

OBJECTION – PN/22/94405

19.01.2023

The installation of an 18 metre high mast, supporting 6 no. antennas with 1 no. wraparound equipment cabinet at the base, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development thereto, including the installation of a GPS module
Grass Verge to Duke Road near junction with Paxton Close, Hedge End,
Eastleigh, **Southampton** SO30 0PB

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Dear Case Officer

Prior Approval still needs assessing for new masts and siting and appearance. This mast proposal is sited in a populated area near sensitive sites such as Kings Copse Primary School, Freegrounds Infant & Junior School. There are also bats in the area.

- The new antennas will be incongruous, obtrusive and unsightly and could cause anxiety and harm to the amenity of the area.
- No Exclusion zones are defined, please supply.
- NPPF 117a: **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); power output, power use, spectrum, type of present and future antenna (omnidirectional or 5G array), exclusion zone, power intensity drop off if phased array/adaptive antennas and how this defines the exclusion zones. Evidence of how vulnerable groups are screened and protected.*

Note that most ICNIRP certificates are also invalid because they only state that the equipment "is designed to be compliant". Both in law and in common sense "designed to" is different to "**being** compliant". Please request evidence. The declaration also states that the design complies with ICNIRP guidelines, however CEMFAW/Ofcom **regulations do not** square with the same guidance. This needs regularising.

- NPPF 115: Cell need and sharing: no detail that justifies the need
- NPPF 117c: no evidence of consultation with nearby schools
- NPPF 118: Planning grounds may be supported by the LPA, taking into account NPPF para 119 and the first sentence of NPPF para 185 in respect of argument and evidence presented by the public. By doing so, the LPA would be fulfilling its statutory obligations without contravening NPPF para 118.

I am also concerned that the Council is **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**
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."

It is vital that a rational, evidence-based determination of the safety of the application is made, accompanied by a valid risk assessment that includes wildlife and non-thermal biological effects, which are not covered by the ICNIRP guidance, and which are Material Considerations as a function of Siting. The submitted 'Mobile UK/5G briefing etc' PDFs make many erroneous and misleading claims, councils have a duty of care that reaches beyond industry influence and government statements.

The totality of the evidence supplied with this objection more than reaches a threshold of evidence to reasonably conclude that this mast is too close to residents and is an **"unacceptable and incompatible"** use of the land. The immediate and long term polluting effects to humans and the environment are extensive, so NPPF paras 92 and 185 can be given significant weight. The negative impacts clearly outweigh any benefits, especially when increased connectivity can be achieved by fibre which is a safe alternative.

The obligations to **protect the public health** under the EEC European Electronics Communication Code transposed into UK Law in December 2020, and under the NHS Act 2006, and Equalities Act 2010, Human Rights Act 1988 need to be fulfilled jointly by central government and local authorities.³

Under **1999/519/EC: Council Recommendation (19)** recent science needs to be accounted for and precaution applied.⁵

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 2019.²

The council is not insured from harm arising from RFR exposure, yet the UKHSA make councils liable. (the risks are un-insurable).

Despite NPPF 118 being specifically worded, no single policy can be treated as statute (Wright¹).

The references provided reveal the peril of relying on this policy to protect the public.

Please also consider the following in your determination:

- The latest evidence fully justifies a 500m setback distance from a mast (both from epidemiological and lab studies). This 500m setback is ten times further than the estimated exclusion zone recommended by ICNIRP, the details of which have not been provided with this application. An even further setback distance is required to protect those suffering from electro-hypersensitivity (EHS).
- 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.
- 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.
- 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/>
- **NPPF policy 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 Caselaw: Wealden DC v. Secretary of State for CLG, Lewes DC and SDNPA)
- **NPPF policy 117, 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 proposer that assess the cumulative exposure with regard to thermal and non-thermal effects.
- 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.
- **POWER USE**, a 5G mast consumes 3-4 times the energy of a 4G mast. This proposal is

inconsistent with the Council's commitment to climate change. See appendix.

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.

Environment: Please provide an EIA under Section 10(b) of Schedule 2 of the **Town and Country Planning (Environmental Impact Assessment) 2017 Regulations** because:

1. a radio mast is a component in a network of radio masts and other transmitters or receivers, *and*,
2. involuntary radio-frequency radio exposures and the consequent risks of harm, injury and nuisance arising from the development, are not contained within the parcel of land occupied by the radio mast physically, rather they extend across and beyond one hectare of urban space.

