

38 Nightingale Lane, Burgess Hill, West Sussex RH15 9JJ

Mid Sussex District Council
Planning Services Division
Case Officer: Hamish Evans
Oaklands
Oaklands Road
Haywards Heath
RH16 1SS



6 June 2025

Dear Mr Evans

OBJECTION – Ref: DM/25/1349

The installation of a 25m high tower mounted with 9 antenna and 3 GPS nodes, 12 cabinets within a compound comprised of 2.4m high green palisade fence, 1 electrical metre cabinet and associated development thereto.

This objection references the new December 2023 NPPF (previous version July 2021 references are provided in brackets).

I object to this application for the following reasons:

LOCATION

It is located in a new residential development located in a semi-rural area within close proximity to the South Downs National Park. It is close to a large number of houses and an Area of Outstanding Natural Beauty.

APPEARANCE

The height of this 5G apparatus and “associated development” in this location is overbearing, obtrusive and unsightly and is unfitting in this residential and semi-rural location. It could cause anxiety and harm to the amenity of the area.

JUSTIFICATION

5G infill is not justified. There is adequate mobile coverage from this site. I have checked the mobile coverage maps. The applicant has not sufficiently demonstrated the need for this installation. (NPPF 119 (115)).

SITING

This mast proposal is sited within 500m of sensitive receptors such as trees, houses and open land (see Appendix A2.1, A2.2, A2.3 below)

I am advised that health and environmental impacts are a siting issue despite the commonly held position that health impacts cannot be considered beyond receiving an ICNIRP certificate. (See Appendix A1).

The in-depth analysis of the legal position on RFR regulation highlights:

LPAs *must* make an evidence-based determination of the risks to fully dispose of the material planning consideration ‘incompatible and unacceptable’ use of the land. The ICNIRP certificate as evidence of safety must be weighed against the content of this objection as evidence of ‘incompatibility’. (Appendix A1.3 EECC submission link for full argument).

LPAs *must* risk-assess in situ to fulfil directly assigned ‘competent authority’ EECC obligations. (Appendix A1.3)

LPAs *can* lawfully refuse this mast application on health grounds. Mendip Planning Board refused a 5G monopole in March 2022 on the grounds that ‘there is not enough evidence of safety to proceed’ after weighing all the information made available to them by objectors. Ref: 2021/1951/FUL

LPAs have an independent obligation to establish the extent of their jurisdiction as a competent authority under the EECC.

Despite the restrictive wording of NPPF Policy 122:

'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.' The submission discusses the implications of the Wright Case, concluding that no single policy can be considered definitive (see Appendix A1.2 EECC submission, Remedy 4 page 37) so:

PLEASE RISK-RECONCILE THE HEALTH AND ENVIRONMENTAL EFFECTS TAKING FULLY INTO ACCOUNT:

The July 2023 Luxembourg Institute of Science and Technology (LIST) paper explores the difficulty of accurately measuring 5G radiation due to its more dynamic nature as compared to 4G. The report specifically states that the Ofcom's 'Electromagnetic field measurements near mobile base stations' are 'experimental'. Please include this fact in your risk assessment and apply precaution - if a pollutant cannot be measured then logically precaution should apply. (Appendix A2.12).

Increased connectivity can be achieved by fibre which is a safe alternative.

Scientific evidence invalidates health assumptions underlying the ICNIRP exposure limit determinations for radiofrequency radiation, and there are implications for 5G. There is a sensory auditory exposure limit within ICNIRP (1998), ICNIRP 2020 statement & 1999/519/EC to protect people from microwave heating. Roughly 0.5% of the basic ICNIRP exposure limit, which must be complied with. (Appendix A2.14)

Those with pacemakers, metal shunts, children with dental braces etc are not protected by the ICNIRP guidelines. ICNIRP state that the effect of RFR inside the body is unpredictable when metal implants are present. Please screen for this group in your risk assessment.

An estimated 3-5% of the population have Electro-hypersensitivity. It is disingenuous for governmental bodies to keep claiming EHS is psychosomatic, as there are now legal precedents for the requirement of low EMF environments. Please include this group in your risk assessment. The screening for avoidable harm, injury, and nuisance needs to acknowledge and seek to accommodate the needs of people with EHS disability. Legal precedents have been set for those with EHS (See Appendix A2.13) The proliferation of wireless radiation in Public Spaces does not comply with the 2010 Equalities Act, nor does it comply with UK Inclusion Policy.

ICNIRP do not set exposure guideline limits for flora and fauna.

