

Planning Application DET/2022/0021

In putting forward this objection to the above mast, I acknowledge that current ill-conceived planning act makes it difficult to take into consideration any reasons for opposing such applications other than those of siting and visual amenity. However, while this objection will start by focusing on these issues, it will additionally provide some indication of why this limited set of valid objections is problematic. It will show not only that health effects of microwave radiation can be severe but also that there are primary Laws and legal ways to successfully challenge the (National Planning Policy Framework (NPPF) limitations that we intend to draw upon to seek remedy for all those that have suffered a material loss and harm, should the mast be approved. Moreover, while accepting that 'Local planning authorities must determine applications on planning grounds only' (NPPF) 2019 Para 116) it should be remembered that this framework is advisory, not Legislation or Law. It is the case that the Council DO have authority under NPPF Article 4 (Para 38) to bar the progression of an ill-conceived and incomplete proposal if it is deemed not to be in the interests of environmental or public health:

'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (NPPF 2019, Article 2, para 7). [Meeting the] social objective [requires] support[ing] strong, vibrant and healthy communities, by ... fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being' (NPPF 2019: 8b).

*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should ... work proactively with applicants to secure developments that will improve **the economic, social and environmental conditions of the area**. Decision-makers at every level should seek to approve applications for sustainable development where possible.... (NPPF 2019: para 38).*

This demonstrates that it is possible for planning officers to reject a proposal if it is not sustainable on environmental and public health and well-being grounds. Polluting technologies cannot be sustainable as demanded by NPPF objectives and policies. Restricting planning objections to the appearance and siting of RFR emitting masts, is thus not legitimate. A development that poses nuisance to the public is unsustainable.

I therefore ask the council to give full consideration as they are obliged by Law to review the scientific literature given below as a tiny sample of the hundreds of papers that have shown harmful effects of radio-frequency radiation (RFR) on humans, animals, insects, birds and plants, as this full information is needed when weighing up the benefits and harms of this mast to the local residents and the wider environment.

1 SITING AND VISUAL AMENITY

The proposed mast site is on a wider part of the grass area in front of the house and trees of The Old Hall Square.

However, while this may not obstruct pedestrians passing up and down the road, the cabinets will be high and take up a considerable portion of the conservation grass area.

The pole will be visible from some distance thus disturbing the sightline and will look quite out of place. A 15 metre high mast will clearly not be possible to camouflage, as it will tower over all nearby buildings and be far from a sympathetic visual amenity in this residential area (NPPF 2019: para 113 'equipment should be sympathetically designed and camouflaged where appropriate.')

The pole is far too near the residences at and around Old Hall Square and Chapel Street. We have no information as to the area of the exclusion zone within which residences and other inhabited buildings are not permitted. However, it appears that this mast is to be situated only a few metres from houses, some inhabited by frail elderly persons and others by young children. In the near vicinity of the proposed mast there is the Nursery the Primary School?

Moreover, the placement of the proposed 5G telecommunications tower near houses, a nursery and schools will effectively debar all those with electrical sensitivity from working, living and walking in the vicinity, including on the nearby paths. “Wellbeing for all sections of the community” will, therefore, clearly be contravened (NPPF 2019 Section 8, para 92).

Finally, experience elsewhere shows that property prices are likely to fall by some 20% in the vicinity of the mast, thus seriously disadvantaging those living near it.

2. Requirement that the applicant provide appropriate information

Crucial areas of concern relate specifically to the lack of information provided by the applicant **Tumelo Makhoabenyane on behalf of CK Hutchinsons Networks LTD.**

2.1 With reference to the Planning Application Form:

However, no comments from any consultees have been placed on the planning portal and the community was only informed about the planning application by myself doing a Freedom of information request at the end of December 2022.

In particular no comments from nearby schools have been provided, and there is no evidence that Hadfield St Andrews C of E Primary School and Hadfield Infant School and Hadfield Nursery which is situated around the corner to the proposed mast site has been consulted.

Evidence under General Permitted Development Order Development (NPPF 2019 para 115): 3 ‘Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development Evidence should include (Para 115a): ‘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 nursery.’ **In this case no such information has been provided.**

The Council can therefore demand to see the outcome of consultations that (Telecom) CK Hutchinsons Network LTD have had with interested parties. This relates to local residences, care homes and schools/nurseries in the area.

2.2 With reference to the ICNIRP ‘certificate’

This ‘certificate’ is not intended as any guarantee that the mast in question meets any particular standards of emissions – and is somewhat of a deceptive instrument, as ICNIRP does not certify or set any legal standards, and does not comply with the Law 1815 2016 EC document. ICNIRP is only advisory for the emissions of radiation RFR exposure from the transmitters for no longer than six or thirty minutes, and not for any longer time period. The certificate is simply a deceptive document to pretend that certain safety-related information must be provided and self-certified correct for the mast in question, by a signature from a person in authority in the telecoms applicant corporation CK Hutchinsons Network LTD concerned.

