

SITE SPECIFIC SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:	Upper Road	Site Address:	Upper Road, Batley Carr, Dewsbury, Kirklees, West Yorkshire, WF17 7LR
NGR:	E: 423900, N: 422803		
Site Ref Number:	JET 25	Site Type: Macro	SW – Macro

2. Pre-Application Check List

Site Selection

Was an LPA mast register used to check for suitable sites by the operator or the LPA?	Yes	
If no explain why: N/A		
Was the industry site database checked for suitable sites by the operator:	Yes	
If no explain why: N/A		

Pre-application consultation with LPA

Written offer of pre-application consultation:	Yes
Was there pre-application contact:	No
Date of pre-application contact:	22/04/2026
Name of contact:	N/A
Summary of outcome/Main issues raised: Pre-application consultation letters were submitted to the Council Planning Dept on 22/04/26, however, no response was received.	

Ten Commitments Consultation

Rating of Site under Traffic Light Model:			Amber	
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Consultees:-	On 22/04/26 pre-application consultation letters and drawings were sent to:- • Iqbal Mohamed MP • Ward Cllrs Daji, Zaman and Zaman
Summary of outcome/Main issues raised:	On 22/04/26 Cllr Habiban Zaman responded to say:- “I have reviewed the attached documents and I am happy to support.”

School/College

Location of site in relation to school/college: The nearest school is the Arlton Junior and Infant School, which is some 75m south east of the proposal.
Outline of consultation carried out with school/college: On 22/04/26 pre-application consultation letters and drawings were sent to the school.
Summary of outcome/Main issues raised: No response was received.

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation (only required for an application for prior approval)

Will the structure be within 3km of an aerodrome or airfield?		No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?		No
Details of response: The proposal is significantly further than 3km away from an aerodrome or airfield.		

Developer's Notice

Copy of Developer's Notice enclosed?	Yes	
Date served:	4th June 2026	

3. Proposed Development

The proposed site:

Background

This Planning Statement has been prepared on behalf of Jet Infrastructure in support of a proposed telecommunications installation required to address a critical gap in network coverage and capacity within the Batley Carr area of Dewsbury.

The proposal is needed due to a Notice to Quit (NTQ) that had been served on the previous site by the landowner due to redevelopment plans.

This previous site was located at the old College building near the junction of Northfield Road and Halifax Rd (circa 500m south of the proposal) but this has been redeveloped into a Police Station/Council Building. There had been a temporary mast deployed here using emergency permitted development rights to maintain service for some time but this has since been decommissioned, leaving the area without both coverage and network capacity.

The proposal will deliver replacement and improved/upgraded service for VMO2 customers in those and forms part of a targeted network improvement programme aimed at enhancing existing 4G service and introducing 5GSA capability to meet rising consumer demand, improve coverage and deliver increased network capacity, required to resolve a significant local service deficiency in the area.

This poor network performance is demonstrated in the crowdsourced network performance data mapping shown further below within this document and appended to the application. This shows actual network performance data from peoples phones and looks beyond just 'coverage'.

Capacity is an ever-increasing issue where the network cannot handle the additional traffic created by exponentially increasing data hungry applications and devices accessing the network for IoT and AI applications as well as normal mobile phone data usage. This is a particular challenge at this location given the loss of a previous site – removing both coverage and capacity.

When a site is lost the capacity impact is felt well beyond the immediate coverage footprint area – this then puts additional pressure on the surrounding cell sites as they try to pick up the additional volume of network traffic that the lost site would have – this puts them surrounding cell sites under capacity strain and, therefore, the loss of a site impacts a significantly greater geographic area than just the immediate cell site.

This insufficient capacity leads to dropped calls and constant buffering of data services.

In addition to the capacity issues here, coverage is also poor due to the loss of the previous site, which has left a large hole in the network. This issue is compounded further given the limitations of 4G and 5G in terms of radio propagation from a base station. The limitations referred are discussed later in this document but, in short, refers to the fact that the higher frequencies used

for more recent generations cannot travel and propagate as far, or through material like trees and buildings, as well as previous lower frequency generations.

This is made worse at times when there is high capacity demand on the network as the ‘coverage’ footprint effectively shrinks to service the closest devices – this means the customers in this area are getting no useful service.

A further challenge is relevant here given the topography of the local area. This is quite an undulating urban area where the landform rises and drops predominantly north to south. Topography has a significant impact upon radio propagation as radio frequency cannot ‘see’ through the land form and so must be in the most elevated location to deliver service over a wider distance. Siting in an area of low elevation means that the service cannot travel far and is very localised – this would necessitate a significantly larger volume of sites to provide the same level of coverage, which would be contrary to Planning Policy and Guidance advocating keeping site numbers to a minimum.

Great effort has gone into finding a location that minimises impact while delivering that necessary replacement and improved service to local businesses, residents and visitors.

It is felt this proposed location was suitable to service the area from as it is in the defined search area created by the loss of the previous NTQ site, it is close enough to the previous site so that it can provide replacement service in the context of the limitations of 5G, is in an area of reasonably elevated landform to ensure the service can propagate over a large area to minimise the number of sites required to replace the previous site and, perhaps most significantly, it is outside the designated Conservation Area to the south and sufficient distance that it’s setting is not impacted. Furthermore, it is in a discrete location not directly overlooked by residential property, adjacent to industrial/commercial land use and benefits from being adjacent to tall trees that minimise and mitigate visual impact further.

This location negates the need to place a new base station directly in residential streets and cul-de-sacs or the Conservation Area, where a site would most certainly cause more impact upon both residential amenity, streetscene and heritage assets than what is being proposed.

The capabilities of 5G are significantly greater than previous generations that had been provided from the now decommissioned NTQ site. Therefore material socio-economic benefit is significantly greater. As such, Planning Policy and Strategy is more supportive than ever to reflect those material benefits.

In fact, UK Government have just concluded a consultation on both Part 16 of the GPDO to further reduce restriction on this type of development and the NPPF so that even more weight may be given to the material benefits.

5G Technical Constraints, Challenges and Solutions Impacting Siting and Design

5G connectivity has much greater challenges than previous generations. This is discussed further later within this Statement but in the most simple terms, 5G uses higher frequency that does not travel as far, does not travel through material like buildings or trees as well, the higher frequency means design must adapt for ICNIRP compliance and 5G antennas are significantly heavier than

previous generation antennas so that puts structural pressure on sites. Additionally, we are now a much more data-dependant society given the rise in smart phones, smart devices and data-hungry applications – this means network capacity is now much more of an issue than it was previously. In practical terms, this means that sites must be...

- Very close to where the service demand is (as the service cannot travel as far)
- Taller to ensure things that block signal like trees and buildings are cleared and for ICNIRP compliance
- Be more structurally capable as the antennas are much heavier, more of them are required (especially if a site shared) and they must be hosted higher for reasons previously mentioned (which also adds structural windloading)
- More sites (and antennas) are required because of the exponential increase in data demand which impacts network capacity

These matters all directly dictate siting and design necessity much more than previously and are discussed in detail in the Government's 'Code of Practice' document.

Returning the situation in here and how these technical matters have presented themselves in a practical sense for this case...

The previous site at the old redeveloped College building was some 500m south of the proposal on land that is less elevated. The replacement must be reasonably close to this to replace the service but it must also be on higher land to assist in addressing the technical constraints noted.

The proposal will deliver additional capacity but also provide replacement coverage to the surrounding populated area and road networks. In terms of 5G provision, for the reasons alluded, it is important that the replacement site is not too far in any particular direction from the target service area. In simple terms, move a site 300m to the west and that will impact the coverage footprint to the east. Move a site to the north and it will impact the coverage footprint to the south, and vice-versa. This challenge is compounded and exaggerated even further here given the topography alluded to.

Site Location

As discussed at length, 5G radio technologies operate in higher radio frequency bands than previous technologies and these higher frequencies do not propagate as far as the lower frequencies of previous generations and, additionally, naturally result in more signal loss and greater interference from obstacles (like trees or buildings).

As a result, 5G sites must be located much closer to where the local demand is – this technical need must be balanced with other matters such as minimising visual amenity and environmental impact.

