Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Enquiries to: Katie Chew

Kirklees Direct
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Tom Gallivan,
Dot Surveying Ltd
14, Inverleith Place
Edinburgh
EH3 5PZ

Our Ref: 2023/91131
Date: 07-Jun-2023

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 - APPLICATION NO:2023/N /91131/W
DEVELOPMENT: PRIOR NOTIFICATION FOR PROPOSED 5G TELECOMS INSTALLATION: H3G 15M STREET POLE AND ADDITIONAL EQUIPMENT CABINETS LONGWOOD EDGE ROAD, SALENDINE NOOK, HUDDERSFIELD, HD3 3UY

I refer to your submission of details relating to the above development received by the Council on the 14-Apr-2023.

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused.

The reason for this is:

1.The proposed mast, by reason of its siting, overall height and appearance would introduce a visually intrusive and incongruous feature within the streetscene, adding to the 'visual clutter' and appearing out of scale with the surrounding development failing to respect the open character of the area, contrary to policies LP1, LP2, and LP24 (a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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2. No evidence has been provided in regard to the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college contrary to the requirements of paragraph 117 (a) of the National Planning Policy Framework.

3. Insufficient assessment has been undertaken in respect of suitable alternative sites within the area of search. The search has focused solely on locations within the adjacent housing estate and whilst the submitted 5G Site Specific Supplementary Information and Planning Justification Statement makes reference to there being no scope to upgrade existing infrastructure or site share with other operators no evidence or justification for this has been provided. The development is therefore considered to be contrary to Policy LP4 of the Kirklees Local Plan and Chapter 10 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Web ID**	**Date Received**
002 Site Location Plan	KKS22839_KKS295_30408_HD0245_GA_REV_A	A	17th April 2023
206 Proposed Site Elevation	KKS22839_KKS295_30408_HD0245_GA_REV_A	A	17th April 2023
215 Proposed Site Plan	KKS22839_KKS295_30408_HD0245_GA_REV_A	A	17th April 2023
265 Proposed Site Elevation	KKS22839_KKS295_30408_HD0245_GA_REV_A	A	17th April 2023
Mobile UK Briefing Note: 5G and Health - Supporting Information	-	-	14th April 2023
5G Site Specific Supplementary Information and Planning Justification Statement Prepared by	-	-	14th April 2023

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Dot Surveying			
DCMS MHCLG Collaborating for Digital Connectivity Letter – Supporting Information	-	-	14th April 2023
Developer Notice Served to Highways – Supporting Information	KKS22839 – Longwood Edge Road	-	17th April 2023
Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines – Supporting Information	-	-	14th April 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought since Officers considered that the submission of amended plans would not have provided a means to overcome the planning concerns set out in the report.

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Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre to The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

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Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.
Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost-effective provision of fibre infrastructure in the future.

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.
The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development

«Address»

Kirklees COUNCIL