This information includes:

- Risk assessments concerning health and safety, and environmental safety for less than Thirty Minutes.
- the frequencies to be emitted by the mast along with maximum and minimum power levels (ERP) of pulse-modulated electromagnetic radiation produced by the 4G and 5G equipment either for immediate use or for future use when it is in operational mode. These must be supplied in an accompanying technical file to the ICNIRP certificate/ Declaration of Conformity Requirements (Decision no. 768/2008/EC of the EU Parliament)

Without a signature and this technical file, the ICNIRP self certified certificate is invalid.

2.3 ISO compliance

The Applicant/Agent has not declared compliance with ISO Standards: ISO 9001 (Quality) or the equivalent TL 9000, ISO 14001 (Environment) and ISO 18001(Health and Safety). This is needed for all equipment to be used on this monopole, specified now and for the future, both for the erecting of the infrastructure and the operational use of the antenna during the terms of the contract length.

2.4 Exclusion Zone

No details have been provided defining the radiation exclusion zone.

No details have been provided regarding the distances this mast can fire its laser like collimated microwave radiation signals.

PHE states: *‘With some of the larger base stations there can be regions around the antenna within which the emissions exceed the ICNIRP guidelines’. With the proximity of schools and houses this is crucial information, yet it is lacking in this application.*

It is impossible properly to evaluate the safety of the proposed mast without the required technical information, missing from the ICNIRP certificate.

4 3.0 Environmental Risk Assessment

The projected position of the mast as drawn on the grass suggests that the trees immediately around this will be damaged by the erection of the mast. It is likely to be damaged further by the emissions as well. Peer-reviewed science shows harm to trees from pulsed modulated electromagnetic radiation (Waldmann-Selsam et al 2016). This needs to be included in the Environmental Risk Assessment which should further detail the effects of the pulsed, data-modulated, radiofrequency, electromagnetic microwave radiation (RF-EMR) on ecology, flora and fauna (especially pollinating insects which are particularly vulnerable to this kind of radiation) in local gardens and the nearby Greenway. **No mention is made in the application of any environmental risk or risk assessment, making it incomplete.**

3.1 Evidence of environmental harm

Waldmann-Selsam , de la Puente, Balmori (2016) ‘Radiofrequency radiation injures trees around mobile phone base stations’, *Sci Total Environ*, 1;572:554-569.

<https://www.ncbi.nlm.nih.gov/pubmed/27552133>

Thielens, Arno, Duncan Bell, David B. Mortimore, Mark K. Greco, Luc Martens & Wout Joseph (2018) Exposure of Insects to Radio-Frequency Electromagnetic Fields from 2 to 120 GHz, *Scientific Reports* volume 8, Article number: 3924.

<https://www.nature.com/articles/s41598-018-22271-3>

Cucurachi et al states ‘In about two-thirds of the reviewed studies ecological effects of RF-EMF was reported at high, as well as at low dosages. The very low dosages are compatible with real field situations and could be found under environmental conditions.’. (Cucurachi et al (2013) ‘A review of the ecological effects of radio-frequency electromagnetic fields (RF-EMF)’, *Environ Int* 51:116-40).

<https://www.sciencedirect.com/science/article/pii/S0160412012002334>

Research from Sharma and Kumar (2010) found “A significant ($p < 0.05$) decline in bee colony strength and in the egg-laying rate of the queen. There was neither honey nor pollen in the colony at the end of the experiment (Sharma and Kumar (2010) ‘Changes in honey bee behaviour and biology under the influence of cell phone radiations’, *Current Science* 98(10):1376-1378.

https://www.stralingsarmvlaanderen.org/resources/Reports/Ved-Parkash-Sharma_a49823b5aa.pdf

Furthermore, neither the ICNIRP 1998 nor the ICNIRP 2020 guidelines consider the health impact of wireless communication systems on wildlife whose physiology clearly varies considerably from that of humans (See ICNIRP 2020 GUIDELINES FOR LIMITING EXPOSURE TO ELECTROMAGNETIC FIELDS (100 kHz to 300 GHz), where the abstract limits the applicability of the guidelines to human beings.

<https://www.icnirp.org/en/activities/news/news-article/rf-guidelines-2020-published.html>

4.0 Radio-frequency radiation can be defined in law as producing pollution or waste that negatively affects human health

According to the definitions from the Environmental Protection Act 1990 (EPA 1990), the Pollution Prevention and Control Act 1999 (PPCA 1999), and the EU Directive on Industrial Emissions 5 (2010/75/EU), radio-frequency radiation (RFR) emitted from masts and antennae can be shown to produce pollution or waste of a kind directly dangerous to human health. The laws specifically reference ‘organ toxicity’, listing as examples of **this cell mutagenicity, carcinogenicity, and reproductive toxicity**.

