Did you know there are two important legal cases in the UK seeking to assert our rights in regard to telecoms masts? Interested in finding out more?

Don't let Councils trick you into believing you can't object on health!

All new ground masts need Prior Approval.

The role of a council in determining whether to grant or refuse prior approval for a telecoms mast is based on **siting** & appearance.

The **siting** of any mast can generate **health related material planning considerations** arising in-situ which have to be addressed in **law**.

Did you know that there is an area around every mast which is ICNIRP non-compliant and is unsafe for the public to enter? This is usually 50m wide and 4.5m vertical clearance. It is commonly called a "public exclusion zone."

Remember - the National Planning Policy Framework (NPPF) is **guidance only** and does not override the obligations that Councils must address **in law.**

Steven Thomas v Cheltenham Borough Council (2024) – the judge ruled that proximity to vulnerable residents at a retirement home was a material consideration and that the ICNIRP Certificate was insufficiently protective (the ICNIRP guidelines do not cover anyone with metal implants, including pacemakers). Note – this is now at the Court of Appeal scheduled for a hearing 19 February 2025. https://www.casemine.com/judgement/uk/663a735283075d3d98341c7b

Mendip (2021) – a mast was refused on health grounds after the council listened to evidence from both sides, including expert testimony that a resident with EHS and metal living 345m away with metal implants (ref 2021/1952/FUL) would likely be harmed.

Brighton (2021) – The High Court ratified Brighton's concession that they had failed to consider the proximity to a local school. The proceedings cost Brighton over £13,000 (ref: BH2021/01639).

Stroud (2024)– One of the main reasons for refusal was that there were 3 people living nearby with pacemakers, and the telecoms company refused to provide the ICNIRP public exclusion zones when requested by the planning officer, see p8 of the Light Paper: https://thelightpaper.co.uk/assets/pdf/Light-49-Sept-24-Web-Final.pdf

Proximity of a mast to residents and vulnerable groups has to be assessed in order to assess safety and dispose of the '**incompatible and unacceptable use material planning consideration**'. The ICNIRP certificate is not enough unless it clearly shows the areas of non-compliance. You have a right to demand to see these zones by putting pressure on the case officer (see Stroud as an example).

There is currently another court case pending against the Central Government where Karen Churchill and Neil McDougall are challenging the DoH&SC, the DLUHC and the DSIT to properly establish the status of Councils as **competent authorities** under the European Electronic Communications Code (EECC) in UK law. Some Councils legal departments have confirmed they are, some claim they are not and some don't know. This ambiguity is unacceptable. The case seeks to protect objector rights, and make **public health imperative;** Councils are required under the EECC to **reconcile environmental and public health concerns** arising from proposed new masts in accordance with the **precautionary principle and taking into account recent science.** Among the main remedies sought in this challenge are to ensure that public exclusion zones are provided and that the siting of telecoms mast is safe for vulnerable groups who can be affected by radiation at limits lower than that prescribed by ICNIRP. This includes recognition & operation of the public auditory limit. You can find out more about the Cheltenham and Central Government cases, including how to act effectively on mast planning applications locally, by visiting www.rfinfo.co.uk