OBJECTION – AWDM/0580/23 26.05.2023

Application for Prior Approval for installation of Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Land North East Of Southern House Yeoman Road Worthing West Sussex BN13 3QN

Case Officer: [redacted]

Cc Councillors: [redacted]

Dear Mr Peck,

Under the GDPO, Prior Approval still needs assessing for new masts on reserved matters 'siting and appearance'.[1]

Siting, Appearance and Location. *Local factors:*

- This mast proposal is sited near sensitive receptors: Worthing Town Football Club - 348.40m, Northbrook Recreation Ground - 442.19m, Northbrook College - 481.74m, Worthing Ambulance Station - 61.20m, Guildcare Haviland House Nursing Home - 247.79m and residences.

- The new antennas will be incongruous, obtrusive and unsightly and could cause anxiety and harm to the amenity of the area. 5G apparatus can be an industrialising feature incongruous in residential neighbourhoods.

- There are NO safety studies on the cumulative effects on health from exposure to these radiation emissions 24/7 over a lifetime, while over 2,000 studies show harms and risks to human health, wildlife, and the environment. (see last page for modern evidence)

- NPPF 115: Cell need and sharing. Applicant must demonstrate that 3-4G **do NOT give** adequate coverage – inability to phone a landline from the site – in order to prove need for further masts.

- NPPF 117b: **Please ask the applicant** to provide further information to clarify the technical proposal and substantiate the ICNIRP certificate: *calculations showing cumulative effects (taking into account other local sources, analysis of hotspots). Evidence of how vulnerable groups are screened and protected.*

  No Exclusion zones are defined, **please supply.**

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[1] **New ground-based masts**
GPDO: "The Council should be aware of their legal obligations that Prior Approval is definitely required as confirmed by the ministerial statement issued 7 March 2022 by Julia Lopez MP, Minister of State for Media, Data, and Digital Infrastructure and the Rt Hon Stuart Andrew MP, Minister for State for Housing. They stated that all new ground-based masts will still require the prior approval of the local planning authority. Prior approval requires full public consultation

The requirement for Prior Approval is further confirmed as a legal requirement of the statutory General Permitted Development Order. The Explanatory Memorandum to the GPDO states:

New ground-based masts
7.16 Article 3(2)(a) of this Order alters the height limits for the deployment of new ground based masts through permitted development rights. These changes permit the installation of new ground-based masts of up to 30 metres in height on unprotected land, and up to 25 metres on Article 2(3) land. In both cases Code Operators would need prior approval from the local planning authority."

- NPPF 117a: little evidence of adequate consultation with nearby schools and residents. Schools are consulted during the planning application process, but children are equally vulnerable in their homes, as are pregnant women and pre-school children. It is important to respect the 500m setback distance to protect pregnant women and pre-school children.

- NPPF policy 117b, **EMF Cumulative levels**. How did the applicant work these out? Will the Council check after installation and full switch-on that the ICNIRP standard emissions are within the limit? How will you test for cumulative levels in this location, the cumulative exposure from multiple masts is something that the NPPF refers to. Please provide a Risk Assessment from the council or the provider that assesses the cumulative exposure with regard to thermal and **non-thermal** effects.

- NPPF 118: Planning grounds must be supported by the LPA. Despite NPPF 118 being specifically worded, no single policy can be treated as statute (Wright[1]). Recent evidence supports these cases as exceptional and merit lawful considerations above policy.

  The evidence for harm to health and the environment from next generation 5G Telco masts represents an incompatible & unacceptable use of land, as per the Town & Country Planning Act 1990. As such the evidence must be evaluated, under both Prior Approval and Full Planning, as a material planning consideration when assessing the siting of the mast.

  To be 'material', considerations have to be applicable 'in situ' and evidenced as such. Elements of the NPPF may be 'material', subject to an 'in situ' evaluation of their actual relevance.[2]

- NPPF 179 and 180 "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons …"

- NPPF 92 and 185 can be given significant weight. The immediate and long term polluting effects to humans and the environment are extensive, so the negative impacts clearly outweigh any benefits, especially when increased connectivity can be achieved by fibre which is a safe alternative.