A document produced by an EU entity (EUROPAEM 2016), has provided evidence that these are all (nonthermal) health effects of RFR. Thus, broadcast Wireless or Wi-Fi can be shown to create pollution/industrial waste, at the very least, to the standard that warrants investigation under the EPA 1990 and therefore that the erection of the proposed mast and its use are not sustainable given the nuisance control obligations that arise from the aforementioned legislation.

The above shows that the emissions from this mast will constitute **a statutory nuisance** emanating from a pollutant producing waste harmful to human health. Therefore, should the current planning application be approved, we intend to submit a formal statutory nuisance complaint against the mast.

EUROPAEM (2016) 'Guideline 2016 for the Prevention, Diagnosis and Treatment of EMF related health problems and illnesses' (Belyeav et. al., on behalf of the EMF Working Group, published in 'Reviews on Environmental Health, July 2016).

Pittsfield, MA Board of Health Unanimously Votes To Issue Cease and Desist For Verizon Cell Tower - Environmental Health Trust (ehtrust.org)

5.0 Public Health and Safety

The proposal is not sustainable in relation to the objective pursued through NPPF 2019, Section 8, paragraph 91, which states: .

‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well- being needs – for example through the provision of safe and accessible green infrastructure, sports

facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'

Neither ICNIRP nor any other official body has provided peer-reviewed evidence as to the cumulative effects of long-term exposure to radio-frequency radiation. Therefore, it is impossible to state at this time that any such mast as the one proposed can be deemed sustainable in respect of this NPPF objective.

At odds with the government's directive to councils is the fact that, on ICNIRP's website, ICNIRP itself states

'...does not guarantee the correctness, reliability, or completeness of the information and views published. The content of our website is provided to you for information only. We do not assume any responsibility for any damage, including direct or indirect loss suffered by users or third parties in connection with the use of our website and/or the information it contains, including for the use or the interpretation of any technical data, recommendations, or specifications available on our website...'

(<https://www.icnirp.org/en/legal-notice.html>).

Similarly, Public Health England, to which the government has been referring for all advice regarding the health impacts of radio-frequency emissions, disclaimed responsibility for its own advice as follows in a letter from its solicitors to Leigh Day solicitors, on 8 August 2019:

6.0 Precautionary Principle

A public body must determine how much weight to put on the PHE guidance.

Equally that body must determine what other evidence from your client or other members of the public or interested parties to consider in making any decision. If it be alleged that a public body now or in the future acted unlawfully in placing reliance on the guidance, that cannot retrospectively taint the guidance with illegality.

This suggests that despite the UK government's guidelines to councils that they should accept the ICNIRP guidelines as guaranteeing the lack of negative health effects of radiofrequency radiation, the opposite is likely to be the case. ICNIRP limit themselves to thermal effects while there are hundreds if not thousands of scientific studies detailing the cumulative non-thermal effects of even small doses of radiation typical of the levels of the proposed mast: A tiny number of these is listed below:

0.5 to 1.0 mW/m² – Headaches, concentration difficulties, restlessness, tremor, and sleep disruption associated with chronic exposure to mobile phone base stations. Mobile Phone Base Stations – Effects on Wellbeing and Health, Kundi M and Hutter HP, Pathophysiology, August 2009, 16 (2-3), pp 123-35

5 to 10 mW/m² – At this level it decreases human sperm motility, increases sperm DNA fragmentation, and affects brain activity and cognitive functions. Conrado Avendaño, et.al., American Society for Reproductive Medicine, Fertility and Sterility, Vol. 97, No. 1, January 2012, pp 39-45

Approaching 30 mW/m² of RF changes in cardiac function, including altered heart rate, arrhythmia, and/or tachycardia were observed. Magda Havas, Reviews on Environmental Health, Vol. 28, 2-3, November 2013, pp 75–84

In 2011 the International Agency for Research on Cancer (IARC)/ **World Health Organisation**, classified RF radiation as a **Group 2B carcinogen**. Studies found a correlation between RF radiation from mobile phones and two kinds of **brain tumour: glioma (a cancer) and acoustic neuroma**.

A summary of the IARC's conclusions was published in Lancet Oncology, 2011, 12, pp 624–26

However, Morgan LL et al. (2015) suggests this to be over cautious, going further to propose a change of classification from 2B possible carcinogen to 2A probable carcinogen: Morgan LL et al. (2015) 'Mobile phone radiation causes brain tumors and should be classified as a probable human carcinogen (2A) (Review)' Int J Oncol. PMID: 25738972.

