

planning protocol to guide the pre-application and planning application process where planning permission is required for new infrastructure or equipment.

19.71 Furthermore, the recent case of *Thomas v Cheltenham Borough Council [2024] EWHC 1035 (Admin)* highlights the potential risk to some individuals with medical devices from the electro-magnetic field (EMF) associated with such installations.

19.72 Traditionally, certification of equipment under the ICNIRP Statutory Guidelines is sufficient. However, the 'Code of Practice for Wireless Network Development in England' provides guidance to Code Operators (referred to as 'operators' throughout the Code of Practice), including the Mobile Network Operators and wireless infrastructure providers, their agents and contractors, Local Planning Authorities, and all other relevant stakeholders in England on how to carry out their roles and responsibilities when installing wireless network infrastructure. Amongst other things, this requires consultation with the public prior to application.

19.73 The case of *Thomas v Cheltenham Borough Council* indicates that where the public raise issues with regard to the impact of the EMF on medical devices, this should be taken into account in the decision making process. A risk assessment addressing any concerns raised during public consultation should therefore be prepared to accompany any application.

19.74 The Code also expects the operators to address any issues of non-compliance with ICNIRP guidance. This may include introducing an exclusion zone around equipment. Where such an exclusion zone would prevent people enjoying their existing property or would exclude people from using public land which they can currently access, the proposal will be considered against the agent of change principle and may not be acceptable.