This wider area is characterised by one and two story dwellings, winding and undulating narrow streets, sporadic open space, community services and commercial/light industrial landuses. The wider area takes up a traditional Yorkshire form with traditional local building materials,

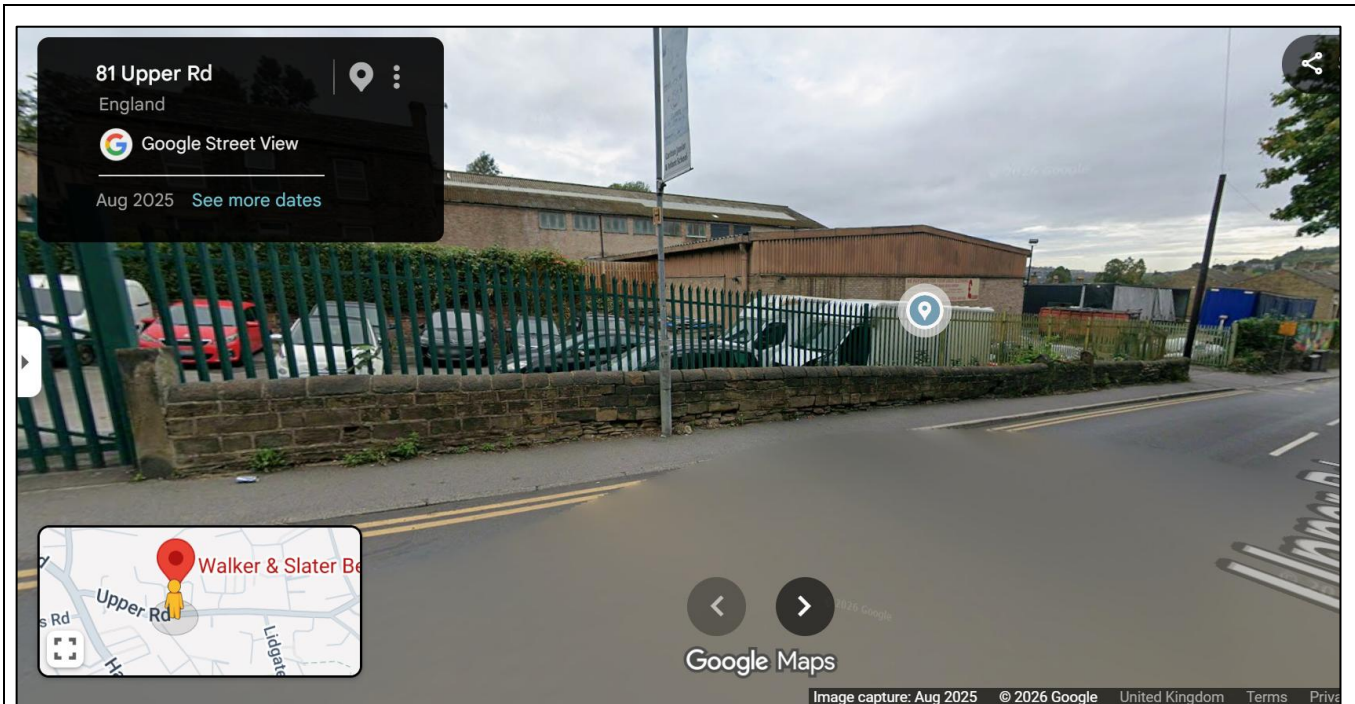
small cul-de-sacs and traditional terrace housing. There are some modern dwellings in the locality and the area is nicely broken by ample green space and vegetation.

Upper Road, where the proposal is located, adjoins Halifax Road (A638). Halifax Rd is the main arterial route north to south from central Dewsbury towards Heckmondwike. The proposal is just some 200m from the junction of Upper Road and Halifax Road. Upper Road itself is the main arterial route East to West from Batley Carr to Halifax Road.

The immediate setting of the site is light industrial as the proposal is directly opposite the premises of 'Felt Tec Ltd' – a textile manufacturing business – and 'Walker and Slater Beds' and 'Monarch Beds' – a bedding manufacturers and sales.

These premises area typical light industrial in nature with large warehouse style buildings, palisade fencing boundary and large yards for storage and to facilitate the loading and offloading of large commercial transport vehicles. This is demonstrated by the images below.



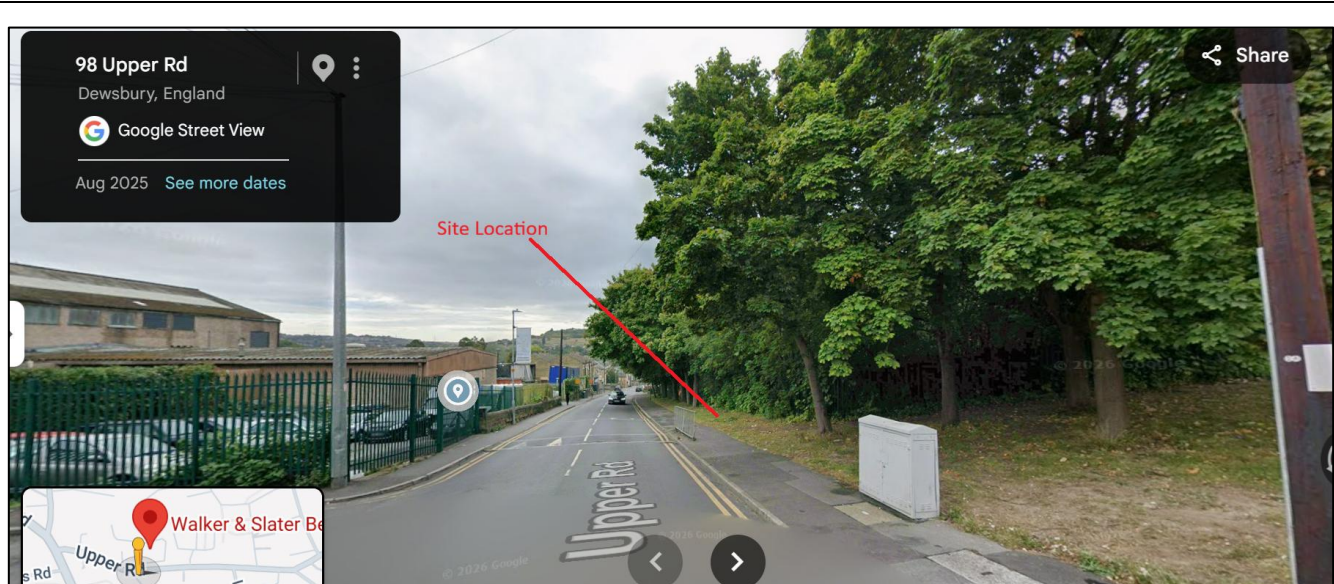


Further west the land use becomes more residential in nature with traditional terrace and detached dwellings and a modern apartment building further along Upper Road.

To the East there is more residential development with terrace design and some small convenience shops below apartments.

To the rear of the site to the south there is a row of dense, tall, mature trees running east to west and beyond that is a small park green space associated with Carlton Junior and Infant School. The trees at this area are significant as they provide both a buffer to the green space but also provide screening and backdrop from various views – significant mitigating and minimising the impact of the proposal. This is demonstrated by the photomontages submitted with the application but also in the images below:-





Visibility does not essentially equate to harm and the careful siting demonstrated by the points above and submitted photomontages, ensures amenity is protected with minimal impact. Given the careful siting that makes use of the light industrial context it is sited opposite, the trees that provide screening and backdrop and the lack of directly overlooking residential property, there is limited impact on visual/residential amenity or streetscene from the proposal.

It is clear that acceptable, viable, siting options are limited due to the technical constraints discussed and the predominantly residential nature of the search area alluded to.

The proposal aligns with this Best Practice principle and policy in terms of finding the best viable option.

Design

The height of the monopole at 20 metres is the minimum height required to provide high-quality 4G and 5G coverage to the intended target area. If the mast height were any lower, it would not be able to provide sufficient coverage to the target coverage area due to radio propagation constraints and signals being blocked by surrounding 'clutter' in the form of tall trees.

Modern 5GSA service is provided via higher frequency radio spectrum. This is helpful in that it can deliver low latency, high speed and high capacity data transfer required to service modern applications, sensors and devices, however, this spectrum does not propagate as far nor propagate through materials (like trees or buildings) as well as lower frequency spectrum utilised by previous generations. This directly impacts and advises the necessary height, design and siting to overcome that constraint.

As a result, 5G requires taller structures to achieve the same level of coverage footprint.

