

## Urgent Update: Planning Committee 17 February 2022

### Item 16

#### Telecommunications Base Station At Junction of Tonbridge road and Oakwood Road

#### 21/506690/FULL

A neighbour has made further comments in relation to health issues of the mast, including the validity of the ICNIRP certificate. In particular, it has been stated if works were required to the protected trees that the mast would need to be shutdown and this would therefore apply to other works to the house. The neighbour states that:

*“The scenario was a hypothetical one but assumed that a person would be as near as 5 metres to the antennas situated on the existing mast. In such a situation not only would this present a potential risk, but it would be necessary for the base station to be shutdown during works. I must reiterate, the issue is not simply limited to working at height in the tree's. Being on elevated land I have needed to for example use ladders to paint fences, coming within 6 metres of the existing antennas. The point being that members of the public could very easily encroach into areas that may result in harmful exposure. Furthermore, I do not accept that I should be impacted by the proximity of any mast that prevents me from undertaking certain works on my property without first seeking agreement from Cornerstone with a 10 day notification requirement..”*

First of all, the Environmental Health Officer has confirmed that

*“ICNIRP Certificate submitted with this application is correct and current. Such certification refers to the prolonged exposure of humans to the frequencies of non-ionizing radiation than may or may not be emitted by antennae.”*

Secondly, the advice given by the Compliance Manager from Cornerstone regarding potential shutdown of the mast was that:

*“If you are going to be working within 5m directly in front of the antenna then you are likely to be in an area where the exposure levels to radio frequency energy may be in excess of the ICNIRP limits.”*

This effectively means that the exposure above ICNIRP limits would only occur when directly in front of the antenna within a 5m zone. Given the heights of the masts, even accounting for the higher level of the land at 236 Tonbridge Road, the exclusion zone would be above the height of the nearby trees, fence and public realm as the antennae would be located 17.6m above ground level. It certainly would not impact on any works to the nearest dwelling, such as painting of walls etc as the dwelling is too far away. Nor would it impact on the maintenance of the boundary wall or fence, as these would be well below the height of the antennae. The trunks of the nearest trees are located approximately 5.1m away from the mast. In addition, the trees are protected and so any works could not be undertaken without the appropriate consents and so all such works would have to be planned in advance. There are no habitable or occupied zones within the 5m exclusion zone at the 17.6m antennae height, as such, there appears to be no conflict with the required exclusion

zone and it appears that ICNIRP limits are accorded with as confirmed by the Environmental Health Officer.

As is highlighted by the applicant:

*“It should be highlighted that all the electronic communications equipment installation will be ICNIRP compliant, and you have already been provided with a declaration of conformity for this proposed development. You will be aware that paragraph 118 of the NPPF states that Local Authorities should not set health safeguards different from the International Commission guidelines for public exposure, thus health matters should not form part of the assessment of this application.”*

The neighbour also makes reference to a recent judicial review case against Brighton & Hove City Council at the High Court of Justice (CO/3114/21) Justice Holgate found "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".

However, with regard to this decision, this pertained to a specific instance where a design was revised midway through consideration of an application and the agent acting for the operator omitted to submit a revised ICNIRP certificate to reflect that change, although the scheme had been designed to comply with guidelines. As such, that decision was an isolated case that has no bearing on the current application where the ICNIRP certification is valid and up to date.

**Recommendation:**

Recommendation remains unchanged.