There is growing evidence of harmful effects to both plant and animal life that depend on Earth's magnetic field for navigation, breeding, food, migration and indeed survival. Recently reported research shows current levels of artificial radiation are already interfering with these biological processes. Please include the research from the International Commission of Biological Effects ICBE-EMF paper in your risk assessment of environmental effects and in relation to NPPF 185 (179) and 186 (180) "development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons ...". 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.

Please consider that many urban species including birds and bats 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. (Please see section F of the ICBE-EMF paper Evidence section 4.)

There are no 'in situ' studies which show 5G is safe. ICNIRP claim the research included in determining the exposure guideline is adequate for 5G, but this research does not include studies of 5G in situ. Please apply precaution according to the procedural standard within the 1999/519/EC recommendation.

The results of the first six studies of 'In Situ' 5G published in 2023 recorded severe symptoms within a few days to a few weeks to residents within 5-125m. (Please see the table in Appendix A2.5) Please give significant weight to this in relation to NPPF 96 (92) and 191 (185).

Peer-reviewed science fully justifies a 500m setback to protect harm, injury and nuisance.

You may be interested to note - costs of £13,000 were awarded against Brighton and Hove City Council in November 2021 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.

Schools are consulted during the planning application process, but children are equally vulnerable in their homes, as are pregnant women and pre-school children.

The ICNIRP guidelines are just guidelines for exposures from a single source, the guideline does not include cumulative effects from multiple sources using different frequencies 24/7 over the long term. Supporting literature provided with this application may explain that emissions from nearby masts and 24/7 emissions have been included when calculating the ICNIRP compliance exclusion zones but this does not amount to an adequate risk assessment of the cumulative effects. NPPF policy 121b (117b) NPPF 96 (92) and 191 (185).

Thousands of research papers which demonstrate harm from 3G and 4G via non-thermal effects with identified mechanisms of harm, eg: oxidative stress, are not represented in the ICNIRP guidelines. (Please see ICBE-EMF paper Appendix A2.14). 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/> 95%. The evidence in favour of compatibility provided by the ICNIRP certificate is countered by the evidence of harms occurring below the ICNIRP guideline levels in the ICBE-EMF paper. See Appendix 2)

Please consider that fibre is more efficient, a 5G mast consumes roughly 3 to 4 times the energy of a 4G mast.

PLEASE ASK THE APPLICANT TO PROVIDE:

In order to fulfil an adequate risk assessment:

- Public ICNIRP compliance (exclusion) zone diagrams
- A full dataset for the installation. See EECC submission appendix A2.6 in: <https://safetechinternational.org/wp-content/uploads/2023/09/EECCsubmission12-a-2023-info-version.pdf>
- Calculations of the auditory/sensory exposure limit with clear evidence that this installation will not breach this exposure limit. (1999/519/EC Table 1, footnote 8)
- Cumulative exposure assessments for householders with domestic wireless devices within a 100m location. An ISO standards 'non-compliance report' could be issued to the applicant with the research in the evidence section below. The applicant has obligations under their ISO standards accreditation to provide a response to such a report.

PLEASE CHECK THE COMPANY NAMES AND SIGNATURES ON THE ICNIRP CERTIFICATE:

In order to comply with NPPF 104c, please check that the company name on the ICNIRP compliance certificate is a company registered at Companies House. Many certificates have been issued in the name of non-existent companies, and signed by non-existent employees, rendering them not only as unreliable evidence, given points 1-13 above, but also coming from an unreliable source.

The Planning Inspectorate have confirmed to S.T. in an email dated 1st March 2024, 'It is the responsibility of the relevant LPAs to ensure any certificates submitted as evidence as part of the application are valid'.

PLEASE ALSO CONSIDER THIS CONTEXT:

ICNIRP itself does not guarantee the self-certified certificates. "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."