The antennas are placed in stacked apertures – 5G antennas at the top, above the 4G antennas. This top-height at 20m is the minimum height required to provide high-quality 4G and 5G coverage to the intended target area. If the mast height were any lower, it would not be able to provide sufficient coverage to the target coverage area due to radio propagation constraints and signals being blocked by surrounding ‘clutter’ in the form of trees and buildings.

It is felt that this slimline streetworks pole type design is the most sensitive that could be used. It is necessary to have this type of design that would be structurally capable of hosting the antennas at the necessary height while also being the most slimline pole possible.

The use of this pole, capable of supporting antennas at this height to maximise radio propagation and, subsequently the coverage footprint, reduces the need for additional masts in the surrounding area that may have been required if the antennas were at a lower height. The height also ensures ICNIRP compliance and so this 20m height is the lowest height that is viable.

The pole is proposed grey colour – this was intentional to minimise contrast against the typically a grey sky backdrop it will be viewed against. Nearby streetlighting poles are also galvanised/grey colour so the proposal will assimilate with surrounding vertical infrastructure.

The antennas have been placed in a very narrow aperture in a stacked format (5G antennas at the top and 4G antennas below) to negate bulk and width to keep the width as streamlined and slimline as possible. GRP shrouding of antennas cannot be used on modern deployments as it obstructs 5G frequency propagation and also acts as a sail, with the greater surface area catching the wind, putting significantly more structural pressure on the pole from wind loading. Below the antennas are remote radio units required to maintain high quality service – these must be adjacent to the antennas as increased feeder length causes signal degradation. Between the antenna and remote radio apertures there is banding to merge the apertures and keep it appearing streamlined, unfussy and uncluttered.

There are three cabinets/equipment housing at the base – these share a foundation and are tightly packed beside each other – this is done to minimise impact by negating a sprawl of cabinets in the streetscene that can be seen in other deployments. The are also very narrow to minimise streetscene impact. The whole site is positioned in a green verge off the pavement and so there is zero impact upon pedestrian movement. The cabinets are of green colour as it helps assimilate with existing and this typically blends with soft landscaping in the area.

These efforts to minimise contrast at the various heights is advocated at Paras 28 & 40 of the Government Code of Practice...

*“Mitigating visual impacts: when possible, operators should look to use sympathetic designs, materials and colour (including camouflage where appropriate) to **minimise the contrast between infrastructure and the area.**”*

*“Colouring and camouflage: where appropriate, **masts should be coloured to match their backdrop to minimise contrast** in an urban or rural setting.”*

For all these reasons, the slimline streetworks monopole design is the most suitable design in this particular circumstance.

The improved digital connectivity also aligns with the Government’s Wireless infrastructure Strategy, Planning and Infrastructure Bill, 10 Year Infrastructure Strategy and the NPPF, all of which promote digital connectivity infrastructure given the significant social and economic benefits it delivers locally, regionally and nationally.

The principal aim of the development is to enhance VMO2’s mobile broadband network coverage and capacity. Businesses, commuters, workers, visitors and residents all depend upon high quality network service to facilitate use of data-hungry applications on their phones and other devices. These applications carry significant socio-economic benefit, all underpinned by the connectivity provided by infrastructure such as the proposal.

Enclose map showing the cell centre and adjoining cells:

VMO2s ongoing network improvement programme is in line with Government aspirations.

This area requires replacement coverage and capacity since a previous site servicing the area has been decommissioned due to NTQ (Notice to Quit). It is vital a replacement site is found to handle the volume of data traffic accessing the network via devices and phones and to extend the fill the current coverage void in the area. The new site will also upgrade service to the latest technology beyond what was there previously.

This is shown in the crowdsourced network performance data below. Anything that is not demarked green is sub-standard performance. Anything marked red is very poor performance. It is clear that the whole area is suffering from very poor service barring a very localised area that is being serviced by the current site. This is telling as it demonstrates the lack of capability from the current site in terms of reaching the surrounding area.

It also demonstrates that if VMO2 cannot site at this relatively discrete location to provide service to the surrounding wider area then it will need numerous additional sites all around those areas marked red. As demonstrated, this will either be dense residential streets and cul-de-sacs or public open space that do not benefit from the amenity safeguards demonstrated in the previous section and would most certainly be more impactful than the proposal – this in itself demonstrates that the best and most appropriate viable siting and design options have been proposed.

This additional site will allow both replacement and upgraded service to be delivered with improved coverage and capacity across the surrounding area.



Type of Structure

Description:

The proposed development comprises the installation of a 20m high Taurus monopole supporting 9 no. VMO2 antennas and 6 no. ERS radio units (RRUs) together with equipment housing and associated ancillary development.

The installation has been designed to support both 4G and 5G technologies for VMO2. For full technical specifications and layout, please refer to the enclosed drawing package.

Overall Height: +20m AGL

Height of existing building N/A

Equipment Housing:

Length: See drawings

Width: See drawings

Height: See drawings

Materials

Tower/mast etc – type of material and external colour:	Galvanised steel with grey antennas (as noted, happy to amend colour depending upon LPA preference).
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Equipment housing – type of material and external colour:	Steel equipment cabinets coloured 'Fir Green' (RAL 6009)
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Reasons for choice of design:

This is discussed at length in the previous section of this document – to negate unnecessary duplication this will not be repeated but please reference the detail discussed previously.

The NPPF and Code of Practice encourages site sharing and the efficient use of existing telecommunications infrastructure. However, within the defined search area, there are no existing base stations that are capable of being shared to provide this new service.

Policy also advocates the use of buildings where possible and, as discussed at length previously, the buildings in the search area do not provide sufficient height. In any case, their nature as dwellings mean that the rooftops would not be suitable structurally or aesthetically.

The latest 5G service is delivered via higher frequency radio. This higher frequency is fantastic in that it can deliver high speed data services required for modern applications, however, it has the negative in that higher frequency does not propagate as far as lower frequencies used in previous generations, nor do the radio waves propagate through 'clutter' as well meaning that signal is blocked easily. ICNIRP exclusion zone is also typically larger. This necessitates antennas to be hosted higher to ensure ICNIRP compliance, so the radio frequency can propagate as far as is possible to maximise coverage footprint and so that there is line of sight above 'clutter' that would block the signal propagation.

All in all it is felt that that this proposed design strikes the best balance in terms of technical necessity to overcome technical constraints and minimising visual impact by keeping the height to an operational minimum, clearing the trees to assist radio propagation to minimise the need for additional sites in the area and by utilising a colour finish that will minimise contrast when viewed adjacent the typically grey sky, though we are happy to amend the colouring to match adjacent poles or the green tall trees.

In summary, this proposal represents the most efficient, least visually intrusive solution for delivering critical 4G improvements and new 5G coverage. It reflects a carefully considered approach to site selection, design, and environmental integration, and responds appropriately to both national planning guidance and the Operator's legal obligations to provide robust, modern communications infrastructure.

The technical constraints that dictate and inform this siting and design are discussed at length throughout Governments 'Code of Practice for Wireless Network Development in England' Planning Guidance document (attached to this application).

4. Technical Information

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

Reason(s) why site required

In the UK, mobile network operators (MNOs) such as EE, VodafoneThree and VMO2 operate under a regulatory framework primarily controlled by Ofcom on behalf of UK Government. Their obligations arise from two main legal mechanisms:

- Wireless Telegraphy Act spectrum licences (for use of radio frequencies).
- General Conditions of Entitlement under the Communications Act 2003 (for provision of electronic communications networks/services).

Through the Spectrum Licence Obligations (Wireless Telegraphy Act 2006) mobile operators require licences from Ofcom to use radio spectrum, which is essential for operating mobile networks.

Key obligations typically include the use of allocated spectrum that must be used within specific frequency bands, power limits, emission standards and interference controls.

These conditions ensure efficient spectrum use and prevent interference. These radio spectrums are governed by the laws of physics but one spectrum/frequency will have different principles to another. Each Network Operator is licenced to use different spectrum and this is why what may be suitable siting for one operator may not be suitable for another. This directly influences potential siting opportunities for masts.

Perhaps most significantly, these licences are issued with coverage and network performance obligations. This will include things like roll-out or coverage requirements, minimum population coverage or geographic coverage requirements for rural areas. Obligations linked to specific technologies or generations like 5G.

Operators must be provide data to Ofcom on network performance and demonstrate compliance with coverage and network performance milestones to demonstrate they have met their licence obligations.

Additionally, under the General Conditions of Entitlement (Communications Regulation) any operator providing public electronic communications networks or services must comply with Ofcom's General Conditions.

