impact and subsequently ruled out due to technical feasibility. The site selected allows the mast to be sited over 200m from any residential property, approximately 980m from Newmore Primary School and within close proximity to a large agricultural building and partially screened by a backdrop of trees when viewed from the south, west and north. As such it appears to represent the best solution within the parameters of the site search.
- 8.3.4 Photomontages were submitted by the agent during processing of the application to help demonstrate the visual impact. These show that the mast would only be partially visible from viewpoints in all directions as it is partially obscured by the adjacent trees and agricultural building and due to the lightweight lattice design. As such the visual impact in long distance views will be negligible. The mast will be most visible in short range views particularly from the public road through Newmore where it will again be set against a backdrop of trees. The consent has been conditioned to ensure the mast is finished in a light grey colour to further lessen any visual impact.
- 8.3.5 As noted above the proposed mast would be partially screened by a backdrop of mature trees. The Forestry Officer notes some concern with regards the stability of some of these trees located at the roadside. These trees are out with the area of land being leased to undertake the proposed development; therefore it remains the responsibility of the third party landowner to undertake replacement planting if required. The applicant has confirmed that the trees do not form part of a commercial plantation and it is the landowner's desire for the trees to remain as they provide weather protection for the adjacent agricultural building. Whilst it may be desirable to secure continuity of tree cover, it would not be technically feasible to do so as the trees are out with the application site and not within the control of the applicant. It is also acknowledged that it is only a small proportion of the woodland which may be lost to wind blow.

8.3.6 On balance, and acknowledging the need for this government initiative, it is not considered that the visual impact would be so significantly adverse as to warrant refusal of the application.

8.4 Material Considerations

8.4.1 Servicing

Requirements for servicing are minimal given there is an existing access in place. The site will require periodic access for maintenance and servicing visits therefore there will be minimal impact on the public road.

8.4.2 Reinstatement

A draft Decommissioning and Reinstatement Plan (DRP) is requested by condition, with a finalised plan to be submitted within a year of decommissioning of the mast. It is noted that the Community Council have requested that a reinstatement fund is sought however the Planning Authority would not routinely request such a fund for a development of this nature. It is considered that the DRP will secure acceptable re-instatement of the development.

8.5 Other Considerations – not material

The concerns of the Community Council and objector with regards health impact are noted. Scottish Planning Policy (SPP) outlines that *'emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency as a material consideration'*. However for the avoidance of doubt it is noted that a certificate demonstrating compliance with the International Commission for Non-Ionizing Radiation Protection (ICNIRP) has been submitted alongside the application. The ICNIRP is a non-governmental organisation formally recognised by the World Health Organisation.

9. CONCLUSION

Taking all factors into account it is considered that the proposal has been sited as sensitively as possible within the site search parameters. Whilst a structure of this nature will introduce a new man made feature into an area of a predominately rural and agricultural nature, it is of a relatively slender and lightweight open design and benefits being seen within the context of mature trees and large agricultural building. This will lessen the visual impact and avoid the structure appearing unduly prominent or particularly incongruous. In accordance with the timeframe applied for, a twenty year consent is recommended following which the ground must be reinstated.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Approved** subject to the following conditions and reasons/notes to applicant:

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 10th August 2035 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 67 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 2 of this permission.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. No development shall commence until a draft Decommissioning and Reinstatement Plan (DRP) has been submitted to, and approved in writing by, the Planning Authority. Thereafter no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the DRP shall include the removal of all above-ground elements of the development and the treatment of ground surfaces, management and timing of the works including any required traffic management measures. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

Reason: To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

3. Prior to any site excavation or groundworks, a protective barrier of a specification approved by the Planning Authority must be located at least 5 metres from retained trees. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

4. The SMART meter mast hereby approved shall be finished in 'Goose BS4000 00 A 05' (light grey).

Reason: To minimise visual impact.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/ or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Dafydd Jones