Moreover, a study on the website of the US National Institutes of Health also insists that IARC revise its stance on health issues. This study shows major damage in terms of cancer, significantly reduced sperm counts, and serious harm to children's brains, stating that developing brains absorb 10 times more radiation than adult brains. The abstract ends: 'current knowledge provides justification for governments, public health authorities, and physicians/allied health professionals to warn the population that having a cell phone next to the body is harmful, and to support measures to reduce all exposures to RFR'.

[Emphasis added] (Miller, Anthony B., Margaret E. Sears, L. Lloyd Morgan, Devra L. Davis, Lennart Hardell, Mark Oremus, and Colin L. Soskolne (2019) 'Risks to Health and Well-Being From Radio-Frequency Radiation Emitted by Cell Phones and Other Wireless Devices,' Frontiers in Public Health 7.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6701402/>

In the Spanish village of Benajárate more than 30 people died, with 50 out of 400 developing cancer and many others further health issues shortly after the erection of a Vodafone mast. The following report describes an order to remove the mast and provides extensive epidemiological research showing biological harm near masts and other infrastructure: 7

[4.0 d RECENT EPIDEMIOLOGIC NEURO STUDIES – INFRASTRUCTURAL RADIATION - RFInfo](#)

The above literature shows that adding 3G 4G and 5G antennae is neither ‘enabling healthy lifestyles’ nor providing ‘safe spaces’. For nearby schools and houses and walkers the knowledge that they are within close proximity of a mast with 5G emissions not tested for safety can be anxiety-inducing. With peer-reviewed research on pulsed-modulated electromagnetic radiation showing harmful biological effects, the remit of ‘safe space’ is certainly not achieved.

6.0 Precautionary Principle

My understanding of this matter is that it is mandatory that the Council and the applicant consider the possible impact of mobile phone masts, most especially 5G, on schools in the area and their pupils. It is within your own powers as a council to make sure our children are safe. Sustainability demands that precaution.

The Precautionary Principle should therefore apply. For instance, we know the roads are dangerous and the Council have put up adequate crossing places for children and pedestrians. Traffic presents visible harm but 5G monopoles and masts are potential invisible harm – anyone spending a long period of time in the vicinity of a mast that emits radiation all day and night in a dome effect, no matter what the level, is simply not proven to be safe; it is not a natural environment for humans, especially for children and young people. .

In respect of the current planning application it should be noted that besides the school so near the site, the houses directly behind this site are inhabited by the elderly and by young children. This means they will be constantly exposed to the highest level of radiation from the mast as they are so near it, and especially at night, the time when the human body is regenerating and thus most needs protection from such effects. ICNIRP standards discuss short-term exposure to radiation. They make no mention of the effects of exposure 24/7 for long periods of time such as those living in close proximity to masts are forced to endure.

The Precautionary Principle is defined as follows:

“When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm.”

Many councils and governments are already demanding Precaution and truly protective measures:

<https://rfinfo.co.uk/index.php/legal-actions/>

Closing statement

Because of the risks posed by this type of microwave radiation, many communities are taking action throughout the country and several Councils have felt it prudent formally to affirm their compliance with the ***Precautionary Principle*** when facing choices and decisions on any intensification or 'densification' of public or environmental exposure to RFR. This puts matters on hold for up to two years so that more research can be carried out towards making a proper informed decision. As there are currently no studies to provide evidence that there are no detrimental effects on the environment and public health, I would strongly recommend the Council enact the Precautionary Principle to ensure that the public health and environmental consequences of any intensification/densification of RFR are verified before approving ANY new application for telecoms installation of 5G monopoles.

Legal Actions - RFInfo

UK judicial review: <https://actionagainst5g.org>

I further urge you to read carefully the following document by Electro Sensitivity UK, which presents a case on behalf of those who are electro hypersensitive in terms of studying the NPPF and presents a strongly evidenced case for non-thermal effects of RFR on human health as well as that of plants and wildlife. ES-UK (2018) Adverse Health Effects of Mobile Phone Masts and Planning Policy,

[Adverse Health Effects of M.P.Masts & Planning Policy.pdf \(es-uk.info\)](#)

I would urge you to consider these points with the view to making the decision not to approve this application or, at the very least, for further information to be requested from the applicant to provide clarification in the form of the missing technical reports. So that a fair adjudication process can take place. Finally, it is beyond madness that at a time of Global warming and the councils obligation to Zero Carbon targets, that a power hungry mast with a huge carbon footprint, that uses microwave radiation that actually heats up the surrounding air is even being considered by the council for planning consent.!

Yours Faithfully

Miss Lindsey Barton

Mr Kieran Reigate