This means that, amongst other things, an Operator must Operators must enable and maintain network integrity and resilience, and ensure access to emergency services.

If an Operator does not comply with these requirements then Ofcom, on behalf of UK Government, can issue substantial fines, withdraw spectrum or even cancel an Operators licence.

This is relevant to the proposal because...

1. The spectrum allocated, and the physics associated, directly impacts the siting options for the Operators.
2. The Operators must find a means of providing this service locally through the siting of a mast. While Operators will obviously want to provide the best service they can to their Customers, it goes beyond this in there is an actual legal obligation to provide this area with the most up to date 5G service with sufficient coverage and capacity to deliver quality network performance.

The Crowd Sourced network performance data show the failing network in the area.

The NPPF then requires that operators find an acceptable or the least impactful means of providing that service, minimising the impact while acknowledging the technical constraints. The proposal is permitted development (albeit ‘with prior approval’) so the principle of the development is established in law via Part 16 of the GPDO. This is an important distinction as under permitted development a solution must be found as consideration cannot be given to the principle, only that the proposal is acceptable or the most suitable option in terms of siting and appearance.

This is significant in an area as constrained as this, especially when such careful consideration has been given to siting and design to minimise impact while remaining functional and addressing the technical constraints.

Under the terms of their licence with UK Government (controlled via Ofcom on Governments behalf), Virgin Media O2 Limited (VMO2) are required to meet strict service obligations, ensuring that the benefits of mobile connectivity are extended to all communities, including those currently underserved.

This installation is required to provide replacement 4G coverage, brand new 5G coverage and additional capacity for VMO2 in the local area addressing existing gaps in service coverage created by the loss of a previous site, adding additional capacity and improving overall network performance in the locality.

Mobile base stations operate by transmitting radio signals that connect mobile devices to the wider network, allowing users to make calls, send texts, stream content, and access data services. These base stations are linked together—via fibre or wireless links—to form an interconnected network. Each base station serves a defined area known as a cell, and these cells overlap with adjacent ones to create seamless coverage. The size and shape of each cell can vary depending on local conditions, such as topography, building density, and user demand.

As low-powered radio transmitters, base stations have a limited effective range and must be located within or close to the areas they are designed to serve. Proposing this installation too far from the intended coverage area will leave parts of the target service area without essential mobile services. For this reason, the proposed location has been carefully selected to ensure the required coverage objectives can be achieved efficiently and effectively.

6. Sequential Site Selection Process – alternative sites considered and not chosen

Discounted Options

In seeking to meet growing network demand in this area of Dewsbury, the Operator's acquisition and survey agents have made every effort to identify a site that minimises any potential impact on the character of the area. However, in order to effectively deliver improved mobile services, it is essential that the communications site is located as close as possible to the area of customer demand.

In line with the sequential site selection process outlined in best practice guidance, the following criteria were followed when identifying a suitable location:

- a) *Mast and Site Sharing*
- b) *Use of Existing Buildings or Structures*
- c) *New Ground-Based Installation*

As required by the Operator's licence and consistent with national planning guidance, the first preference was to utilise existing telecommunications infrastructure where it represented the most environmentally sensitive solution. The Ofcom Site Finder register was consulted to identify potential mast-sharing opportunities.

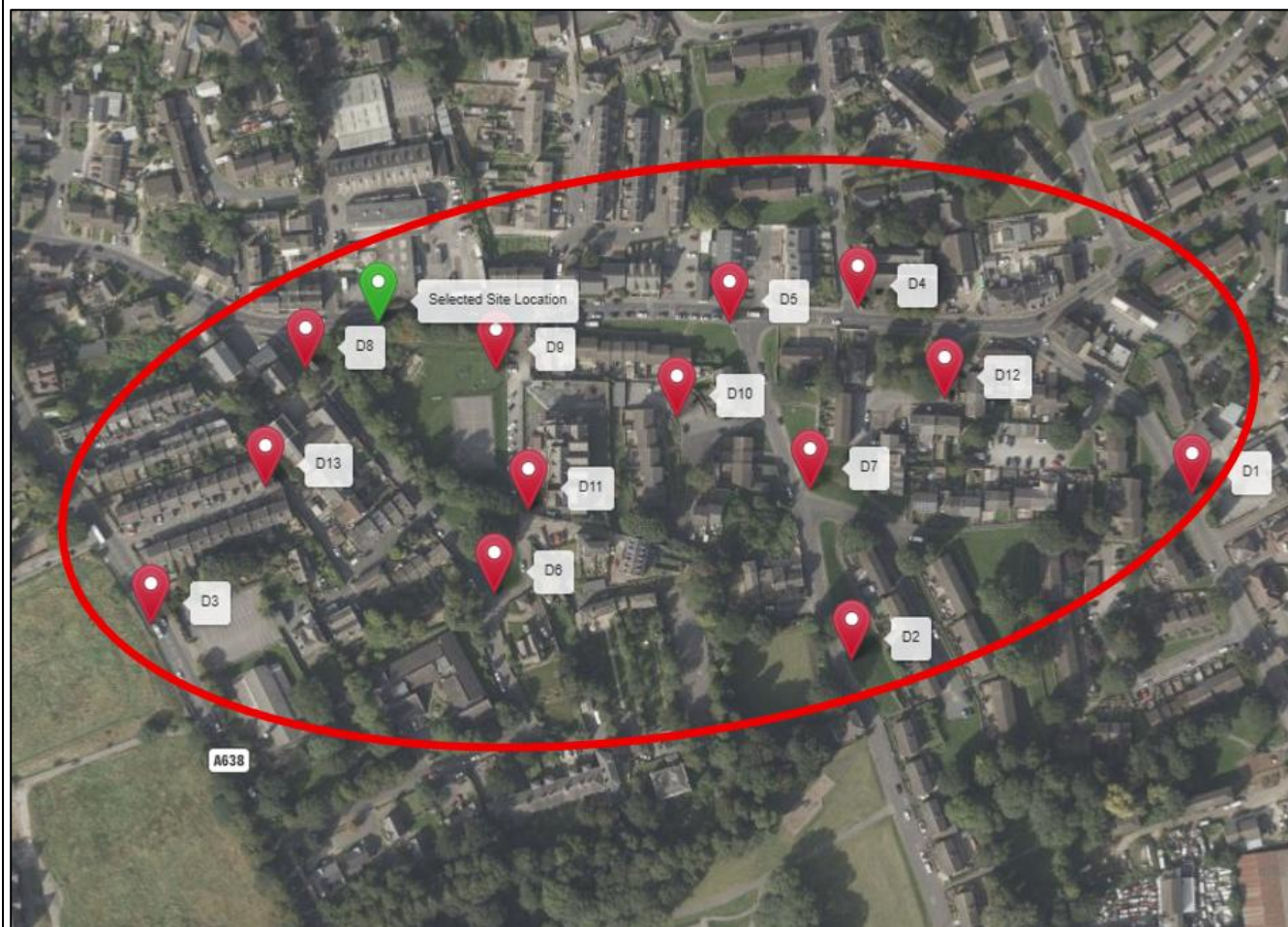
VMO2 were previously on a site at the old College building that had to be removed due to redevelopment. Due to the limitations of 5G it is important that the site is as close to what it is replacing so the new site can fit into the existing cell network. As no other suitable existing telecommunications sites were identified that could accommodate the extent of equipment required for this proposal, a new installation is required. There are no existing buildings that can be used.

The local environment presents constraints – the landform is undulating, there are significant volumes of underground services and the typical landuse is residential. Siting at the proposed location is viable from a radio propagation perspective, does not impact underground services and has minimal visual amenity impacts sited as it is opposite light industrial landuse and making use of siting amongst existing tall mature trees.

The proposal negates impact on streetscene, residential amenity or Conservation Area and so is the best, technically viable, option in the area. With this it complies with planning policy and guidance in terms of minimising visual impact and minimising the number of sites needed via consolidation.

A detailed list of alternative sites considered is provided below, with reasons for their exclusion in favour of the proposed site.

An enlarged version of the map has also been submitted as supplementary information as part of the application.