Designation: Area Planning Manager North

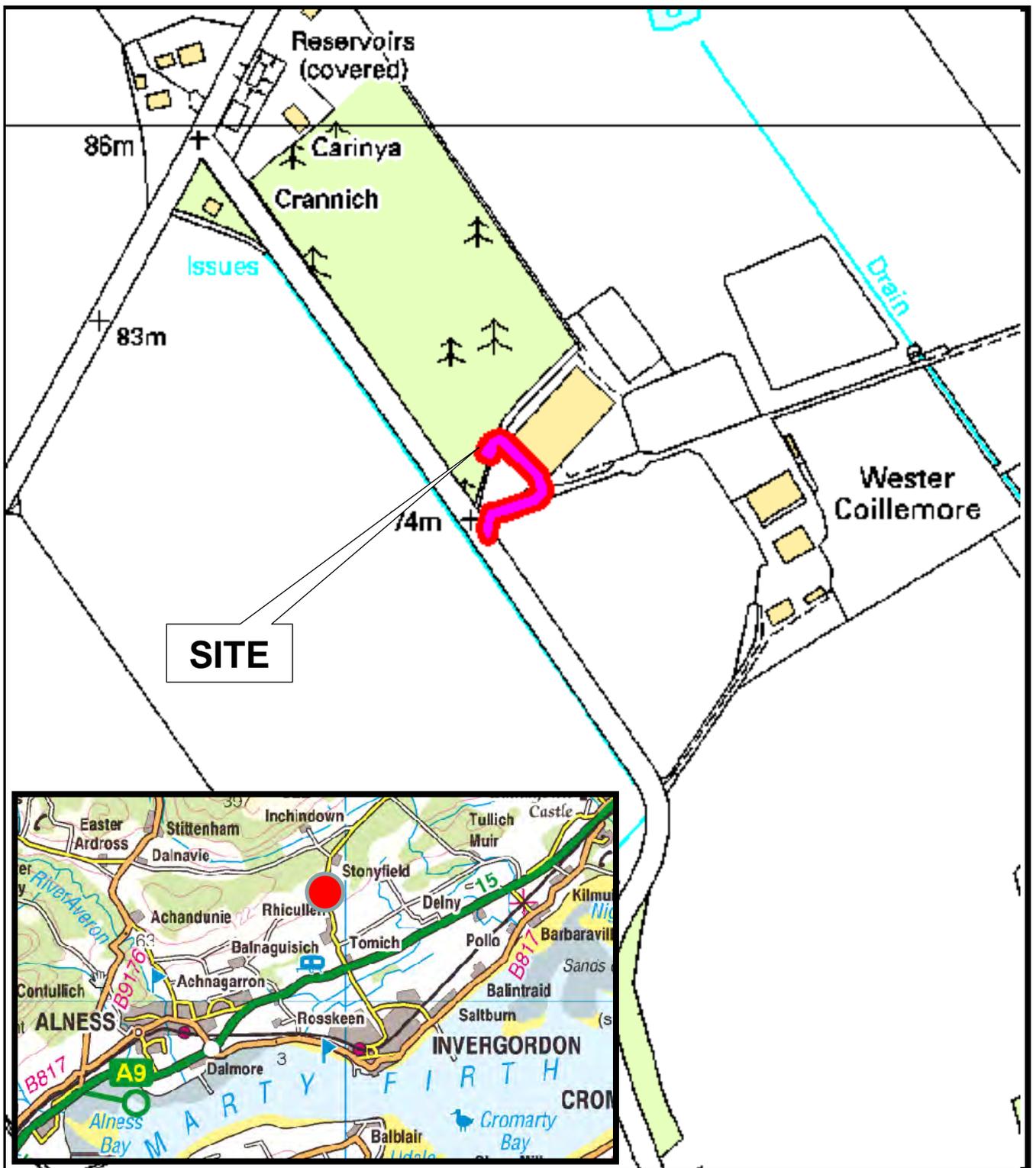
Author: Gillian Webster

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan Ref: 300924-00-004-ML002 Rev 2.1

Plan 2 – Site Layout Plan Ref: 300924-00-001-MD002 Rev 2.1

Plan 3 – Elevations Ref: 300924-01-150-MD002 Rev 3



Planning & Development Service

15/00642/FUL

Installation of 27m SMART metering mast with 3m omni antenna and ground based apparatus at Wester Coillemore Riding Centre, Invergordon

