

Objecting to a Planning Application (v5) - some ideas

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We are happy for this to be shared in any way.

Important Note: the NPPF is under review with a consultation until March 2023. The current version is July 2021 and that is the only one that can be referred to by Planning Officers. It is illegitimate to refer to 'the revised version' as it is not publicly available. (Though it's arguable that all *previous* versions are valid as it is a Guideline and NOT a Standard.)

Anyone can comment or OBJECT to a planning application. If you are not local to it I think it may help if you say why you are concerned. It helps to be obvious.

I suggest that you choose your favourites from the selection below. **Add anything personal and site specific.** Discussing this with friends and neighbours will give you ideas for that. Many of the suggestions can be used for any planned mast. (To have one removed is a different process.)

Don't worry about copying someone else's statement(s). Telecom companies use the same justifications in most of their applications with just a few site specific notes to try and show they have been there. You can add to them in any personal way you like.

It is important to **REMEMBER YOUR OBJECTIVE** and not what you would like to write. Above all **do not give a dissertation on RFR or 5G** as you won't impress anyone - that is for another place and time.

Your objective is simple; to have one planning application refused.

That's it. Don't get confused about that.

Help the case officer or Planning Committee to make that decision by sticking to the point. Currently most of them will have no idea about EMF/RFR and 5G other than they have a mobile phone with them all the time and it's pretty cool. You would like it to be different but it isn't. Yet.

The Planning Committee will have half an eye on the applicant submitting an appeal and will want to avoid that, so give them reasons in which they can feel confident. A retired Council planner has said that is why Councils ignore the health argument.

Always copy your objection to the Ward Councillors, usually listed within the details page on the planning application.

The first group (1 to 17) are statements that apply to almost every application. It is fine to stick with these as they are all good arguments. They are also **the most common reasons for Councils refusing** an application.

The next group (18 to 29) is a few 'site specific' considerations that may apply in your case. And of course may not! You may have others so use them.

You can stop there and have done your job. To go further in this paper you will need a wider knowledge of EMF or planning at least.

After item 29 I have put some more widely important issues which can be used in any application but they are more technical or legal.

Items 30 to 36 ask you to read the application itself carefully to pick out any places where eg

- the applicant is not being truthful
- the applicant seems to be trying to confuse
- the applicant has not done sufficient consultation
- a statement has been made without showing evidence.
- the applicant is making vague claims.
- measurements (eg distance from the nearest home) are inaccurate (because you checked)

These are all very common tactics by the telecom companies.

Then there are some notes on the National Planning Policy Framework (**NPPF**) if you want to delve deeply into planning regulations. (**Dragons lurk there**)

Some Abbreviations you may encounter

LPA means the Local Planning Authority, usually the Council

SSSI is a Site of Special Scientific Interest and

PSI is a site of Potential Scientific Interest.

NPPF: the National Planning Policy Framework (Note that this is not legal, statutory nor mandate.) The current edition is 2021 but many companies and Councils still use the 2019 edition; you could correct them.

EECC: the European Electronic Communications Code (After the UK left the EU this became "retained legislation" and is superior to UK law.)

ICNIRP: the International Commission on Non-Ionising Radiation Protection (A company that issues a set of "guidelines" as suggestions for safety levels. It is hotly disputed.)

The best term to search on the Council website used to be "**monopole**" or "**telecom**" but that has changed and Councils in general have stopped making it easy. However once you start you can use the '**new applications this week**' search (or similar) and then scan through them. There is rarely many.

Good Basic Objections

These will be appropriate for any mast application

1. The mast and cabinets will ruin the aesthetic of the area. "*Visual impact*" is a term that can be used, and mention details such as "at the moment there is no street furniture so this will ... etc"
2. "*this would result in unnecessary visual clutter introducing a prominent, obstructive, incongruous and alien feature to local amenities.*" quoted from a rejection notice
3. The mast is highly visible (from our homes) and is in no way camouflaged.
4. It is too close to nearby homes. (You can quote the approximate distance - a general guide for UK LPAs is 20metres, but others say twice the mast height.)