Key:-



Search Area



Selected Option



Discounted Option

Site	Address	NGR	Reason for discounting
D1 - Streetworks	Mill Road, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2HL, United Kingdom	E: 424273 N: 422727	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual

			intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D2 - Streetworks	Lidgate Lane, Eightlands, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2BZ, United Kingdom	E: 424118 N: 422650	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D3 - Streetworks	Halifax Road, Eightlands, Flatts, Dewsbury, Kirklees, West Yorkshire, England, WF13 2BS, United Kingdom	E: 423797 N: 422665	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D4 - Streetworks	Upper Road, Batley Carr,	E: 424120 N: 422811	The site was discounted due to its location within a densely developed residential area

	Dewsbury, Kirklees, West Yorkshire, England, WF17 7LR, United Kingdom		where the proposed telecommunications pole would occupy a constrained section of the public footway. Its siting would introduce a physical obstruction that would restrict pedestrian throughflow, particularly at peak times, and could create pinch points for more vulnerable users such as wheelchair users, parents with prams, and those with limited mobility. This site is also directly outside the Holy Trinity Church, a Grade II Listed Building, causing unacceptable harm to this site. In addition, the site offers limited opportunity for effective screening, with little in the way of mature vegetation or built form to mitigate views of the structure. This would result in a more direct and prominent visual relationship with nearby residential properties, increasing the perception of overlooking and visual intrusion. Compared to the chosen site, which provides greater separation and better integration with its surroundings, this location would result in more significant impacts on both residential amenity, heritage assets and pedestrian movement, and is therefore considered unsuitable.
D5 - Streetworks	Upper Road, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF17 7LR, United Kingdom	E: 424061 N: 422804	The site was discounted due to its location within a densely developed residential area where the proposed telecommunications pole would occupy a constrained section of the public footway. Its siting would introduce a physical obstruction that would restrict pedestrian throughflow, particularly at peak times, and could create pinch points for more vulnerable users such as wheelchair users, parents with prams, and those with limited mobility. This site is also nearby the Holy Trinity Church, a Grade II Listed Building, causing unacceptable harm to this site.

			In addition, the site offers limited opportunity for effective screening, with little in the way of mature vegetation or built form to mitigate views of the structure. This would result in a more direct and prominent visual relationship with nearby residential properties, increasing the perception of overlooking and visual intrusion. Compared to the chosen site, which provides greater separation and better integration with its surroundings, this location would result in more significant impacts on both residential amenity, heritage assets and pedestrian movement, and is therefore considered unsuitable.
D6 - Streetworks	Naylor Street, Eightlands, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2DG, United Kingdom	E: 423954 N: 422680	The site was discounted due to its location within a densely developed residential area where the proposed telecommunications pole would occupy a constrained section of the public footway. Its siting would introduce a physical obstruction that would restrict pedestrian throughflow, particularly at peak times, and could create pinch points for more vulnerable users such as wheelchair users, parents with prams, and those with limited mobility. In addition, the site offers limited opportunity for effective screening, with little in the way of mature vegetation or built form to mitigate views of the structure. This would result in a more direct and prominent visual relationship with nearby residential properties, increasing the perception of overlooking and visual intrusion. Compared to the chosen site, which provides greater separation and better integration with its surroundings, this location would result in more significant impacts on both residential amenity and pedestrian movement, and is therefore considered unsuitable.

D7 - Streetworks	Lidgate Gardens, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2BZ, United Kingdom	E: 424098 N: 422728	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D8 - Streetworks	Naylor Street, Eightlands, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2DG, United Kingdom	E: 423867 N: 422782	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D9 - Greenfield	Tate Naylor Street, Eightlands, Batley Carr, Dewsbury,	E: 423954 N: 422782	This greenfield site has enough room to host the equipment and is located away from the road.

	Kirklees, West Yorkshire, England, WF13 2DG, United Kingdom		However, it is highly impactful to views at residential properties at residences and Carlton Junior and Infant School. Therefore this site would be unacceptable in terms of visual impact. As such, it was discounted in favour of the more discrete proposal.
D10 - Streetworks	Lidgate Close, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2DP, United Kingdom	E: 424037 N: 422761	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D11 - Streetworks	Carlton Junior and Infant School, Upper Road, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 2DQ, United Kingdom	E: 423969 N: 422718	This streetworks site has enough room to host the equipment and is located away from the road. However, it is highly impactful to views at residential properties at residences and Carlton Junior and Infant School. Therefore this site would be unacceptable in terms of visual impact. As such, it was discounted in favour of the more discrete proposal.
D12 - Streetworks	Carlisle Close, Batley Carr,	E: 424160 N: 422770	The site was discounted due to its location within a densely populated residential area,

	Dewsbury, Kirklees, West Yorkshire, England, WF13 2DN, United Kingdom		where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.
D13 - Streetworks	Mitchell Avenue, Eightlands, Batley Carr, Dewsbury, Kirklees, West Yorkshire, England, WF13 4JE, United Kingdom	E: 423849 N: 422728	The site was discounted due to its location within a densely populated residential area, where the proposed telecommunications pole would result in a more immediate and direct relationship with surrounding dwellings. The limited presence of natural or built screening, such as mature vegetation or intervening structures, would lead to increased visibility of the installation and a greater perception of overlooking and visual intrusion for nearby residents. In comparison to the chosen site, which benefits from more effective screening and separation distances, this location would give rise to more pronounced amenity impacts and would therefore be less appropriate in planning terms.

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

N/A

7. Additional Relevant Information

Environmental information:

No environmental designations or species.

Land use planning designations:

There are no other relevant designations. The Conservation Area is to the South but the proposal is outside this and a significant distance away to negate any potential impact upon its setting.

Additional relevant information (include planning policy and material considerations):

From the outset, it is important to acknowledge that any alteration to the landscape (regardless of its function as telecommunications infrastructure) will inevitably be noticeable to nearby residents and frequent passers-by. However, visibility alone, or the siting and appearance of a development, does not inherently equate to significant or unacceptable harm.

When assessing the suitability of telecommunications development proposals, it is essential that decision-makers prioritise telecommunications-specific planning policy where such policy exists and balances the need and socio-economic benefits against perceived, or identified, harm.

In the absence of up-to-date or locally relevant guidance, the provisions of the NPPF must take precedence. It is also important to recognise that it would be unreasonable to expect specialised infrastructure, such as telecommunications equipment, to fully conform to general planning policy criteria that are not tailored to its unique requirements.

Legislation

The proposal constitutes permitted development with prior approval.

This means that the proposal is deemed acceptable in principle via Part 16 of the GPDO. As such, the principle of the development is not in question – just an assessment on the acceptability of the proposal in terms of siting and appearance.

The Local Development plan can be given limited weight in the determination of an application for prior approval – it is certainly not a determinable factor.

The development plan does not have the statutory primacy it has for full planning applications. Relevant development plan policies can be material considerations, but they do not bind the decision maker and cannot be determinative - this proposal is actually permitted development where the principle of the development is accepted in law (even in designations such as public open space or green belt).

Planning Policy and Local & Regional Strategy

It is a Strategic goal of Kirklees Council, the Leeds City Region Enterprise Partnership and the West Yorkshire Combined Authority to be digitally connected.

This is being achieved via the ‘**Kirklees Inclusive Economy Strategy 2025**’ and the ‘**Leeds City Region Strategic Economic Plan 2016 – 2036**’ as well as initiatives like the Superfast West Yorkshire and York scheme. Through these initiatives the Council, City Region Partnership and Combined Authority has identified the following priorities and goals:-

“The Inclusive Economy Strategy covers the period from 2025-2030. It sets out a vision, objectives and high-level priorities for action under three main themes:

*...investing in our diverse Places and the physical and **digital connections** between them to increase access to job opportunities for Kirklees residents, widen the talent pool for local businesses and ensure that Kirklees remains a fantastic place to live, work and do business.”*

“The Industrial Strategy identifies eight growth-driving sectors, as well as enabling foundational industries, supported by Sector Plans. These are:

1. Advanced manufacturing
2. Creative industries
3. Life sciences
4. Clean energy
5. Defence
- 6. Digital and technologies**
7. Professional and business services
8. Financial services.”

“Building on this framework, we have identified three simple objectives to achieve progress towards a more inclusive economy in Kirklees:

*...investing in our diverse Places and the physical and **digital connections** between them to **increase access to job opportunities for Kirklees residents, widen the talent pool for local businesses and ensure that Kirklees remains a fantastic place to live, work and do business.**”*

Thriving rural communities

We will ensure we support thriving rural areas served by gigabit connectivity and high-quality public transport services.

Supporting a mixed economy including agriculture but also cultural businesses and others taking advantage of high-quality digital connectivity.