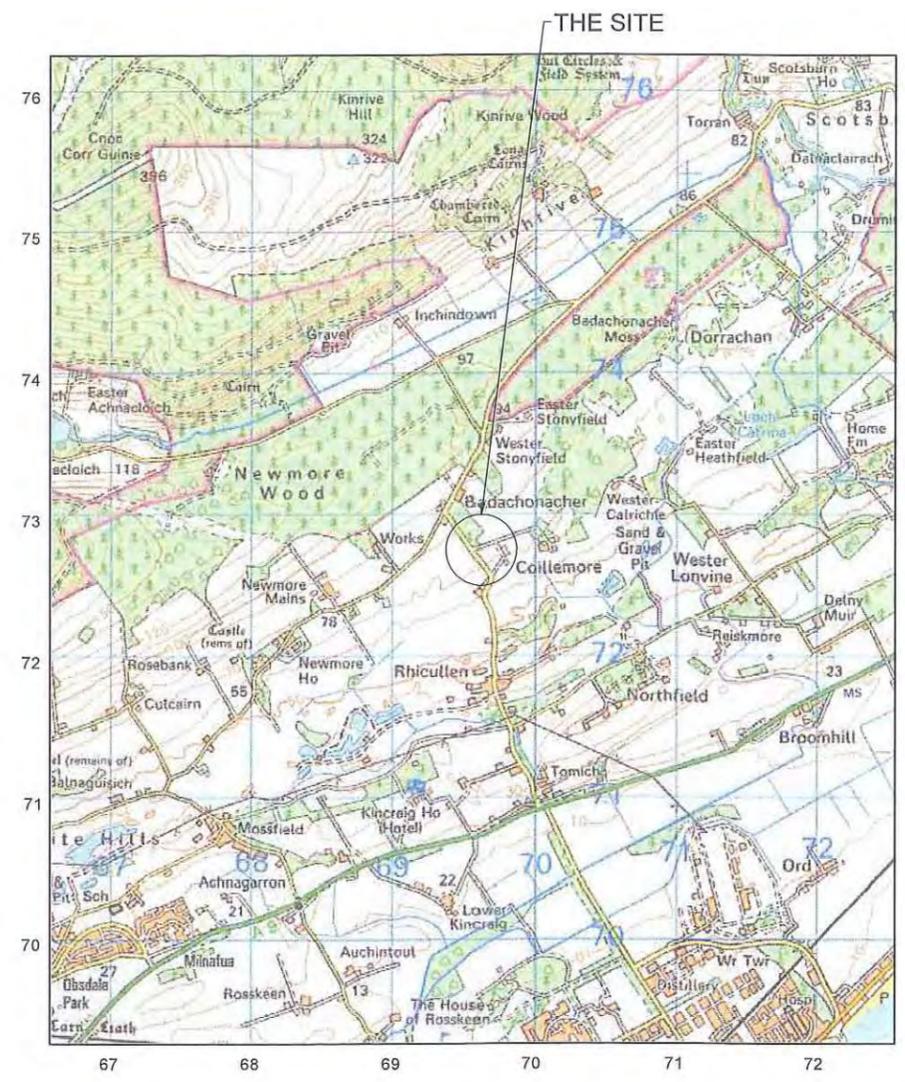
04 August 2015



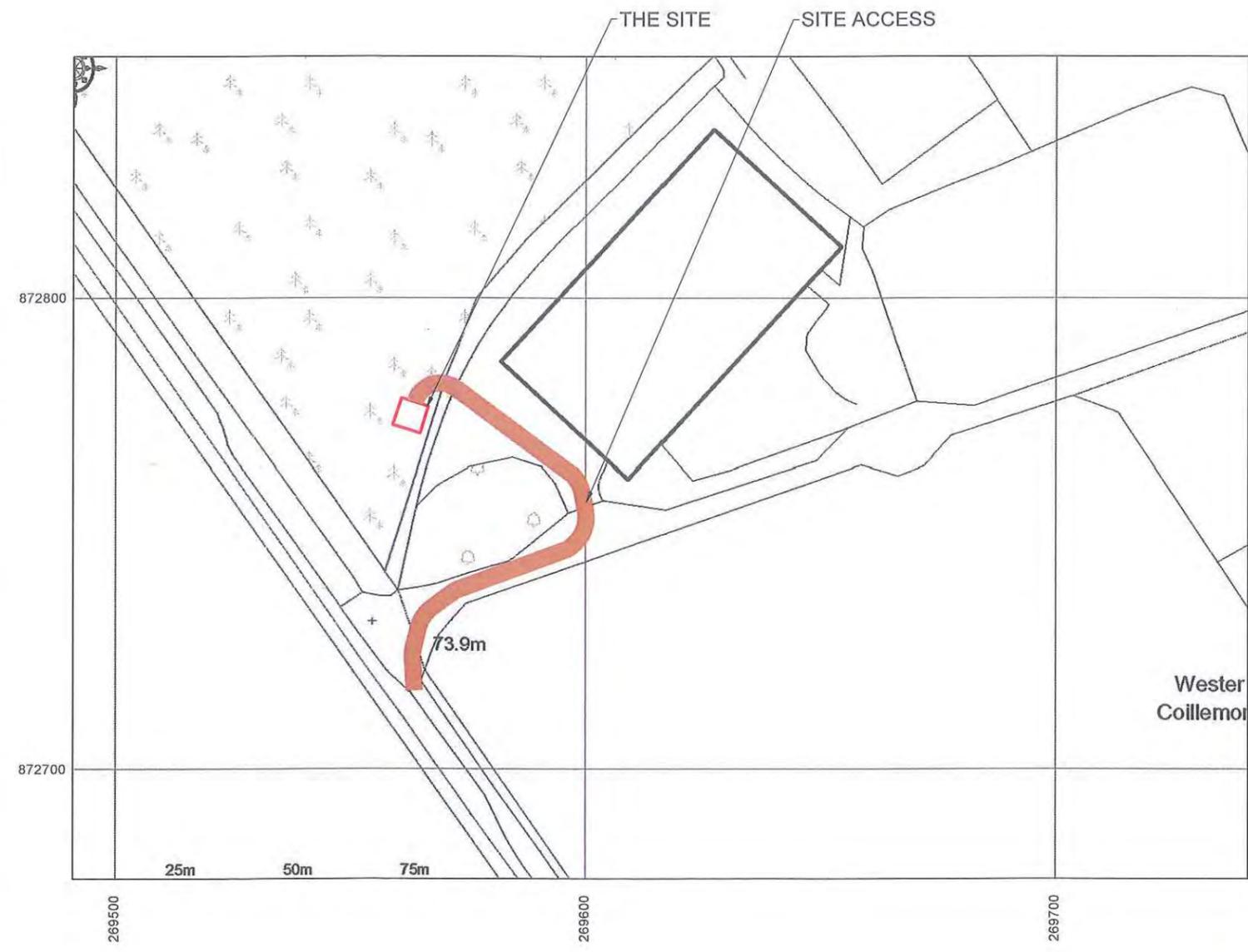


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NOTES
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 O.S. LANDRANGER MAP No. 21



LOCATION PLAN
 SCALE 1:50,000



LOCATION PLAN
 SCALE 1:1250



CONTRACTOR:- HF COMMS			
CONSULTANT:- HARLEQUIN GROUP RUTLAND HOUSE 5 ALLEN ROAD LIVINGSTON EH54 6TQ			
ENGINEER:- ALLAN CATTANACH 01506 721020 a.cattanach@harlequin-group.com			
DRAWING MANAGER:- PAUL FERGUSON 0141 4299361 paul.ferguson@hfcomms.com			
PROJ No	143359		
2	PLANNING ISSUE	18/02/15	HAR HF
	TOWER RELOCATION		
1	PLANNING ISSUE	25/09/14	HAR HF
ISS	REVISION	DATE	DRN APP