- NPPF 185 also requires consideration of 'cumulative' effects. This must necessarily include other sources of background radiation. Any application that cannot adequately demonstrate this full consideration of 'in-combination' effects may be subject to a legal challenge (See case law: Wealden DC v. Secretary of State for CLG, Lewes DC and SDNPA)

Under ***1999/519/EC:*** *Council Recommendation (19)* **recent science needs to be accounted for and precaution applied.** [3]

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[2] The Supreme Court ruling in R (Wright) v Resilient Energy Severndale Ltd. and Forest of Dean Council [2019] UKSC 53 establishes that Government policy statements cannot 'undermine' what the settled case law has determined the term 'material consideration' means in the planning statutes (paragraph 45). Lord Gill states in paragraphs 74 and 75, "The guidance given by the Framework (NPPF) is not to be interpreted as if it were a statute. A policy statement cannot redefine the concept of a 'material consideration', which is a legal question that has an answer 'consistent over time'.

Account can be taken of all other relevant matters, usually referred to as the 'material considerations'. There are many such matters, including: national policy as set out in the National Planning Policy Framework (NPPF), other LPA strategies, the context and merits of the particular application, technical considerations and the views of those that have been consulted. LPAs will need to balance the merits of all these issues and come to a view as to whether it should grant or refuse permission.

[3] ***1999/519/EC:*** *Council Recommendation "(19) The Member States should take note of progress made in scientific knowledge and technology with respect to non-ionising radiation protection, taking into account the aspect of precaution, and should provide for regular scrutiny and review with an assessment being made at regular intervals in the light of guidance issued by competent international organisations,* ***such as*** *the International Commission on Non-Ionising Radiation Protection,"*

Confirmation that Local Planning Authorities are required to decide what weight to put on the ICNIRP guidelines and what weight to put on evidence submitted with objections was confirmed by Public Health England solicitors DLA Piper in August 2019.[4]

The submitted PDFs about '5G and health' refers solely to thermal effects and make many erroneous and misleading claims. Councils have a duty of care that reaches beyond industry influence and partial government statements.

Please also consider the following in your determination:

- Those with pacemakers, metal shunts, children with dental braces etc are not protected by the ICNIRP guidelines. ICNIRP admit that the action of RFR inside the body is unpredictable when metal implants are present. **How are you screening for this ?**

- Nerve stimulation by the low frequency wave component of 5G has not been accounted for in the ICNIRP guidelines. There is an established mechanism of harm from wireless radiation, namely oxidative stress. *https://pubmed.ncbi.nlm.nih.gov/35751553/*

- ICNIRP itself does not guarantee the self-certified certificates.[5] **The certificate should include:**

  1. Zones of exclusion. These are areas around the mast which they define as danger zones for RFR. The area where the RF field values radiating from the antennae exceed the ICNIRP Public reference levels is referred to as the Public exclusion zone, and where it exceeds the ICNIRP Occupational reference levels it is known as the Occupational exclusion zone.

  2. Proximity of vulnerable adults, children, people with fibrillators and implants.

  3. Year of guidelines that the Certificate is adhering to, and the fact that they are not guaranteed by any scientific or health agency.

Issues of general concern:

ENVIRONMENT: There is substantial direct evidence of population-wide insect decline related to the installation of 4G and 5G infrastructure, and 72/83 lab studies show adverse effects of RFR on insects.

There are no environmental protections set by ICNIRP, whose guidance is designed for human

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The UK Government, Ofcom and LPAs are jointly responsible for making public health imperative under EECC Recital 110 and EECC Article 45. And, clause 45.2(h) cannot be severed from LPA related EECC Recitals that also trigger Recommendation 1999/519/EC.

[4] **DLA PIPER – PHE solicitors letter, August 2019** "Guidance is not maintained and revised by PHE for the explicit purpose of any body undertaking any other statutory function. If in any other context regard is had to the Guidance that is entirely a matter for the discretion of **the relevant body and it must determine what weight to place on the Guidance** given the clear indication as to the sources from which the advice and recommendations in the Guidance are derived. Equally, that body must determine what other evidence from ... members of the public or interested parties to consider in making any decision". Full letter available on request.

[5] "We wish to clarify that **ICNIRP does not issue certificates to verify the safety of any device or installation.** Any such certificates and declarations are issued **independently of ICNIRP**, and ICNIRP does not evaluate their accuracy. ICNIRP's mission is to provide guidance on non-ionizing radiation protection. Its advice is published in the form of ICNIRP guidelines to limit exposure to non-ionizing radiation; in statements, reviews and notes; and through information published on the *ICNIRP website*.'

health, not wildlife.