Kirklees contains many small rural communities. Each of these has a role to play in the wider productivity of Kirklees. Physical and digital connectivity supports this.



Rural communities are often more car-reliant than urban ones. Providing high quality bus services will reduce this while world class digital connectivity will reduce the need for journeys to the office or to meet with clients in person whether close by or far afield.



While our rural areas are generally more affluent than our major towns, maintaining good connectivity contributes to older people and those with limited mobility being able to take advantage of all Kirklees has to offer.

Additionally, the Leeds City Region (which Kirklees is a partner) Economic Strategy defines digital infrastructure as a key priority:-

PRIORITY 4: INFRASTRUCTURE FOR GROWTH

PRIORITY 4 SUMMARY

AIM

To build a 21st century physical and digital infrastructure that supports the City Region to grow and compete globally; and to do this in a way that enhances places, transforms connectivity, maximises GVA benefits, minimises carbon impacts, and enables all businesses, people and places to have access to opportunities

Stating that the rationale for this priority is:-

“High quality infrastructure is the bedrock upon which economic success is built. We have begun to make progress through recent investments in broadband networks and by securing the £1 billion West Yorkshire Plus Transport Fund, which will significantly enhance road, rail and bus links across the city region over the next decade.”

“High quality digital infrastructure supports all priorities of this strategy. Schemes such as Super Connected Cities and Superfast West Yorkshire and York, as well as North Yorkshire projects, continue to deliver major digital infrastructure improvements. But we want to go further still to ensure no business – in urban or rural areas – faces digital disadvantage that holds back growth and perpetuates exclusion.”

Currently, the Council do not have digital infrastructure specific policy in the Local Development Plan. However, Council and Regional Economic Strategies are very clear that mobile telecoms

infrastructure is absolutely vital to the social and economic wellbeing of Kirklees, and is fundamental to its sustainability and progress.

This is particularly relevant to the proposal given it is a replacement of a previous site that has since been decommissioned and without that replacement there will be a large area of homes and businesses with no useful mobile broadband coverage. In the context of this and the strategic policy outlined above great weight should be placed on the material socio-economic benefits associated with the proposal.

The LDP is outdated and is in the process of being replaced. There is limited prescriptive policy requirements for digital connectivity infrastructure in those documents or the emerging Local Plan. This places greater weight on the NPPF policy and national 'Code of Practice' Planning Guidance.

National Digital Strategy, Planning Policy and Guidance:-

Code of Practice for Wireless Network Development in England

In March 2022 UK Government published their 'Code of Practice for Wireless Network Development in England' Planning Guidance document.

The document notes that...

*"The aim of the Code of Practice is to **support the government's objective of delivering high quality wireless infrastructure** whilst balancing these needs with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties"*

This guidance document is clear that...

*"Digital connectivity is **vital to enable people to stay connected and businesses to grow.** **Fast, reliable digital connectivity can deliver economic, social and well-being benefits** for the whole of the UK.*

*As the demand for mobile data in the United Kingdom is increasing rapidly, it is important that **everyone has access to dependable and consistent mobile coverage** where they live, work and travel."*

The document clearly establishes the material socio-economic benefits of digital connectivity. However, from a really practical perspective, is also really useful in outlining the technical constraints associated with mobile infrastructure that dictate siting and design.

This application has gone into detail on the siting and design rationale of this proposal and this wholly aligns with the principles established within the Government guidance document. These technical constraints, and the solutions necessary to overcome them, are material considerations that should be given weight in favour of the proposal in any determination.

Paras 28 and 40 discuss how proposals should minimise impact through good design and utilise colours that minimise and reduce contrast – this is wholly the case here with the colouring of the mast – grey pole as it will be viewed adjacent to existing grey vertical infrastructure and grey antennas as they will be seen against a typically grey sky so contrast is minimised.

All of these matters wholly align with the proposal. As such, the proposal wholly aligns with the Planning guidance for England provided by UK Government.

NPPF

First published in 2012 but updated as recently as December 2024 with a Government consultation just concluded, the NPPF is the central planning policy document for England. It sets out the government's expectations for how planning decisions should be made and how development should be delivered.

The golden thread of the NPPF is a presumption in favour of sustainable development.

Chapter 10 'Supporting High Quality Communications' sets out the main policy tests for telecoms proposals. It states...

*"Advanced, high quality and reliable communications infrastructure is **essential for economic growth and social well-being**. Planning policies and **decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)** and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)."*

The policy also notes that when applying for a new mast evidence should be provided to show how the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

Again, the proposal wholly aligns with the policy tests required in the NPPF. It is significant to note the policy test specifically and purposefully notes 'consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion' – this is an acknowledgement of the technical constraints associated that directly influence siting and design (also noted in the Code of Practice Guidance) and gives clear indication and direction that weight must be applied to those operational matters.

The policy concluded that sites should be designed sympathetically – it is been demonstrated throughout the document that through considered siting and design impact has been minimised – siting in the wider context of a landscape proliferated by existing vertical utility infrastructure (pylons) of significantly greater scale and the immediate context of an agricultural yard with large outbuildings, plant and heavy machinery.

Evidence has also been provided of a robust sequential test that explores many numerous siting options, including on buildings and other structures, and clearly concludes that this is the most appropriate and least impactful siting.

With all this is it clear that the proposal wholly aligns with NPPF policy tests and requirements.

Furthermore, beyond Chapter 10, NPPF Chapter 6 ‘Building a Strong, Competitive Economy’ specifically advocates support for Digital Connectivity proposals....

“Planning policies should...

*pay particular regard to facilitating development to meet the needs of a **modern economy**, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, **digital infrastructure**, freight and logistics”*

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

- a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and **infrastructure that are needed to support the growth of these industries** (including data centres and grid connections);*
- c) the expansion or modernisation of other **industries of local, regional or national importance to support economic growth** and resilience.”*

This policy goes further in adding great weight to the material benefits of the proposal as a counterbalance to perceived harm.

Mobile connectivity will be vital for the modern economy, connecting people and AI with data centres. Connecting IoT devices in Smart Cities with numerous benefits, including carbon reduction. Mobile infrastructure is clearly the ‘infrastructure that is needed to support the growth of these industries’.

Furthermore, this section of this document has gone into great detail in demonstrating how the proposal aligns with local, regional and national digital and economic aspirations – as such it also aligns with the NPPF policy supporting ‘industries of local, regional or national importance to support economic growth’.

In short, the proposal wholly aligns with both Chapter 10 and Chapter 6 of the NPPF and that must be given great weight in this determination and Planning Balance assessment.

Other National Strategy and Policy

It is felt that it is unnecessary to quote all the relevant documents but it is appropriate to reference them as they clearly show the intent, rationale and of the Government in relation to development like the proposal...

- Wireless Infrastructure Strategy
- Planning and Infrastructure Bill
- 10 Year Infrastructure Strategy

It is also significant to note that, under commitments made within the 10 Year Infrastructure Strategy a consultation on a review of Part 16 of the GPDO has just been concluded – this is with a view to reduce restrictions on digital connectivity infrastructure to promote its delivery. An NPPF consultation which has also recently concluded is also expected to add even more policy support for digital communications.

Ministerial Statements

Written Ministerial Statement UIN HCWS867: Boosting growth by removing barriers to digital infrastructure deployment, made by the then Minister of State for Data Protection and Telecoms, Sir Chris Bryant (attached to this application) states:-

*“Digital infrastructure **underpins growth right across the economy**, and is also a powerful contributor to the economy in its own right, with the sector worth an estimated £50 billion to the UK. **It supports the adoption of new and emerging technologies including Artificial Intelligence** and enables citizens to participate in modern life. In an increasingly online world, growth in data consumption and increased **demands on the UK’s digital infrastructure mean there is an urgent need to support the sector in delivering greater connectivity for local communities and businesses.***

*We are committed to the rollout of gigabit-capable broadband and 5G networks, with the ultimate goal of enabling businesses, residents, and institutions to access seamless and reliable connectivity. **These efforts are essential to building a more competitive, equitable, and digitally connected nation.***”

This clearly articulates Government’s commitment to removing planning barriers, accelerating deployment and recognising digital communications infrastructure as critical to economic growth.

