

Hamish Evans

From: [REDACTED]
Sent: 14 April 2025 14:36
To: Hamish Evans
Cc: [REDACTED]
Subject: Re: DM/25/0589

Dear Hamish,

Thank you for your earlier response addressed to [REDACTED]
If you had read my email, you would surely have noticed I signed it off as [REDACTED]

More importantly, my email referred to some of the Council's responsibilities and legal obligations relating to the Planning Application process.

I am copying in Councillors who have been contacted by residents concerned about the Planning Application, and who, as Councillors, I expect would recognise those obligations.

As Councillors have a responsibility to ensure that they are considered as part of the decision making process, and Planning Officers are responsible for advising the Council on risk assessments, my three questions still remain unanswered, and I still await your reply.

Also, as this is a speculative application, and a MNO has not yet applied to use this, how can Cellnex possibly guarantee future safety of this installation when fully operational(as it does on the ICNIRP certificate?)

Who has performed the calculations? What calculations have been done? There is zero transparency.

Moreover the declaration does not conform to what is laid out in the "Code of Practice on mobile network development in England" (published March 2022)(Annex C) nor NPPF, which states that it should be stated by the lead operator. Cellnex is NOT a lead operator.

No doubt this was also highlighted to the Councillors ?

My postal address is 14 Downscroft, Burgess Hill, RH15 0UF and kindly add my comments in these emails, as a representation letter, as you suggested.

Finally, I notice that the representation letter that has been added from WSCC today, does not relate to this application and needs replacing.

Yours etc

[REDACTED]

On Mon, Apr 14, 2025 at 9:40 AM Hamish Evans <Hamish.Evans@midsussex.gov.uk> wrote:

[REDACTED]

Thank you for the below email. I have looked through the submitted documents and I don't believe the documents you have referenced have been submitted as part of the above application. If you have not looked

at the documents that have been submitted with the application yourself I would recommend doing so and you can find them at the below link using the above application reference number.

[Simple Search](#)

If you would like your below comments to be saved as a representation letter please could you provide your postal address and I will save them to the file.

I hope the above is of use.

Thank you,

Kind regards,

Hamish Evans

Planning Officer

Direct Line: 01444 477228

hamish.evans@midsussex.gov.uk

www.midsussex.gov.uk

Working Together for a Better Mid Sussex

Sent: 14 April 2025 02:04

Subject: DM/25/0589

Dear All,

I have recently seen the communication between Councillor David Eggleton and Planning Officer Hamish Evans from 07 April 2025 14:42 and 17:01 respectively.

Councillor Eggleton says " I've also had some questions from residents concerned about impacts on internal medical devices with pacemakers being a particular concern. Have you got any documentation to re-assure these residents?"

Planning Officer Hamish Evans states that "An ICNIRP (health) compliance certificate is included with the application"

However, ICNIRP Guidelines (2020) specifically exclude those individuals with metal implants in their bodies or an active medical device.

The guidelines state that people with "implantable medical devices" and "metallic implants" in the body are "outside the scope of these guidelines"

Therefore, unless some sort of local risk assessment has been performed to demonstrate to the contrary, it is highly likely that the ICNIRP certificate does not cover a large proportion of the local residents.

Such people are particularly vulnerable and need to be afforded extra protection under the Council's obligations within the Health and Social Care Act 2012.

Section 11 of the Health and Social Care Act 2012 defines a duty to protect public health, specifically including "(3) subsection (4a) the protection of the public from ionising or non-ionising radiation."

Furthermore, each local authority must take "such steps as it considers appropriate for improving the health of the people in it's area."

Also, if there is no disability impact assessment in relation to this technology, it could be argued that provisions of the Equality Act 2010 may well have been broken.

Health is a material Planning Consideration.

NPPF Para 116 does not state that the local Council cannot take health concerns into account. It merely states that it cannot set health safeguards different from the ICNIRP.

Relying solely on this guidance, does not remove your liability or limit your wider duty of care.

So the questions that still remain to be answered by Planning Officer Hamish Evans are;

1/ Has a local risk assessment been performed?

2/Has a disability impact assessment been performed?

3/Has an Equality Impact Assessment been undertaken?

I look forward to a reply.

Yours etc



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