Many urban species (incl House Sparrow and Starling) are protected by **The Natural Environment and Rural Communities Act 2006 (NERC Act)** Your statutory duty set out in Section 40 of the NERC Act states that *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*

Section 41 of the Act refers to a published list of habitats and species which are of principal importance for the conservation of biodiversity in England. The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies.

If ICNIRP certs are not considering the harm to biodiversity, but local authorities are accepting them, then you, as an LPA, are breaching your statutory duties.

POWER USE : a 5G mast consumes 3-4 times the energy of a 4G mast, and higher spectrum needs many more masts. This proposal is inconsistent with the Council's commitment to climate change, and Local Plan policies. Please consider the whole lifecycle of manufacture from mineral extraction to disposal, the energy required for back-haul and the exponential increase in devices and Jevans paradox.

INCLUSION: The Electro hyper-sensitive should never be exposed to wireless radiation. **Have they been consulted?** The proliferation of wireless radiation in Public Spaces does not comply with the 2010 Equalities Act, nor does it comply with UK Inclusion Policy.

INSURANCE: Insurance companies will not insure against harm caused by EMF's. yet the UKHSA make councils liable. (the risks are un-insurable). **What Insurance Policy** does the Council have in place against health and environmental harm caused by a technology for which there have been no long-term independent health or environmental impact studies? After all, this is a technology which is being rolled out without due diligence.

LIABILITY: The Council could be **vulnerable to liability costs** both from future claims from residents suffering harmful effects of wireless radiation and from Judicial Review proceedings.

1. Costs of £13k were recently awarded against **Brighton and Hove City** council when they failed to address the health impacts of a proposed mast and to obtain adequate evidence of the assessment of the proximity of the mast to the school and the amended proposal. (Consent order 4/11/2021). Ref **BH2021/01639**

2. **Mendip Planning Board** rejected a 5G mast upgrade on health grounds on March 16th 2022. They concluded that the threshold of evidence was sufficient as a Material Planning Consideration to counter the ICNIRP self certified submission, and merit a precautionary refusal. Ref **2021/1951/FUL**

   https://rfinfo.co.uk/mendip-council-health-impact-based-mast-refusal/

3. Residents living in close proximity to a mast became sick soon after the switch-on of a 5G mast in **Pittsfield MA.** (https://ehtrust.org/pittsfield-ma-board-of-health-unanimously-votes-to-issue-cease-and-desist-for-verizon-cell-tower/)

   The local council has served a 'Cease and Desist' notice on the Telecoms company Verizon, *"So on some level for me, win or lose this long battle with a company that's going to look at this on a global scale, at some point, I'm going to have to sit back 20 years later*

and say, did I do everything I could to safeguard the residents in Pittsfield when I was in that position or did I not? I guess that's the way I have to think about it."

4. ***Wireless Technology Not Adequately Assessed for Hazards to Human Health and Environment. ICBE-EMF 2022***
   https://icbe-emf.org/wp-content/uploads/2022/10/ICBE-EMF-paper-12940_2022_900_OnlinePDF_Patched-1.pdf

   Incompatible use: Scientific evidence invalidates health assumptions underlying the FCC and ICNIRP exposure limit determinations for radiofrequency radiation, this has important implications for 5G. The paper demonstrates how the U.S. Federal Communications Commission (FCC) and the International Commission on Nonionizing Radiation Protection (ICNIRP) have ignored or inappropriately dismissed hundreds of scientific studies documenting adverse health effects at exposures below the threshold dose claimed by these agencies, which was used to establish human exposure limits.

   "Many studies have demonstrated oxidative effects associated with exposure to low-intensity RFR, and significant adverse effects including cardiomyopathy, carcinogenicity, DNA damage, neurological disorders, increased permeability of the blood brain barrier and sperm damage."

SMART CONTROL: in the wrong hands the proliferation of 'smart' surveillance networks would pose a serious threat to our freedom and any democratic way of life. 5-6G networks are the backbone needed to operate such systems.

PRECAUTION: Based on the above, the **Precautionary Principle** should be applied and Electrosmog needs to be immediately reduced, not increased.

The European Parliament's **STOA Committee** has recently issued a report calling for a halt to the 5G rollout, based on sufficient evidence of the adverse health effects of RFR microwave radiation. They describe 5G as an experiment on the population and state that the official safety guidelines (as provided by ICNIRP) do not protect the population.