5. Who has the right to decide on the appearance and the addition of this monopole other than local people. You have not asked them/us?
6. The consultation to put this mast up was NOT thorough enough. (eg One poster on a lamppost is NOT adequate.)
7. The cabinets are an obstruction to the pavements (by the shops) and will make it difficult for people with prams and pushchairs and people using wheelchairs.
8. There are also many other obstructions on the path this will just add one more and make negotiating them with a pram or in a wheelchair will become even more difficult.
9. This is an area of very high footfall with (eg as appropriate) local shops and supermarkets, a library. Many people will be exposed unknowingly to the EMF radiation.
10. The cabinets will create further obstructions have dangerous high voltage and noisy cooling fans such as we have seen and heard at other sites?
11. The cabinets proposed will block the pavement or eg "my children enjoy walking along the grass verge right where you plan to put them"
or "*The mast and cabinets would be overbearing and visually obtrusive additions that unnecessarily clutter the street scene.*" Quoted from a refusal.
12. The 5G mast so close to our homes will devalue the sale price of our property and may put people off buying houses in the area.
(This will be ignored by may have a subliminal effect.)
13. The council cannot disregard any concerns around safety and health. I and many neighbours *have fears for the effect on our health* especially in the medium and long term. No long term studies have been completed and many European countries and scientists have a variety of concerns. (eg Switzerland has halted rollout of 5G, France bans wifi in primary schools)
(Do not use this as your first or only objection reason.)
14. In similar vein, "Perceived harm" has proven to be a legitimate argument to prevent an application; actual harm does not have to be proven. Thus you can write that you **fear** harm to your health from the EMF or that you 'perceive risks', for example to the environment and your family. Mention any current health issues, for example if someone in your home has a pacemaker or metal from reconstruction after an accident. Ask for proof that it will not affect anything.
It has been included in at least one refusal and no-one can argue against perception or fear. You can also argue this by comparing it to a 'fear of violence' which is a legitimate reason to take legal action against a person. Indeed, exposing people to this RFR unknowingly is a form of violence on the person.
15. Many cabinets have warning notices from the telecomm company about high voltage or high levels of radio frequencies (EMF). How can these be safe when they have warning notices?
16. It is worrying that these are going up around our city and many people have serious concerns over the constant high EMF radiation.
17. What insurance cover is held for any damage or health harms that **may** occur as a result of the erection of this monopole mast / roof mounted structure?
18. Improving air quality is a stated aim of the Council. These masts will irradiate the air which is scientifically considered a form of air pollution. There will be no place in the region that is free from major sources of RFR/EMF.

19. What is the need for this monopole when companies are offering fibre connections to homes? We all have a reliable service currently.
20. The applicant has not proven that there is an "acute need" for any "improved service". I have a perfectly satisfactory broadband service currently and speed is no problem.
21. The mast will consume a large amount of electrical power with the many cabinets, this cannot be in line with your sustainability and environmental objectives nor any climate emergency?
(Don't think about your own opinion - that is what Council has to think.)

Some possible site specific objections

22. If there was little or no consultation you can comment on the specific circumstances. eg "I live opposite the site and have not received any notification". If the consultation covered only positive or economic "benefits" ask for specific downsides and how they are balancing both sides. Ask for who is this a benefit.
23. Any school or nursery in the vicinity should have been consulted. Ask to see evidence. Have the potential dangers been explained sufficiently for the school authorities to respond intelligently?
(If a school has wifi then the children will be exposed for (say) 5 hours on each school day. Over their school and college career that make a lot of hours.)
24. It is positioned far too close to residential homes. (Mention any 'Local Plan' of which you're aware.) Under 'normal' conditions it should be at least 20 meters different while some LPAs use 'twice the mast height'. (In other places 500metres has been suggested.)
25. There are other masts near and their signals will overlap with this new mast, This renders the location unsuitable. What investigation has the council done to ascertain the complex effects caused by crossing of these multiple waves? Please reply with the details, including the technical specification to all the masts involved.
26. I am aware that the **Authority** was a testbed, which means an experiment. Please show me evidence of testbed parameters and what was being tested? (for example) The consultation, the detailed plan, how you have judged success and failure, the monitoring exercise and current results, review stages, communications between LPAs and telecomm companies.
27. **Hospitals:** For a monopole near to a hospital or similar such as a Nursing Home. This would also be very important to a maternity ward because of the extra vulnerability of a foetus and a baby and the likely high use of EMF within the hospital itself.
Ask if the hospital has been consulted and if the potential dangers have been fully explained. Ask for copies of that.
ICNIRP states: "*Medical procedures may utilize EMFs, and metallic implants may alter or perturb EMFs in the body, which in turn can affect the body both directly (via direct interaction between field and tissue) and indirectly (via an intermediate conducting object).*" and continues **that such issues are outside the scope of the guidelines.**
28. **Trees:** If there are trees near the mast, ask if the Council has consulted with their 'Tree Officer' or with a local 'tree warden'. (Many places have one or more volunteers in such a role.) Excavation for cabinet bases and for cabling etc will damage the tree roots nearby and likely lead to the death of at least one tree. The following is quoted from a recent (early 2022) refusal in **Wolverhampton**:

the mast “risks presenting a detrimental harm to the adjacent protected trees. No supporting arboricultural impact assessment or details of the proposed excavation (*within the root area*) have been provided. The proposal’s position within the root protection area of a mature beech tree, risks presenting significant harm to the tree’s health. The beech tree together with the surrounding trees provide a positive contribution to the public realm. Subsequently, potential harm to this tree, with no evidence to prove otherwise, is contrary to saved UDP policies”

Solihull placed a protection order on a tree to prevent the applicant from lopping it.

29. **Conservation area:** If the mast is within a conservation area (or any other designation, eg SSSI, PSI) that will give more possibilities to object. Particularly for example “the telecommunications mast and ancillary equipment cabinets are considered to present an unacceptable impact on the character of the street scene in this Conservation Area”

In planning there is a phrase "incompatible and inappropriate/unacceptable" use of land" which can be used in this context as well as in others.

30. The mast site is within (eg) 500 metres of a children's play area in the local park. The radiation is particularly dangerous for children and babies.

(Note: it can be difficult to argue on health dangers alone but as additional reasons it should be considered. Masts have been removed for this reason. Use the "fear" word as mentioned earlier, 'I am afraid for my children's health')

31. The site is home to (eg) *newts/ frogs/ bats, rare orchids* and will be affected by the radiation. (We have found wildlife conservation organisations pretty useless as a help.) *(The argument is more effective if it is a protected species, a SSSI or PSI) and here is a compelling recent (2022) observational study you might send:*
<https://tinyurl.com/2jdeujkc>

32. The site has a heavy footfall being adjacent to a library, local shops, bus shelter, community hall, gym etc

33. The site is within (eg) 500 metres of a school / education facility, care home, over 60s flats etc where there are vulnerable people.
(See also an earlier point as the logic applies there also. You can ask if it has been tested for affects on medical equipment such as a pacemaker, it hasn't.)

Note: Most people can stop here

General but more technical

Health:

The Council (either the case officer or the Planning Committee) will argue that they cannot consider health as a "material consideration". This is not true. The primary responsibility of a Council is to care for the health of its constituents and the environment; they cannot do that in every other case and ignore it for telecomms. That is their legal responsibility and their prerogative - they can even over-ride Government policy and regulations. Additionally, the EECC makes health an imperative and a material consideration within planning for telecomms, and that over-rides any UK legislation. *(Though people still debate it.)*

You can also comment that the NPPF (2021 edition) mentions "health" 20 times (*1 checked*) and similar wording (eg "healthy") many more times. It is completely illogical to allow it to be considered for every other planning application and not when telecomms is concerned.

Particularly when an application is near a hospital and ICNIRP has excluded these from the guidance because 'emfs affect biological tissue' (see item 24) my argument would be that they have stamped on their own foot.

Often they will refer to paragraph 118 of NPPF 2021 edition where it notes "*Local planning authorities must determine applications on planning grounds only.*" The question then remains over what are planning grounds and that seems a fairly loose answer. If we look at the opposite side, Applicants often argue on economic grounds, on a perceived "need" or their own business objective. These also are not "planning grounds" so if they can use those claims then an objector should be able to use health.

