

From: Planning Support
Subject: FW: HGY/2023/1711

HGY/2023/1711 Proposed 15.0m phase 8 street works monopole, 2no. equipment cabinets with associated meter cabinet, and ancillary development thereto. Shepherds Hill Garden, Shepherds Hill, Highgate, **London** N6 5RR

Since this is a new mast, please ensure it is treated as a Prior Approval application which should be fully adjudicated as any other planning application under the Town and Country Planning Act 1990. According to 'Changes to permitted development rights for electronic communications infrastructure: technical consultation' of 7 March 2022, paragraph 10, new ground based masts: All new masts still require the Prior Approval of the Local Planning Authority, and community views should be considered. <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>

As a frequent visitor to the area, I **object** to such a monstrously tall ugly monopole and its associated ground cabinets that will create visual and physical obtrusive clutter, continuous noise from the cabinets, dominate and degrade the aesthetics of the local area; The large size and utilitarian appearance of the proposed equipment would appear to be out of scale and overly prominent within its immediate setting and from some short and medium distance views.

- Site: in close proximity to residences and businesses who would be subjected to high levels of harmful radiation.

www.sciencedirect.com/science/article/abs/pii/S0013935122011781. The size and impact of this development is contrary to NPPF paras 126 & 130 which aims for well-designed, beautiful places, sympathetic to its history and character; and engagement with community representation. The mast installation may create a visual distraction and impair visibility of road users especially pedestrians, and its associated equipment cabinets would clutter and degrade the look and feel of the area. It is contrary to Code of Practice Para 22 and 28, with the siting of the proposed monopole representing a discordant, intrusive feature to the prevailing residential and open park character of the surrounding area.

- the applicants have not shown evidence of a robust search for alternative sites, or mast sharing or upgrading at an existing site. Does the Council, as the LPA, have a mast register of sites both proposed and in use? Please provide a Risk Assessment on cumulative levels of EMF radiation exposure to include all sources of background radiation and combined or overlap with other local masts and show all exclusion zones.

-is not necessary – there is already adequate connectivity; Please show any data of proof that there is poor connectivity. There is insufficient evidence provided of inadequate coverage. Has the Council undertaken any consultation re 5G, with the local community? Are there many locals who ask for this 'upgrade'?

- is likely to increase fear of harm and anxiety while the science shows the emitted radiation may harm humans and all life, and there are NO long term safety studies on cumulative effects over a life-time, from this untested, unregulated, experimental technology. This technology uses microwave radiation aka Radio Frequency Radiation / Electro-Magnetic Field (RFR/EMF).

- will harm human, insect and all life and the environment according to many scientific researchers. A priority of the Council must be its **Duty of Care** to the local populace and the environment. In other words: cause no harm, loss or injury. In 2011 RF microwave radiation was declared a Class 2B possible carcinogen by the International Agency for Research on Cancer (IARC) – many scientists are now urging that it should be upgraded to a Class 2A (probable) or Class 1 (known) carcinogen. Due to their size, children and babies will be especially vulnerable to these harms. People with metal implants (eg pacemakers, dental amalgams or prosthetics) are also more vulnerable. Does the council have any risk assessments regarding 5G? Please consider the likely increase in **Statutory Nuisance**

Complaints from the accumulations of EMF's that could present harm to human health. <https://www.sciencedirect.com/science/article/abs/pii/S0013935122011781>

-will increase airborne Radio Frequency Radiation / Electro-Magnetic Field (RFR/EMF) pollutants contrary to any '**Clean Air Initiative**';

-and such power hungry pulsed beam-forming technology is contrary to any '**Climate Change Action Plan**'. Each 5G mast requires approximately 3 times more power than a 4G mast (as much as 73 typical homes). Given the current energy reduction message for us (reduce heating, wear an extra jumper, etc), why are you considering these energy hungry monsters? **5G's Waveform Is a Battery Vampire - IEEE Spectrum** <https://www.fiercewireless.com/tech/5g-base-stations-use-a-lot-more-energy-than-4g-base-stations-says-mtn>

<https://envirotecmagazine.com/2021/11/08/how-green-is-5g/>

<https://theecologist.org/2020/apr/30/smart-techs-carbon-footprint>

Have you considered recycling plans in place for these masts at the end of their life? Both the poles, masts, satellites and interconnecting devices will require untold mining of rare earth minerals, contrary to any '**Green Initiative**' or '**Climate Crisis Action Plan**'. Please consider the implications of this infrastructure from extraction, processing, usage and disposal of the materials for masts and devices. The French Climate Council states that an extra 7 billion tonnes of carbon dioxide could be released into the atmosphere by 5G

<https://www.france24.com/en/europe/20201220-deploying-5g-will-lead-to-spike-in-co2-emissions-french-climate-council-warns>

<https://www.sussex.ac.uk/about/sustainable-university/news-and-events/news?id=57164>

Does the Council have any formal **Environmental Impact** report or assessment of 5G technology?