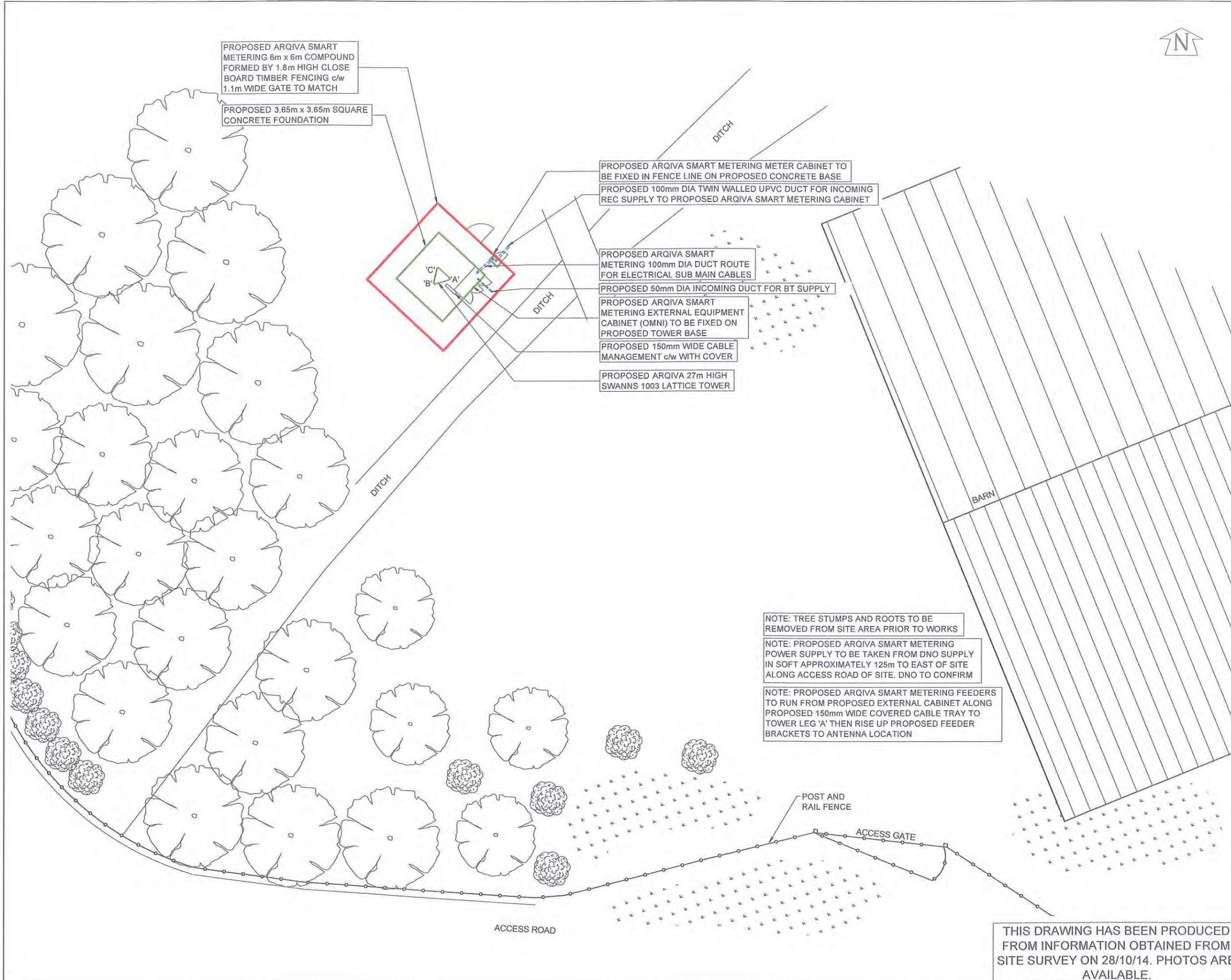
Crawley Court, Winchester, Hampshire, SO21 2QA
 Tel. 01962 823434, Fax. 01962 822378

SITE No 300924
 SM_IV006
 WESTER COILLEMORE FARM
 NEWMORE
 INVERGORDON
 HIGHLAND
 IV18 0PG
 NGR NH 69563 72775
 OS GRID 269563 872775

TITLE
 LOCATION PLAN

SCALE	SEE DRAWING	
DRAWN	HAR	05/09/14
APPROVED	HF	18/02/15

DRG No. Sheet 1 of 1 Rev
 300924-00-004-ML002 2



PROPOSED ARQIVA SMART METERING 6m x 6m COMPOUND FORMED BY 1.8m HIGH CLOSE BOARD TIMBER FENCING c/w 1.1m WIDE GATE TO MATCH

PROPOSED 3.65m x 3.65m SQUARE CONCRETE FOUNDATION

PROPOSED ARQIVA SMART METERING METER CABINET TO BE FIXED IN FENCE LINE ON PROPOSED CONCRETE BASE
 PROPOSED 100mm DIA TWIN WALLED UPVC DUCT FOR INCOMING REC SUPPLY TO PROPOSED ARQIVA SMART METERING CABINET