You could add that you will submit a Statutory Nuisance Complaint if the application is approved.

That is an avenue we are working on. We continue to do work on this division of opinion and I will update this document as we do. I still advise that you mention it in every objection made, in your own words. There are also court rulings internationally that support the argument that emf has negative health effects as well as a growing body of scientists reporting experimentally. (It's worth noting that this has been known since the middle of the 20th century.)

ICNIRP Guideline:

All applications, must submit a **self-certification** that the equipment on the site (including anything that was there before and any planned future additions) will be within the ICNIRP guideline for emf emissions.

"Self-certification" is exactly that; the telecom company certifying itself! (Conflict of Interest?) ICNIRP itself does NOT issue any form of certification whatsoever - you can read that on its website. "Pinch" and "salt" might flick into your brain.

On every single one that I have read, and there should be a copy in the 'Documents' tab in the application on the Council website, reads 'the equipment **is designed to meet** the ICNIRP guidance' or similar. This is **very** different from saying 'it **does** meet that and we have tested it and we will maintain it and keep checking'.

I mentioned that to someone with some legal knowledge who completely agreed with me.

Question/challenge the statement and ask what make of antennas will be used and what the precise specification is and (for example) what testing has been done with results. If it is for a 5G enabled structure then ask what frequencies are planned for the site and proof of the distance travelled by a collimated beam and how the strength of that beam changes.

Power Consumption:

The Applicant will claim that 5G will be saving power over 3&4G, and the Council may claim that also. **It is not true.** The only place it is true is when comparing a 4G single antenna with a 5G single antenna. Because each mast will contain many more antennas this slight advantage is immediately lost.

Then there is the claim that as the beam does not travel so far the masts need to be placed closer, ie lots more masts. Argument lost again.

Additionally, the plan is for many more devices to connect; have you heard of the "internet of things"? I thought so, and every one of these 'things' will use electricity. Already houses are being built where everything can be controlled from your smart-phone. Many of these will need back-up batteries in addition to the immediate use of mains electricity.

You may have seen many new street lights (LED) going where there never used to be lights before, eg motorways.

Asif Naqvi and others have done calculations which show that the average 5G enabled monopole will use the equivalent of around 45 domestic homes, increasing to around 75 when everything is connected.

Bang! and out of the window go any suggestions or claims of 'green', 'sustainable' or 'efficient'. 5G is incompatible with the Council's aims of sustainability.

Slightly Deeper

Note that where the term "cell(s)" is used it is not the American use meaning a mobile phone. It means a small area of coverage.

These next ones require a study of the actual documents with the application and more work to write your objection. Often the "Supplementary Information" is the place you find many claims, statements without evidence and judgements. You will also often see that the only justification is for their own economic or business benefit. Not yours.

34. How will the Council check after installation and **full** switch-on that the emissions are within the limit? How will you test for spikes and "cumulative" levels which is what the NPPF states., whereas ICNIRP guidance is based on a single device for 6 or 30 minutes.

35. Please supply **evidence** to the following claims

- **pick anything from the application.** There are usually many statements without any justification or evidence and without any reference. I spot them all the time. Here are a few you might spot:
- "Coverage is poor in the cell area" - poor for whom? You could ask, eg Has anyone complained, how many? (If anyone has, it might be their personal circumstance and not relevant to anyone else, eg an old router.)
- "required" or "essential" - you might ask, by whom? Please justify.
- "will enable local business to grow". This has nothing to do with planning rules and so should not be a reason for the application and should not be taken into account by the LPA in making a decision. It is often claimed in a residential location where there are no businesses.

36. You might also spot a few words such as "might" / "might not", "is unlikely to"; "should" / "should not". These all mean that they don't know. These statements give you an opportunity to question and challenge the truth of the statement and ask for their evidence. Most likely there will be none.

- "is unlikely to impair the visual amenity" - means that it probably does and certainly could. Often that is mentioned when the site is on the edge of a large green space.
- "unlikely to have any material impact" does not mean that it won't. You could ask what is meant by that phrase. A similar word is 'significant' – to whom?