The British Ecological Society has identified RFR as one of the top emerging issues that could affect global biological diversity and conservation.

[https://www.cell.com/trends/ecology-evolution/fulltext/S0169-5347\(17\)30289-6](https://www.cell.com/trends/ecology-evolution/fulltext/S0169-5347(17)30289-6)

Do you have the expertise within the Council setting to argue for or against para 118 of the NPPF '*to set health safeguards different from the International Commission guidelines for public exposure*'? Without that expertise the phrase is meaningless. The polluting effects have to be investigated by competent persons. Does that competence fall under the Local Authority Council environmental health/director public health remit? I understand that the NPPF is an advisory policy, not Legislation or Law. Will the council look further than the NPPF and uphold their Duty of Care to the local community and environment by properly investigating any of the matters mentioned in this letter?

Electro-hypersensitivity is recognised by the UK courts as a disability. Local Authorities must consider this in their decision to approve masts and street-poles sitings. As areas become more saturated in radio-frequency radiation, it is likely that people's health will deteriorate, with an increasing number who cannot function normally. <https://www.localgovernmentlawyer.co.uk/education-law/394-education->

[news/51400-upper-tribunal-requires-council-to-secure-ehcp-for-student-who-is-hypersensitive-to-wi-fi-signals](https://www.brighton-hove.gov.uk/news/51400-upper-tribunal-requires-council-to-secure-ehcp-for-student-who-is-hypersensitive-to-wi-fi-signals)

You are bound by your **Public Sector Equality Duty** under **s. 149** of the **Equality Act**. Equality Impact Assessments should be undertaken before permitting the installation of infrastructure. You cannot rely solely on the ICNIRP's exposure guidelines, which are not safe for folk who are electro-hypersensitive or who have become disabled because of such radiation. ICNIRP's guidelines consider thermal effects only and do not assess non-thermal biological effects. Does the Council have any Equality Impact Assessments for 5G or EMF's?

Correct compliance with the radiation standards is essential. Do you know the details of the ICNIRP self-certificate as presented to the Council? ICNIRP does not set any legal standards; is only advisory for the emissions of radiation from radio frequency radiation for adults; does not address cumulative effects over a life-time and has no adjustment for foetuses, babies, children, those with medical or metal implants, or the electrosensitive. It is outdated; based on heating effects for 6 or 30 minutes, this mast will radiate 24/7. The certificate is not a guarantee, has a disclaimer and there is no provision for monitoring emissions. There is plenty of evidence of harm below ICNIRP safety levels (see International Commission of the Biological Effects of EMF's [icbe-emf.org] or ehtrust.org or rfinfo.co.uk).

<https://ehjournal.biomedcentral.com/articles/10.1186/s12940-022-00900-9>

At a Judicial Review challenge – Brighton & Hove City Council (BHCC) and the 'Fishersgate' mast outside a school, BHCC conceded on 3 grounds including *'the council failed to address the health impacts of this particular proposal and to obtain adequate evidence of the assessment of the proximity to the school and the amended proposal'*. This clearly shows that Local Planning Authorities need to address health impacts of 5G masts beyond blindly accepting self-certified ICNIRP certificates. The applicant for the planning application was **CK Hutchison (UK)**

Ltd

https://planningapps.brighton-hove.gov.uk/online-applications/files/D8D92504AA0903E71E51DEEC967AC6C0/pdf/BH2021_01639-OFFICER_REPORT-16499342.pdf

<https://rfinfo.co.uk/wp-content/uploads/2021/11/Consent-Order-02.11.21.pdf>

Health effects should be addressed as a planning consideration despite NPPF para 118, which is in conflict with para 174, 179, 180 & 185 which are protective of our health, living conditions and the natural environment.

5G includes directed energy in air, collimated, beam forming technology or polarised, pulsed and modulated Radio Frequency Radiation so does not obey the inverse square law of drop-off of radiation further from source, as do 2G, 3G and 4G. That means the beams of energy and their side lobes can travel miles at high intensity. To accept a self-certified ICNIRP certificate, the Council should have satisfied itself that it understands the relevant technical details in their accepting of such a certificate (as they would a building certificate for example). The Council might enquire into the power outputs of the antennae concerned and also ask the applicant to supply the power drop off over distance calculations so as to fully assess the power of the main beam and the side lobe beams against the ICNIRP guidelines exposure of 1mw/cm² for 6 or 30 minutes. Can the Council supply the relevant proof they have done this before accepting the ICNIRP certificate?