PROPOSED ARQIVA SMART METERING 100mm DIA DUCT ROUTE FOR ELECTRICAL SUB MAIN CABLES

PROPOSED 50mm DIA INCOMING DUCT FOR BT SUPPLY

PROPOSED ARQIVA SMART METERING EXTERNAL EQUIPMENT CABINET (OMNI) TO BE FIXED ON PROPOSED TOWER BASE

PROPOSED 150mm WIDE CABLE MANAGEMENT c/w WITH COVER

PROPOSED ARQIVA 27m HIGH SWANNS 1003 LATTICE TOWER

NOTE: TREE STUMPS AND ROOTS TO BE REMOVED FROM SITE AREA PRIOR TO WORKS

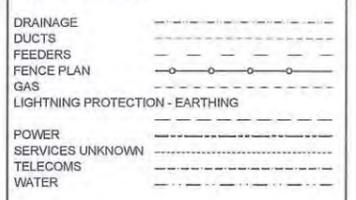
NOTE: PROPOSED ARQIVA SMART METERING POWER SUPPLY TO BE TAKEN FROM DNO SUPPLY IN SOFT APPROXIMATELY 125m TO EAST OF SITE ALONG ACCESS ROAD OF SITE. DNO TO CONFIRM

NOTE: PROPOSED ARQIVA SMART METERING FEEDERS TO RUN FROM PROPOSED EXTERNAL CABINET ALONG PROPOSED 150mm WIDE COVERED CABLE TRAY TO TOWER LEG 'A' THEN RISE UP PROPOSED FEEDER BRACKETS TO ANTENNA LOCATION



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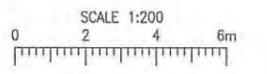
NOTES
UNDERGROUND SERVICES
 UNDERGROUND SERVICES ARE INDICATIVE ONLY. POSITIONS SHOULD BE CONFIRMED ON SITE PRIOR TO ANY DEVELOPMENT



ACCESS ARRANGEMENTS
 KEYS:-



SURVEY REQUIRED TO CONFIRM ACCESS KEYS FOR REMAINING ROOMS AND SITE ENTRANCE



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ISS	REVISION	DATE	DRN	APP
2	PLANNING ISSUE TOWER RELOCATION	18/02/15	HAR	HF
1	PLANNING ISSUE	25/09/14	HAR	HF



Crawley Court, Winchester, Hampshire, SO21 2QA
 Tel. 01962 823434, Fax. 01962 822378

SITE No 300924
 SM_IV006
 WESTER COILLEMORE FARM
 NEWMORE
 INVERGORDON
 HIGHLAND
 IV18 0PG

NGR NH 69563 72775
 OS GRID 269563 872775

TITLE
 SITE PLAN
 PROPOSED

SCALE 1:200

DRAWN	HAR	05/09/14
APPROVED	HF	18/02/15

DRG No.	Sheet 1 of 1	Rev
300924-00-001-MD002		2

THIS DRAWING HAS BEEN PRODUCED FROM INFORMATION OBTAINED FROM SITE SURVEY ON 28/10/14. PHOTOS ARE AVAILABLE.

PROPOSED ANTENNA DETAILS

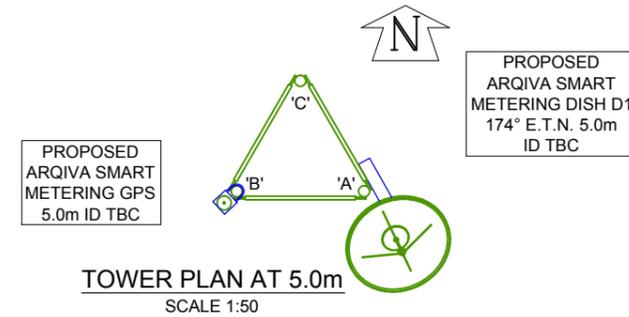
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PROPOSED DISH DETAILS