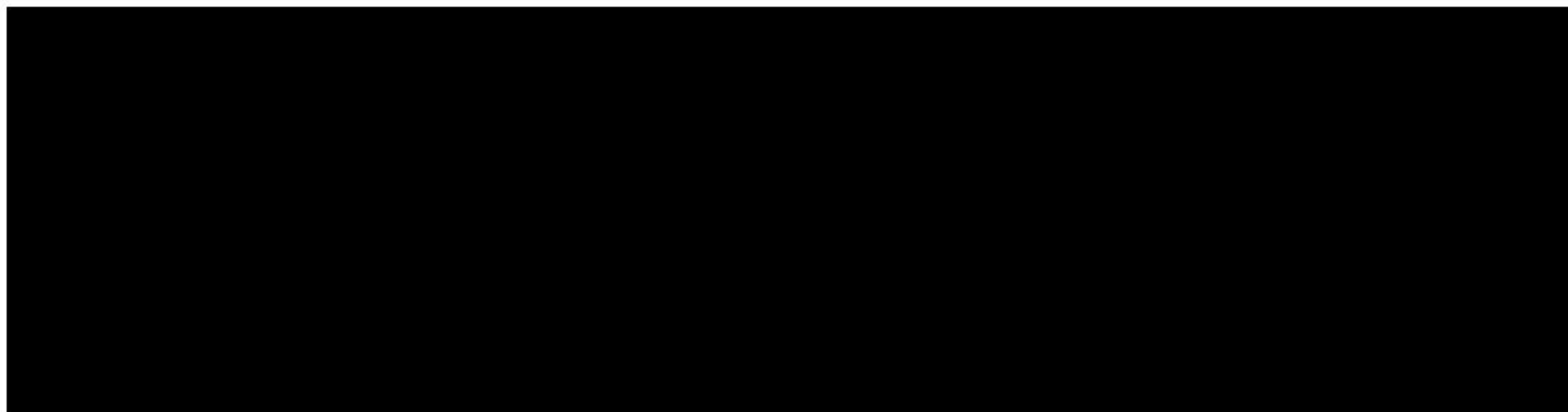
INSURANCE: Insurance companies will not insure against harm caused by EMFs.

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. 5G-6G networks are the backbone needed to operate such systems.

CONCLUSION

Thank you for considering all these points in full and please be mindful to refuse the application on the grounds that there is not enough evidence of safety to proceed or delay the application until you have received clarity from the government about the conflicts between policy 122 and your role in risk reconciliation.



APPENDIX

A1) LEGAL BACKGROUND

A1.1) GPDO

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 still 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."

A1.2) PIPER - OBLIGATION TO WEIGH RISK FOR LIABILITY PURPOSES

DLA PIPER – Public Health England (UKHSA) 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".

A1.3 JUDICIAL REVIEW – EECC SUBMISSION

A sealed Judicial Review application was filed against the Department of Health and the Department of Levelling Up, on December 21st 2023, regarding their joint administrative failures regarding RFR regulation. (Case number: Z2309835)

The case addresses the government's failure to inform local planning authorities that they are the competent authority responsible for risk reconciling health and environmental effects (European Electronics Communications Code EECC Recital 106). The Judicial Review addresses the fact that it is only the local planning authorities who issue general authorisations and thus it is the LPAs who needs to apply precaution and consider recent science as specified in the procedural standard under paragraph 19 of the 1999/519/EC. The LPAs are the 'member state' representative who apply EECC Article 45 2h) and the 1999/519/EC

recommendations. ICNIRP guidelines are not a standard and even though suggested as an option within the recommendations, they remain a guideline only.

For a deep analysis please see the submission:

https://safetechinternational.org/wp-content/uploads/2023/09/EECCsubmission12-9-2023-info_version.pdf

It is possible to register your interest in the outcome of the EECC challenge by emailing Claire Jones Claire.jones@governmentlegal.gov.uk representing solicitor for the Department of Levelling Up, Housing and Communities (DLUHC), quoting case number Z2309835.

A1.4) THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 (NERC ACT)

Many urban species (including House Sparrow, Starling and bats) are protected by The Natural Environment and Rural Communities Act 2006 (NERC Act) The statutory duty is 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.

A1.5) PITTSFIELD – IMMEDIATE 5G HARMS, CEASE & DESIST ORDER SERVED

EXAMPLE OF IMMEDIATE HEALTH EFFECTS FROM 5G INSTALLATION RESULTING IN CEASE AND DESIST

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 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."

A2) HEALTH & ENVIRONMENT EVIDENCE

A2.1) 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>

A2.2) 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/>

A2.3) JD PEARCE RECOMMENDS TELECOMS OBSERVE 500m SETBACK TO LIMIT LIABILITY

November 2019 '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

A2.4) MOBILE PHONE MAST HEALTH EFFECTS: J Moskovic March 2021

<https://www.saferemr.com/2015/04/cell-tower-health-effects.html>

A2.5) THE FIRST SIX STUDIES OF 'IN SITU' 5G

Studies of in situ 5G record immediate (within couple of days to 6 weeks) adverse health effects of 5G RFR published in 2023.