The urban development status of the development is consistent with **paragraph 185** of the National Planning Policy Framework which anticipates that,

'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'.

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. **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.

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 the science that underpins the necessity of a 500m setback distance from the mast to protect the general public, then please delay the application until relevant reports addressing this science are secured.

The reports could be requested from central government, and/or via 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



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RELEVANT EVIDENCE

HEALTH

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/>

ENVIRONMENT

INSECTS

1) Thill - Biological effects of electromagnetic fields on insects – March 2020

The review found that despite low levels of exposure to transmitters, harmful effects occurred after several months. Field strengths 100 times below the ICNIRP limits could already have effects. Against the background of the rapid decline of insects and the further expansion of high-frequency electromagnetic field sources, there is an urgent need for further research.

https://ehtrust.org/wp-content/uploads/Thill_Review_Insects_2020_Engl.pdf

2) Diana Kordas - 5G Cell Towers Cause Massive Insect Decline on the Greek island of Samos February 22 2022

<https://safetechinternational.org/wp-content/uploads/2022/03/5G-causes-massive-insect-declines-on-Samos.pdf>

3) Electromagnetic radiation as an emerging driver factor for the decline of insects - Balmori 2021

<https://www.sciencedirect.com/science/article/abs/pii/S0048969720384461>

The biodiversity of insects is threatened worldwide. Numerous studies have reported the serious decline in insects that has occurred in recent decades. The same is happening with the important group of pollinators, with an essential utility for pollination of crops. The extent that anthropogenic electromagnetic radiation represents a significant threat to insect pollinators is unresolved and plausible. For these reasons and taking into account the benefits they provide to nature and humankind the precautionary principle should be applied before any new deployment (such as 5G) is considered.

CARBON FOOTPRINT & ENERGY IMPACTS

1) 5G and wireless telecommunications have an extremely large carbon footprint:

internet traffic is set to triple over the next five years.

<https://www.cisco.com/c/en/us/solutions/executive-perspectives/annual-internet-report/index.html>

2) 5G base stations require three times more power than 4G base stations, equivalent to the needs of 73 typical homes. This study shows that Communications Technology (CT) electricity usage could contribute up to 23% of the globally released greenhouse gas emissions in 2030 or 51% of the world's electricity.

<https://www.gsma.com/futurenetworks/wiki/5g-era-mobile-network-cost-evolution/>

IEEE report, 2019 IEEE (2019) states 'a 5G base station is generally expected to consume roughly three times as much power as a 4G base station. And more 5G base stations are needed to cover the same area.

<https://spectrum.ieee.org/5gs-waveform-is-a-battery-vampire>

3) Combined needs of base stations, data centres and devices are predicted by Huawei analyst Dr Anders Andrae to cause the telecommunications industry to consume over 20% of the world's electricity by 2025.

https://www.researchgate.net/publication/320225452_Total_Consumer_Power_Consumption_Forecast

4) This compares with the global aviation industry which produces 2.5% of the world's greenhouse gas emissions: it is possible that 5G could create almost ten times that by 2030.

<https://ourworldindata.org/co2-emissions-from-aviation>

<https://www.mdpi.com/2078-1547/6/1/117/htm>

FOOTNOTES

1) 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'.

2) 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.

3) Mendip Planning Authority recently confirmed (Dec 2021) that:

"LPAs are not the only competent authorities affected by the EEC. The requirements of the EEC are also exercised by the national government and other bodies. Recital 21 requires a set of "harmonised set of objectives and principles to underpin their work".

"In so far as LPAs are 'competent authorities' responsible for giving effect to the EEC in the exercise of their regulatory functions in respect of town and country planning, they are required to do so."

4) New ground-based masts

- To facilitate site sharing and provide greater coverage and capacity, especially in rural areas, we will enable the deployment of taller new ground-based masts – up to 25 metres in height on Article 2(3) land or land on a highway, and up to 30 metres on unprotected land.

- All new masts will still require the prior approval of the local planning authority, which will assess the proposed siting and appearance of the mast. Masts that exceed these heights will require full planning permission. The new Code of Practice will also provide detailed guidance on how operators could engage and consult with local communities on new development proposals to ensure that their views are considered.

- The government will not be taking forward the proposal to permit the deployment of monopole masts without the requirement for prior approval on unprotected land at this time.

<https://www.gov.uk/government/consultations/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation/outcome/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-government-response-to-the-technical-consultation>

5) **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,”*

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.