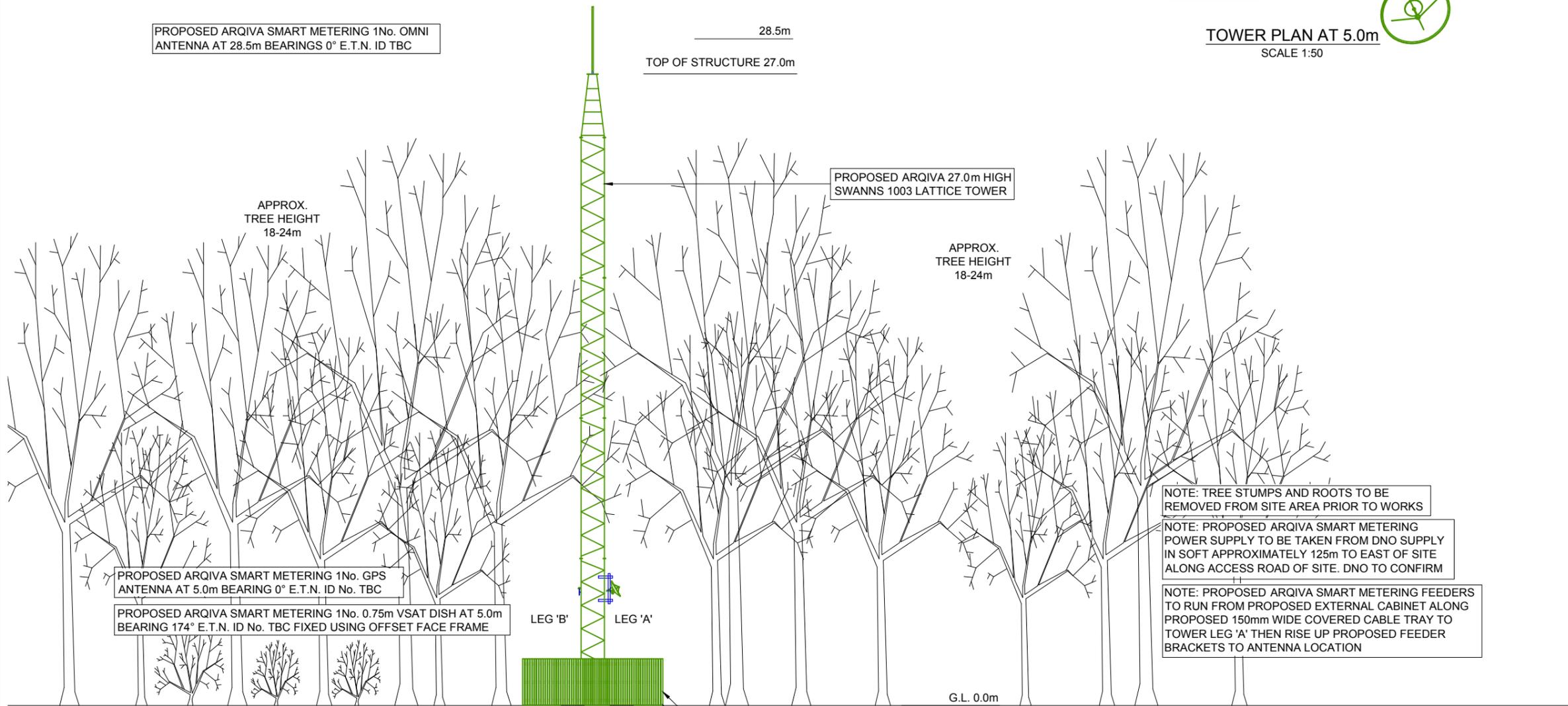
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NOTES



PROPOSED ARQIVA SMART METERING 1No. OMNI ANTENNA AT 28.5m BEARINGS 0° E.T.N. ID TBC



PROPOSED ARQIVA 27.0m HIGH SWANNS 1003 LATTICE TOWER

NOTE: TREE STUMPS AND ROOTS TO BE REMOVED FROM SITE AREA PRIOR TO WORKS

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PROPOSED ARQIVA SMART METERING METER CABINET TO BE FIXED IN FENCE LINE ON PROPOSED CONCRETE BASE

PROPOSED ARQIVA SMART METERING 6m x 6m COMPOUND FORMED BY 1.8m HIGH CLOSE BOARD TIMBER FENCING c/w 1.1m WIDE GATE TO MATCH

SOUTH-EAST ELEVATION

FEINT DETAILS INDICATE LOCATIONS RESERVED FOR OTHER PROPOSALS WHICH MAY BE THE SUBJECT OF SEPARATE APPLICATIONS

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ISS	REVISION	DATE	DRN	APP
2	PLANNING ISSUE TOWER RELOCATION	18/02/15	HAR	HF
1	PLANNING ISSUE	25/09/14	HAR	HF



Crawley Court, Winchester, Hampshire, SO21 2QA
Tel. 01962 823434, Fax. 01962 822378

SITE No **300924**
SM_IV006
WESTER COLLEMORE FARM
NEWMORE
INVERGORDON
HIGHLAND
IV18 0PG

NGR **NH 69563 72775**

OS GRID **269563 872775**

TITLE
ELEVATION
PROPOSED
ARQIVA SMART METERING

SCALE 1:200

DRAWN HAR 05/09/14

APPROVED HF 18/02/15

DRG No. Sheet 1 of 1 Rev

300924-01-150-MD002 2