

PLEASE NOTE: THIS LETTER IS INTENDED AS A GUIDE TO A WIDE CIRCULATION LETTER (STANDARD LETTER) DISTRIBUTE TO THOSE UNLIKELY TO WRITE THEIR OWN LETTERS. PLEASE EDIT TO SUIT YOUR LOCAL CAMPAIGN - OTHER LETTERS ON THE PLANNING SANITY SITE MAY GIVE YOU FURTHER IDEAS/INSPIRATION

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Date as post mark

Dear Sir

RE: PLANNING APPLICATION No. ERECTION OF TELECOMMUNICATION MAST ON LAND AT

I write in objection to the proposed installation of a telecommunication mast and ancillary equipment on land situated at The siting and design of the proposed mast will detract from, and adversely affect the amenity of the locality. I therefore urge your authority to reject the application.

As you will be aware, there are a large number of conflicting academic reports on the dangers of irradiation emitted from base stations. With this in mind I urge you to follow the recommendation of the Stewart Report, and adopt a **precautionary approach** (see para 1.21 and 6.16 of that report) in deciding applications for telecommunication base stations. This approach as you will be aware is enshrined within the national planning policy structure of the UK, as well as European legislation.

The Stewart Report states at para 1.19:

"We conclude therefore that it is not possible at present to say that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach."

I am very concerned that the biological affects and irradiation emitted from the proposed development may affect not only my own health, but that of my family, and those visiting my home. As such I urge you in accordance with the provisions of para 29 of PPG8 and attach considerable weight to the **fear** that the majority of local residents have in relation to this proposed development. These fears and concerns are, and will in my submission affect the quality of local life, and therefore have a detrimental effect upon the amenity of the area.

The Stewart Report recommended that exclusion zones should be placed around all base stations, and indeed some countries already have exclusion zones. This recommendation clearly indicates that there is a potential for concern in placing masts close to sensitive locations such as schools, hospitals and residential areas. This has been recognised to some extent by the courts, I would in particular refer you to the words of His Honour Mr Justice Richards at paragraph 41 of *Phillips v First Secretary of State & Ors [2003] EWHC 2415 (Admin) (22 October 2003)* where he compares the criteria that might be taken into account when there are two potential sites one close to sensitive locations and the other not:

"Further, although the guidance states that it should not be necessary to consider the health aspects of a development that complies with specified standards for public exposure, it recognises that public concerns about the health implications of a development can still be a material consideration (see paragraphs 97ff of the Appendix). No doubt the existence of such concerns is one of the reasons why the location of telecommunications structures is such a sensitive issue. It seems to me to follow, again as a matter of principle, that if there were two alternative sites each of which was otherwise acceptable in environmental terms, it would be open to a decision-maker to refuse approval for one of those sites if the location of a mast on that site would give rise to substantially greater public concerns than its location on the alternative site. To take an example close to the facts of the present case: if one of the sites were close to a nursery school and residential properties, whereas the other was in an industrial estate some distance away from the school and residential properties, the greater public concern about the former might tip the balance against the grant of approval for it. I am not saying that that is how a particular application would be decided or ought to be decided, but only that it would be lawful for a decision-maker to approach the matter in that

way."

The government recommends that local authorities do not take health effects into consideration, however, many local authorities are rejecting these recommendations including Kent County Council, which refuses to endorse consents on any council land, due to their concerns over health. I would also draw your attention to the following cases where the High Court granted leave to apply for judicial review due to the failure of the respective local authorities to take the concern of the local communities on health effects of masts - *R v Stockport Metropolitan Borough Council ex parte Smith - The Queen on the application of Julia Herman & Others v Winchester City Council and Orange Personal Communications Services Limited - Mr Justice Hooper & The Honourable Mr Justice Ouseley - Case No. CO/956/2001 - R v. Forest of Dean Borough Council*. As well as the decision in the Section 288 appeal to the High Court in *Trevett v Secretary of State for Transport, Local Government and the Region* where the court found that it would fetter the obligation of the decision maker to take the concerns of the public on health into account if they were to restrict their deliberations solely to whether an ICNIRP compliant certificate had been submitted by the Operator. The view of the Court in that case was then accepted by the Secretary of State in *Yasmin Skelt v First Secretary of State* when he conceded before the case went to trial that his inspector had acted unlawfully by not fully considering health concerns where an ICNIRP certificate had been submitted. The law based on these court cases is such that the certificate is only one criteria to be weighed against the considerable concerns being expressed by the local community, I would urge little weight when compared to the expressed concerns of the public is placed on that certificate.

However, even if a rejection of the arguments relating to the precautionary approach is taken by the local planning authority, we would urge you to consider the effect the size and design this mast will have on the amenity of the local area, towering as it will some ft into the air, which will contrast with the residential nature/open aspect of the locality. PPG8 makes it clear that a rejection of permitted development permission is acceptable for base stations should the LPA conclude that it would have an adverse effect on the amenity of the area. I also take this opportunity to draw your attention to the factors listed in **PPG8 Annex 1 para 13** that may involve siting:

- ***the height of the site in relation to surrounding land;***
- ***the existence of topographical features and natural vegetation;***
- ***the effect on the skyline or horizon;***
- ***the site when observed from any side, including from outside the authority's own area;***
- ***the site in relation to areas designated locally for their scenic or conservation value;***
- ***the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character;***
- ***the site in relation to residential property; and***
- ***any other relevant considerations.***

There is as you will be aware an obligation contained within PPG8 for operators to hold talks with local authorities, and recommendations that these discussions should also include other organisations such as local residents groups. Could you therefore supply me with information relating to these meetings, in particular the out come of the obligatory talks that the local authority held with the Operator, along with details of any residents groups who took part, or were invited to take part in these discussions.

Whilst reserving the right to make further representation on this application, I urge you to refuse permission for the above reasons.

Yours sincerely

Local resident