If there is an issue of competency for evaluating the totality of this evidence, particularly that which underpins the necessity of a 500m setback distance[1] from the mast to protect the general public, then please delay the application until relevant independent reports addressing this science are secured. (in acc. with ***1999/519/EC:*** *Council Recommendation (19) and the EECC2018)*

The reports could be requested by submitting this evidence to the applicant via an International Standards Organisation Non-Compliance Report.

Thank you for considering all the evidence in full and being mindful to refuse this application.

Yours sincerely

[redacted]

Oliver Perceval
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RELEVANT EVIDENCE HEALTH and WELLBEING

1) 500m SETBACK
The New Hampshire Commission requires wireless telecommunication antennas to be placed at least 1,640 feet (500m) from residents, parks, playgrounds, hospitals, nursing homes, day care centres and schools. The 13-strong expert commission was formed through legislation to include experts in: physics, toxicology, electro-magnetics, epidemiology, biostatistics, occupational health medicine, public health policy, business and law. This recommendation is evidence based, and such evidence is globally applicable. Transcript pertinent to the 500m setback Dr Kent Chamberlain: November 2021
https://www.youtube.com/watch?v=DWK74ie7krc

2) Lopez et al - What is the radiation prior to 5G? March 2021. A correlation study between measurements in situ and in real time and epidemiological indicators in Vallecas, Madrid. The study reports dizziness, headaches and sleep disturbances.
https://pubmed.ncbi.nlm.nih.gov/33434609/

3) Limiting liability with positioning to minimize the negative health effects of cellular phone towers
This JD PEARCE paper states "There is a large and growing body of evidence that human exposure to RFR from cellular phone base stations causes negative health effects, including both i) neuropsychiatric complaints such as headache, concentration difficulties, memory changes, dizziness, tremors, depressive symptoms, fatigue and sleep disturbance, and ii) increased incidence of cancer in those living in proximity to a cell-phone transmitter station.
https://www.researchgate.net/publication/337624982_Limiting_liability_with_positioning_to_minimize_negative_health_effects_of_cellular_phone_towers

4) Mobile phone mast health effects: J. Moskovic March 2021
https://www.saferemr.com/2015/04/cell-tower-health-effects.html

5) First Study so Far: 5G Causes the Microwave Syndrome: Lennart Hardell et al, Swedish Radiation Protection Foundation, 22 Feb. 2022 – automatic translation, as posted on 'Towards Better Health' by Meris Michaels.
https://ehtrust.org/study-5g-causes-microwave-syndrome/
https://mieuxprevenir.blogspot.com/2022/02/first-study-so-far-5g-causes-microwave.html?fbclid=IwAR2jNAFoHPsdCkACfShSDP5EBG4-eD6-QXf4gZOP08ObDLI2V308AFDsJ0s#more

6) 2020 NIR Consensus Statement: UK initiative, health effects from RFR – signed by over 3500 medical and scientific experts.
https://phiremedical.org/2020-nir-consensus-statement-read/

7) Scientific Submission evidence for UK Action Against 5G
https://actionagainst5g.org/wp-content/uploads/2020/05/Prof-Tom-Butler-Submission-on-5G.pdf

8) 10,000pp of evidence of harm entered into the public record for the EHT/CHD vs. FCC lawsuit. The FCC lost their case 2021.
https://ehtrust.org/environmental-health-trust-et-al-v-fcc-key-documents/

9) Children are more vulnerable to microwave radiation than adults, see for example, Prof Tom Butler, "On the Clear Evidence of the Risks to Children from Non-Ionizing Radio-frequency Radiation"
www.radiationresearch.org/articles/on-the-clear-evidence-of-the-risks-to-children-from-non-ionizing-radio-frequency-radiation-the-case-of-digital-technologies-in-the-home-classroom-and-society/

10) Transmitter density required for 5G means that more people will be exposed to radio frequency electromagnetic fields (RF-EMFs), and at levels that emerging evidence suggests, are potentially harmful to health, argues Professor Frank, University of Edinburgh. 5G uses a broader spectrum and higher frequency radio waves, with phased array technology and is unevaluated, in terms of safety.
www.bmj.com/company/newsroom/stop-global-roll-out-of-5g-networks-until-safety-is-confirmed-urges-expert/