The findings of the year long New Hampshire Commission (USA) 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 applicable globally. <https://www.youtube.com/watch?v=DWK74ie7krc>

<https://rfinfo.co.uk/new-hants-commission/>

Please note that exclusion zones are much wider for 5G than 4G, as highlighted here: <https://www.fwi.co.uk/.../how-to-manage-radiation...>

Who will be monitoring and regulating the radiation emissions? How are the public to feel safe unless there is regular monitoring? Councillors, including EHOs, have had no training at all in the complexities of 5G or the wealth of research into its harms. Could this be a dereliction of duty? I am aware that LPAs have been instructed to ignore safety issues apart from ICNIRP certification, but that does not make the masts 'safe' nor does it absolve the Council of their duties as a Competent Authority under the European Electronics Communications Code: EECC Recital 106; '.. Competent authorities should seek to reconcile the environmental and public health considerations in question, taking due account of the precautionary approach set out in Council Recommendation 1999/519/EC' and EECC Recital 110: '.. the need to ensure that citizens are not exposed to electromagnetic fields at a level harmful to public health is imperative'.

Further, ICNIRP does not set safety limits for wildlife and the polluting effects of antenna emitted radiation falls within the Councils responsibility under the **Environmental Protection Act 1990** and the **Pollution Prevention and Control Act 1999**.

Have you followed due process and informed schools, residents, workers and families of children who will be inside the 500m exclusion zone? Does the council have insurance against health liabilities in place? The council should check its **liability cover** as insurance companies will not insure against harm caused by electromagnetic fields (EMFs) or radio-frequency radiation (RFR). Insurance companies compare RFR-EMF with asbestos and tobacco as an emerging risk and will not insure for health damage. The ICNIRP and UK Health Security Agency (formerly PHE) guidelines do not provide safety assurances which can be relied upon for liability purposes. See Swiss Re in their Emerging Risks Report (May 2019):

"To allow for a functional network coverage and increased capacity overall, more antennas will be needed, including acceptance of higher levels of electromagnetic radiation. In some jurisdictions, the rise of threshold values will require legal adaptation. Existing concerns regarding potential negative health effects from electromagnetic fields (EMFs) are only likely to increase. An uptick in liability claims could be a potential long-term consequence... Other concerns are focused on cyber exposures, which increase with the wider scope of 5G wireless attack surfaces. Traditionally IoT devices have poor security features. Moreover, hackers can also exploit 5G speed and volume, meaning that more data can be stolen much quicker."

<https://www.swissre.com/institute/research/sonar/sonar2019/SONAR2019-off-the-leash.html>

<https://levaudsansantennes.ch/2019/04/20/lloyds-insurers-refuse-to-cover-5g-wi-fi-illnesses/>

<https://www.jrseco.com/wp-content/uploads/Insurance-AE-CFC-Underwriting-Limited-Lloyds-Latest-Version-February-7th-2015.pdf>

Please note Wera Hobhouse MP for Bath wrote a letter dated 27 Feb 2020 to the DDCMS stating that any body relying on ICNIRP is liable not the guidance nor its issuer. Wera Hobhouse also points out that this technology is in itself not insurable. Public Health England's solicitors, DLA Piper confirmed in 2019 that a Local Authority needs to decide what weight to give to the ICNIRP guidelines and what weight to give to other evidence (see 1 below).

Since 2000, when the UK government commissioned The Stewart Report that recommended the precautionary principle be applied to radio frequency radiation, the government and local authorities have failed in their duty to protect health.

It is wholly the intention of the Planning Acts to include the above as material considerations in any planning application as there can be nothing more important than the safety of the public and the protection of the environment [legal test: *'in certain circumstances there will be some matters so obviously material to a decision on a particular project that anything short of direct consideration of them by ministers... would not be in accordance with the intention of the Act'* – Landmark Chambers In Re Findlay (1985) p 334] <https://www.landmarkchambers.co.uk/wp-content/uploads/2018/11/JN-Material-Consideration.pdf>

Is there any expertise amongst the council members on any of these matters?

Please remember our recent history: Thalidomide, tobacco, asbestos, mercury, DDT and Glyphosate were all claimed to be safe for many years, causing untold suffering. Are EMF's / RFR, especially 5G heading the same way?

Is this infrastructure for 5G/6G and beyond a democratising force for the public good or will it centralise power and profits for private interests? Please remember the Council's obligation is to your community first rather than to corporate lobbied government.

Does the Council and Planning Department consider they have all the knowledge, skill and competence to make a balanced judgement on each and every planning application for installations and upgrades of telecommunications towers, masts, and poles that emit radio-frequency radiation; taking into account 'all material considerations' as stated in many regulations for planning and for public service? These would include health, environment, sustainability, visual amenity, appropriateness of the site and location, the needs and desires of the local community, and the claimed service provision or improvement by the applicant. Please prioritise safer cabled / wired connectivity and a more sustainable less polluting technology. Please apply the precautionary principle until the above questions can be answered, and we can be certain that this increase and densification of EMF's / RFR's will not cause harm and injury to our community or environment.

kind regards,
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1.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**”