37. The applicant, aided by the Council, should have consulted with the local people. Many do not. If there was only one notice on a lamppost this is not adequate consultation. In particular they should carry out consultation exercises with

- education establishments such as nurseries, schools, colleges, universities
- hospitals and care homes
- residential homes for people with mental problems

- retirement apartments

In one case they claimed to have consulted a school that didn't exist!

38. Another trick applicants use is vague phrases such as "in close proximity", "near" eg "*There are no schools/colleges in close proximity to the proposed location.*" Challenge that or argue a specific case. I spotted that one in a recent application when there were four schools/nurseries within 250 metres. That is quite close enough to influence young children. There were also homes much closer, as there usually is.
39. Look out for all encompassing phrases eg "as with **all** 5G cells" (an actual example). These could be highly dangerous since if it is accepted as part of one application then it can be argued on every single application. If the Council does not refuse it or make the applicant remove the statement it leaves that possibility wide open.
40. If any single cabinet is **over 2.5 cubic meters in volume** then the monopole **and** cabinets **MUST** be submitted for planning and cannot use 'prior approval'. The dimensions (height x width x thickness) of cabinets is often in the planning documents with the application - and if they are not you can ask. It is worth checking after erection where any look particularly large and use it as an argument to have it removed as the planning would have been illegal if you cannot find the original application.

The NPPF

Getting more 'technical', you may want to look at the National Planning Policy Framework (NPPF) which is a **guideline** for LPAs and is often referenced by Applicants. You can download the **July 2021 edition** from <https://tinyurl.com/2p95unuj> Section 10 is the one for telecommunications though the rest does also apply.

You can then use several points from that. (*Quotes in red are from Section 10.*)

- Ask to see their consultation that proves the local community "**want and need**" the tower.
- All such towers and poles should be "**sympathetically designed and camouflaged**". Do you think it is? If not it is legitimate to object on this argument alone. (*Since they all look exactly the same, if one is refused on that argument then they all should be. You can use tricks as well as they can.*)
- Ask to see evidence that it will not "**interfere with existing equipment**". For example your smart meter, medical devices such as an implanted pacemaker. Ask to see their research.
- Ask to see the report(s) on local consultations, including educational institutions, community spaces (halls, libraries etc), care homes, sports venues, flats specifically for the 'over 60s'. Some of these places may have special equipment relative to the previous point. The Council (or company) should have done this.
- Ask for "**a statement that self-certifies that the cumulative exposure**" will not exceed ICNIRP guidelines. Cumulative means the total of *absolutely every electronic device in your home and the surrounding area*. I mentioned this above in the paragraphs on ICNIRP between items 29 and 30.

(Note: It is impossible to prove with any degree of certainty because no-one can be certain of effects of multiple emissions mixing and bouncing around, especially in confined spaces with many devices. Even some telecom companies have said that privately.)

- Ask why they have not prioritised "**full fibre connections**" for this area. In a city it would be unusually in 2022 if they were not available or in progress. Fibre cable to the home essentially means that you have the same speed without the disadvantages. Fibre cable does not leak RFR, it is more stable, less vulnerable to hacking, and longer lasting. 5G is not for broadband which is what most people want, its full use is quite specialised and functionally limited.
- Paragraph 118 is often referenced by applicants seeking to defeat our arguments, particularly on health grounds.; "**Local planning authorities must determine applications on planning grounds only.**" (I mentioned this earlier.) However I have been unsuccessful in finding any definition of what might be included in a list of "planning grounds". Interestingly it is in Section 10 which relates specifically to telecomms. Health, environment and quality of life are mentioned in many different ways throughout the rest of the document as a guiding principle. See particularly NPPF paragraphs 8b and 8c. How can this be valid in every other type of planning consideration and yet not for telecom structures?
- The same argument will also apply to the Applicant when they make claims for the equipment that are nothing to do with "planning".
- The applicant seeks to justify the mast because it is their "business objective". That is not a planning reason.

Note: there are many other documents if you want to gain a PhD! Telecommunications Acts and Planning Acts are many; the European Electronic Communication Code (EECC) which is a Statutory Instrument retained as part of Brexit; and several Codes of Practice. In addition. Many counties, cities and towns have their own local plans and policies. Learn about those in your own area.

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