https://www.journalserapublications.com/issues/v01/i01/JEPL_1020240101001.pdf

A2.6) 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/>

A2.7) SCIENTIFIC SUBMISSION TOM BUTLER

<https://actionagainst5g.org/wp-content/uploads/2020/05/Prof-Tom-Butler-Submission-on-5G.pdf>

A2.8) US SUPREME COURT RULING FCC v EHT

NON THERMAL EFFECTS SCIENCE & EHS EVIDENCE EXCLUDED FROM GUIDELINES

10,000pp of evidence of harm entered into the public record for the EHT/CHD vs. FCC lawsuit. The FCC lost their case 2021. Guidelines do not adequately consider the science of non-thermal effects and reports of Electro-hypersensitivity.

<https://ehtrust.org/environmental-health-trust-et-al-v-fcc-key-documents/>

A2.9) CHILDREN ARE MORE VULNERABLE TO MICROWAVE RADIATION

Children are more vulnerable 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/

A2.10) 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. 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:

www.bmj.com/company/newsroom/stop-global-roll-out-of-5g-networks-until-safety-is-confirmed-urges-expert/

A2.11) BUGS MATTER SURVEY

'Bugs Matter survey finds that UK flying insects have declined by nearly 60% in less than 20 years' May 2022

<https://actionagainst5g.org/news/ecological-threat-of-rfr-and-5g/>

Vibeke Frøkjær Jensen DVM PhD (radiology and genetics) "The impact of RFR exposure on insects"

Low-level EMF effects on wildlife and plants: What research tells us about an ecosystem approach.

<https://www.frontiersin.org/articles/10.3389/fpubh.2022.1000840/full>

A2.12) OFCOM 5G SURVEYS ARE EXPERIMENTAL

Luxembourg Institute of Science and Technology (LIST) July 2023 'A Survey on EMF-Aware Mobile Network Planning' SÉBASTIEN FAYE.

<https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=10215090>

Quotes

a) 'As of 2021, the measuring methods are mostly based on static antenna patterns, whereas 5G antennas are dynamic. Therefore, it is necessary to revise the current EMF measuring techniques to assess the exposure resulting from 5G antennas.'

&

b) 'To verify that 5G base stations remained within the EMF emission limits set out in the guidelines from ICNIRP, Ofcom conducted an experiment that included measurements at 22 UK sites.' However, note that the isotropic readings are called out as inaccurate and inappropriate.

<https://www.ofcom.org.uk/spectrum/information/mobile-operational-enquiries/audit-info>

A2.13) EHS RECOGNITION

A2.13.1) UK AWARDS

An Education Health Care Plan (EHCP) was awarded (July 2022) for a child on the basis of Electromagnetic Hypersensitivity (EHS) in August 2022. They won in the Upper Tribunal, thus the ruling is also precedent setting.

A 59 year old social worker was awarded an 'early ill health retirement' for disabling 'Electromagnetic Hypersensitivity (EHS) on 15th June 2022.

Claimant successfully wins Appeal for Universal Credit on the grounds of Electromagnetic Hypersensitivity (EHS)

https://assets.publishing.service.gov.uk/media/62f3997ed3bf7f5c11330ea3/ua-2022-000328-hs__002_.pdf

<https://phiremedical.org/news/>

A2.13.2) 'Electro-hypersensitivity (EHS) is an Environmentally-Induced Disability that Requires Immediate Attention' Magda Havas' (2019)

<https://www.icnirp.org/cms/upload/publications/ICNIRPemfgdl.pdf>

'Each day the number of EHS sufferers increases. According to new estimates, between 3% and 5% of the population are electro-sensitive'

Havas (2019 paper, above) reports that,

'a disability is an impairment that may be cognitive, developmental, intellectual, mental, physical, sensory or some combination of these. It substantially affects a person's life activities and may be present from birth or occur during a person's lifetime. The EHS symptoms mentioned above include sensory disturbances, physical disturbances, cognitive impairment, and also intellectual, mental and developmental problems that are covered under the definition of disabilities',

The screening for avoidable harm, injury, and nuisance needs to acknowledge and seek to accommodate the needs of people with EHS disability.

A2.14 ICBE-EMF ICNIRP's FALSE ASSUMPTIONS

'Scientific evidence invalidates health assumptions underlying the FCC and ICNIRP exposure limit determinations for radiofrequency radiation: implications for 5G'

https://icbe-emf.org/wp-content/uploads/2022/10/ICBE-EMF-paper-12940_2022_900_OnlinePDF_Patched-1.pdf