Similarly, Statement UIN HCWS1325 by Parliamentary Under-Secretary of State for AI and Online Safety Kanishka Narayan makes clear that:

*“Digital connectivity is at the foundation of our economy and society and **underpins almost every part of daily life.** The strength, security, and resilience of our digital infrastructure matters deeply to people, business and the economy in the UK.”*

Other Material Considerations – Appeals

It is wholly acknowledged that every proposal must be considered on its own merits and there is no such thing as precedent in Planning.

However, appeal decisions can be material considerations to decisions with similar characteristics and main matters. They are certainly material considerations that can be given significant weight in cases where procedural and principle matters are established.

A dominant procedural and principled feature in appeal decisions is that there is a need for balance and identifying the least impactful option. In many cases harm can be identified but that harm must be **balanced against the material benefits, the technical constraints and the lack of a better viable option**. When that appropriate Planning Balance occurs, especially in the context of prior approval where the principle of the development is established in law, then proposals are often deemed acceptable, on balance.

While harm associated with this proposal is minimal, significantly, it is clear that great effort and consideration has gone into identifying the technically viable siting and design with the least impact.

In that context some recent, procedural and principle establishing, appeal decisions have been referenced below. These procedural and ‘in principle’ matters are wholly relevant to the proposal:-

APP/P4605/W/25/3359736

*“In conclusion, the siting and appearance of the proposed development would appear overly prominent and visually intrusive within the street scape. It would **therefore result in harm to the character and appearance of the area due to its height and siting**. Additionally, it is for the same reasons that it would result in harm to the living conditions of neighbouring residents regarding outlook.”*

*“The **Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being**. Consequently, it supports the expansion of electronic communications networks, including 5G.*

The appeal scheme would provide coverage in an area which has no effective coverage. The lack of coverage would likely lead to a lack of/or very poor call set up, dropped calls and no capacity leading to no service.

*The **appellant has provided a sequential approach to site selection** in which approximately 32 sites were assessed. Many of the sites have been discounted due to, amongst other things, inadequate pavement widths, the presence of underground services and/or overhead lines, closer proximity to dwellings and/or education facilities, greater visibility due to both a lack of natural screening and/or requirements of a taller mast due to lower typography, proximity to access points, reduction in parking provision and /or visibility splays, as well as practical requirements to ensure no competition between the proposed 5G coverage and existing 3G and 4G cell areas and to achieve International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification. **Various buildings and structures were also considered as part of the sequential approach however these were likewise discounted for practical reasons.***

*Given all of the above, in my judgement, it has **been adequately demonstrated that there are likely to be no other appropriate sites**, including buildings and existing masts, than the appeal site. I therefore **attach significant weight in favour of the appeal as a consequence**.*

*In conclusion, I consider the moderate **harm** the installation would cause to the character and appearance of the surrounding area and living conditions of neighbouring residents regarding outlook would be **outweighed by the benefits** of a high-quality communications network facilitated by the proposed development and **the lack of any more suitable alternative sites to provide this benefit.***

APP/P4605/W/24/3349032

*"I have found that the proposed development, through its siting and appearance, **would cause harm to the character and appearance of the area** for the reasons given above. The other options that might be available are therefore an important consideration.*

*The **Framework supports the development of a high-quality reliable communications infrastructure as this is deemed to be essential for economic growth and social well-being.** Nonetheless, it requires sites to be kept to a minimum and encourages the reuse and adaptation of existing base stations. Paragraph 122 of the Framework expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.*

*The proposal is required to provide 5G coverage. It has been demonstrated that **the site is within an area with demonstrable need for an additional installation in the vicinity to achieve a full and appropriate level of coverage.** The coverage map has informed the appellant's search area for the new equipment and a sequential approach has been taken. In support of the application and now appeal, the **appellant has undertaken an assessment of 42 alternative sites within the defined search area required to provide coverage for the target area.** This included an assessment of several alternative sites that were identified by the Council.*

The appellant has supplied a number of reasons as to why these sites should be discounted from the search including: concerns with upgrading the existing mast nearby, interference between masts, issues with the structural suitability and wind loading requirements of buildings in the search area and the impact the surrounding buildings and topography of the area would have upon signal transmissions. Certain sites were also discounted due to concerns with highway safety and the nearby railway line and underground services. Some sites were situated within residential areas or within parks close to trees that were covered by a Tree Preservation Order as well as concerns over the effect of the mast upon the character and appearance of the area which provided reasons to discount them.

*Several of the alternative sites were located in the 'most' and 'more' sensitive locations as per the Guide. **While the site is in a 'more sensitive location', the proposed equipment is required to be sited within the search area and the principal of such equipment is not in dispute.** Taking into consideration the significant constraints identified for the alternative sites; existing buildings, masts, and other structures have been explored and reasonably discounted. Furthermore, comprehensive, and reliable evidence has been given for discounting other possible ground-based mast sites.*

*I conclude that the siting and appearance of the proposed installation **would cause harm to the character and appearance of the area.** However, based on the evidence before me, it is **unlikely that there is a more suitable site within the search area that may reasonably be available.** Therefore, any identified **harm is outweighed by the need for the installation to be sited as proposed, taking into account the suitable alternatives.**”*

APP/P4605/W/24/3357531

*“As I have found that the **proposal would cause harm to the character and appearance of the area, the National Planning Policy Framework (the Framework) requires that evidence of alternative sites is provided to justify the proposed development.** Where this is in relation to a new mast or base station, this evidence should include that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.*

*I have no reason to doubt that the cell **search area is extremely contained.** On the basis of the evidence before me, I am **satisfied that the appellant has demonstrated that there is an identified need for the proposal to be located somewhere in the search area.***

*The Council suggests that there are more suitable locations nearby. However, **the appellant has provided details of a number of alternative sites which were considered and discounted as part of the site selection process,** including detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken. These sites were discounted for a number of reasons including proximity to residential properties and other buildings, impact on visibility splays and proximity to underground services. **I am satisfied that there are no realistic opportunities to erect antennas on existing buildings, masts or other structures.** I consider that **the site selection process was robust and potential alternatives discounted on reasonable grounds and that the appellant has demonstrated that there are no clear alternatives which would be preferable. This carries significant weight in favour of the proposal.***

*The **proposal would support high-quality infrastructure, an approach which is supported by Chapter 10 of the Framework.** When **balancing this benefit against the harm identified in relation to the first main issue, I consider that the benefits of the proposal would outweigh the identified harm** to the character and appearance of the area.”*

As noted throughout, this proposal is indirectly advised by direction in previous appeals in this area which specifically advocated siting within nearby car parks within the commercial area – exactly as is the case with the proposal. This also weighs heavily in favour of the proposal.

It is clear that this proposal complies with...

- Kirklees Council, West Yorkshire Combined Authority and the Leeds City Region Enterprise Partnership digital and economic aspirations (as referenced above with various documents appended to this application)

- National Planning Policy (NPPF)
- National Planning Guidance (Code of Practice for Wireless Network Development)
- Wider national economic and digital aspirations and strategies
- Meets appropriate procedural and balance tests applied in appeal decisions

Planning Assessment

In accordance with Part 16 of the Town and Country Planning (General Permitted Development) (England) Order, this development is to be assessed primarily in terms of its siting and appearance.

While the provisions of the local development plan are not determinative, they remain material considerations where relevant to matters of design and visual impact. The key issues arising from this prior approval application are whether the proposed structure would appear visually intrusive or out of keeping with the character of the area, and whether any such impact would be outweighed by the substantial social and economic benefits associated with the deployment of 5G and the enhancement of next-generation digital infrastructure in the context of the technical constraints and lack of less impactful siting options.

Siting

As previously detailed, there is an urgent requirement to replace and enhance mobile network coverage for VMO2 in this local area from both a coverage and capacity perspective since the loss of a previous site due to Notice to Quit due to a redevelopment.

The siting of the installation has been carefully selected within a defined search area, ensuring the structure delivers the necessary coverage and capacity.

It is important to acknowledge that it is rarely possible to introduce new telecommunications infrastructure into an area without some degree of visual impact. However, through sensitive siting and design, that impact has been minimised as far as practicable in this case.

The proposed location, opposite light industrial landuse, not directly overlooked by any residential property and utilising a bank of tall, dense, mature trees it is set against for screening/backdrop to mitigate visual impact, will comfortably accommodate the proposal within this context would not create any unacceptable harm.

Due to the careful siting, adjacent landuse, the proposal does not result in any unacceptable visual dominance or overlooking of sensitive receptors. Where visible it will create minimal material harm.

An extensive sequential site search was carried out and it has been robustly demonstrated that this is the only viable location in the search that will cause no significant impact to streetscene, residential amenity, visual amenity or heritage assets. There are other technically viable

locations, however, they would be significantly more impactful on the local area than the proposal.

Siting in alternative locations (namely on lower ground to the south) would necessitate the need for multiple sites given the impacts of topography on radio propagation.

Visual appearance & Design

The height of the tower is the minimum height required to provide high-quality 4G and 5G coverage to the intended target area while addressing the technical constraints alluded, including clearance of adjacent trees which would obstruct signal propagation and the need for ICNIRP compliance given the larger exclusion zones associated with 5G equipment. There will be fleeting glimpses as people pass by. This minimal view, in the context of existing vertical infrastructure, tree screening and commercial landuse, ensures there is no significant harm.

The design of the pole is done to minimise impact – a slimline streetworks pole is the most suitable design for this particular area as a lattice or open headframe tower would appear incongruous.

Grey colouring has been used as it is simple and unfussy. This will assimilate with other vertical infrastructure in the locale and minimise contrast as advocated in local and national planning policy and guidance. The antennas will remain grey as they need to ‘see over’ the nearby trees so grey will ensure they do not contrast from the typically grey sky it will be viewed against.

The height is the lowest possible that will work and the cabinets will be painted fir green to blend with street level vegetation, maintaining a tidy and consolidated area. The proposal is set off the pedestrian pavement so will cause no impact on pedestrian flow.

Regarding antenna design, it is technically essential that the latest 4G and 5G antennas remain unshrouded. Higher-frequency signals required for fast data transmission are unable to effectively propagate through materials such as Glass Reinforced Plastic (GRP), which would be used in any shrouded enclosure. This limitation applies particularly to 5G but also affects advanced 4G antennas. Shrouding the antennas would compromise their performance, necessitating additional infrastructure elsewhere, again leading to a proliferation of masts. Shrouding would also act as a wind sail and add significantly greater windloading, necessitating a significantly more bulky structure than what is currently proposed. As an alternative to shrouding, banding is added between the antenna apertures to make the pole appear less cluttered and more streamlined.

In summary, the proposed design is the least visually intrusive whilst achieving the required level of continued coverage, providing brand new 5G coverage and capacity to the area (as well as improving the existing 4G coverage). As such the proposal development is sited and design to minimise the impact on the visual amenity, character and appearance of the surrounding areas. The structure makes the most of the existing setting and is the minimum possible height to be ICNIRP compliant, clear the urban clutter and for the antenna signal to reach the target coverage area.

As a result, the proposed development fully accords local and NPPF policy by striking a balance between visual and amenity concerns with the operators technical requirements.

Trees

The trees at this location are very important given the screening and backdrop they provide to minimise and mitigate visual impact.

As such, amongst other things, it is important that the proposal does not damage the health of these trees. Therefore, Jet Infrastructure commissioned an independent arboriculturist to assess the impact of the trees. This report and arbo plan is appended to the application but for ease of reference the conclusion is noted below:-

Chapter 5 Conclusions

5.01

The application site is described in detail in the design and access statement.

5.02

The impacts to the tree, through the location of the development, is considered to be low. Proposals are appropriately sited and utilise building methods, to help protect and effectively integrate existing trees into a scheme; retaining existing canopy coverage and the associated landscape character of the site. The interference accounts for 2% of the total RPA. The tree genus involved is capable of tolerating such root loss. In accordance with BS 5837 – 2012, there are opportunities for mitigation measures to improve the soil environment that is used by the tree for growth. There is ground contiguous to the RPA for compensatory rooting.

Residential Amenity

There are residential properties in the wider surrounds, however, no property is directly overlooked the proposal and so views are either at oblique angles, distant or through intervening development or vegetation - as such residential amenity is protected.

Given the extent of residential property in the main target service area, servicing these properties through siting at this discrete location certainly minimises impact on residential amenity given the points alluded to the fact that siting here negates the need to place a base station directly within

a residential street or cul-de-sac that would be more incongruous and significantly more visible in a more residential context.

The development will not result in any loss of privacy, nor will it emit any noise, odour, artificial light, or vibration that could impact residents. The cooling fans within the equipment cabinets only operate under high temperatures and are not audible beyond a few metres. Site visits for maintenance are minimal and infrequent, generally once or twice per year with handheld tools only.

Given these considerations, the proposed installation would have minimal impact on residential amenity, with no material harm to outlook, privacy, or noise conditions. The proposal therefore complies with both national and local planning objectives for protecting amenity.

Sequential Test and Lack of Alternative Options

This is a very defined and constrained search area. This is due to the limitations of 5G discussed throughout this document, the challenging topography of the area and the fact that the new site must be directly where the demand for service is and replace coverage lost by the NTQ site, fitting within an established cell network.

Simply put, the higher frequency cannot travel far or through material as well and so sites must be directly where the demand is and where the previous site was servicing.

Great effort was made to identify a location that could still deliver the necessary service while minimising impact on sensitive receivers and taking account of the direction from previous appeal decisions in the area.

There were 13 alternative options discounted in this very small and defined search area. These were discounted due to impacts on visual/residential amenity, heritage, streetscene impacts and technical constraints.

The proposal is the least impactful, technically viable, location in the area – it is sited in a relatively discrete setting within built agricultural landuse with significant existing vertical infrastructure in the wider landscape to ensure the proposal is not incongruous.

The robust sequential test with numerous discounts, the previous positive planning history of the cell area and proposal location, and through design consideration, confirm proposal is certainly the least impactful, viable, siting and design capable to delivering the necessary service uplift. With that in mind it the proposal meets the NPPF policy test related to ‘minimising harm (while taking account of the technical considerations)’. This principle also aligns with the procedural principles within the appeal decisions referenced above.

The proposal is permitted development (albeit ‘with prior approval’) so the principle of the development is established in law via Part 16 of the GPDO. This is an important distinction as under permitted development a solution must be found as consideration cannot be given to the principle, only that the proposal is acceptable or the most suitable option in terms of siting and appearance.

This is significant in an area as constrained as this, especially when such careful consideration has been given to siting and design to minimise impact while remaining functional and addressing the technical constraints.

Given the robust sequential test applied, and the relevant principles, this proposal is acceptable in planning terms.

Conclusion and Planning Balance

To conclude, there is a well-documented gap in mobile phone coverage and capacity for VMO2 in this local area. The proposed development addresses this critical gap by delivering replacement and improved 4G coverage and brand-new 5G capability to the area.

The selected site opposite light-industrial landuse adjacent to a bank of tall mature trees for screening/backdrop is significantly less impactful than any other location in the search area.

A comprehensive site search and assessment of discounted alternatives and planning history has demonstrated that this is the most suitable and sustainable location available within the defined search area.

The design is the lowest height it can be to attach the antennas at the necessary height to meet technical requirements of 5G. It is the most slimline it can be while being structurally capable to host antennas at height and in the context of windloading. It uses suitable colouring to minimise harm. All of these technical constraints align with principles noted and established in the UK Govt Planning Guidance – ‘Code of Practice’.

The proposed development would not cause harm to residential amenity in terms of noise, privacy, or outlook, and accords fully with the requirements of both local and regional planning policy, regional strategic aspirations and the NPPF, particularly in relation to digital infrastructure provision and sustainable development. It meets the NPPF policy test to minimise harm (minimise, not invisibility) **while taking account of the technical constraints**, as noted in the NPPF and Code of Practice.

The robust sequential test with numerous discounts, and through design consideration, confirm proposal is certainly the least impactful, viable, siting and design capable to delivering the necessary service replacement and uplift. With that in mind it wholly meets the necessary tests for an application for ‘prior approval’, where the principle of development is established in law via Part 16 of the GPDO.

In terms of Planning balance - any visual impact is considered minimal and very localised. When that minimal and localised harm is weighed against the technical constraints, lack of favorable alternatives and public benefits of improved 4G and new 5G mobile connectivity, it would not significantly or demonstrably outweigh the scheme’s material socio-economic benefits and contribution to national, regional and local digital and economic objectives, as set out in the NPPF and other documents, which add evidential weight in favor of the proposals compliance with

policy, referenced. This ensures this is a wholly acceptable proposal on balance in Planning terms.

For these reasons, the proposed telecommunications installation is considered wholly appropriate in planning terms and is respectfully submitted for the local planning authority's approval under the prior approval process.

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