

Briefing arising from the Meeting with Sam Blackwell (BOA Ward Councillor and Town Mayor), Tanya Maidment and Karen Churchill — Wednesday 28 May 2026

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Meeting Outline

The meeting started with an expressed appreciation to Sam for the opportunity to meet and explain matters relating to the Holt Rd 5G mast upgrade (PL/2026/01852) and Karen’s work over the last 7 years on RFR regulation.

The fact that normally planning decisions rest on an **unexamined declaration of conformity with ICNIRP** statements and the pressure of policy is in favour of the rollout of masts was discussed. We then went on to discuss the **legal framework** and the fact there is a lacuna between the legal obligations under the European Electronic Communications Code (EECC) and the domestic GPDO/NPPF planning policy.

Central government has not clarified the role of local authorities as EEC competent authorities and the risk reconciliation function - the wording of policy is restrictive to that function. Judicial reviews have been necessary to bring into play that function and a live issue is with the government under s7 REULA following continuing inconsistencies and lack of clarity after Neil and Karen's Judicial review and the Judicial review in the Thomas case. The exclusion zone diagrams which underpin the ICNIRP safety declaration statement are necessary for an evidence based decision on site safety. They show where the operator says the ICNIRP public reference levels may be exceeded. Without that information, the local authority is effectively asked to accept the applicant's declaration on trust, rather than understanding how the ICNIRP safeguard has been applied to the actual site.

It was recognised in the meeting that it was regrettable not to have met earlier in the process and Sam explained that Steven (Steven Vellance the Case Officer for PL/2026/01852/FUL) **claimed the call in request was out of time.**

Tanya and Karen understood and **accepted Sam's apology** for not challenging Steven's position on the call-in of the planning application. Sam explained that calling a planning application into committee must be done precisely and in accordance with Wiltshire's call-in rules. Those rules were not clear to him at the time. In addition, based on his understanding then, he did not feel he had sufficient grounds to confidently challenge Steven's view of the timing or to justify a call-in request.

Sam explained that Steven did not consider it appropriate to call it in to committee because it was an **upgrade** on a long established site and normally this upgrade would be permitted development anyhow and the NPPF **policy is strongly in favour of not questioning the need for telecoms development.**

Karen explained that we are seeing **inconsistency across the UK** - some upgrades are happening without a prior approval application and many are of the 'prior approval' type of application.

Details in Tanya's objection about the legal framework, matters arising from Thomas, and the evidence in Karen's objection were not adequately addressed in the officer report or decision notice.

The report does not adequately distinguish between a general claim of regulatory compliance and a site-specific, evidence-based assessment of risk, benefit, siting and conditions. We acknowledge that the report refers to an "internal appraisal" and uses the language of EIA screening. However, that appraisal has not been provided in documented form, and the officer report does not address key matters raised in the objections, including metal implants, pacemakers, pollinators, children, nearby allotments, the play area, missing calculations, the sensory SA limit, and exclusion zone information.

A key part of this is the Amenity & Public Health section of the officer report. Karen and Tanya consider that this section treats NPPF paragraph 123 and the ICNIRP declaration as closing down active consideration of public-health EMF evidence, rather than recognising that such evidence can be material to the planning assessment when read with the EEC framework. This is addressed in more detail below.

Karen and Tanya therefore consider the internal appraisal inadequate as a formal response to the EIA screening request, and consider the decision is vulnerable to judicial review.

Background information about legal progression in UK and US

The attached **17 February submission to the Department of Health** and Social Care, DSIT and the Ministry of Housing asks for the lacuna between the EEC obligations and the domestic planning system to be

addressed under section 7 REULA. This submission follows judicial review proceedings arising from the September 2023 [submission](#) by Neil McDougall and Karen Churchill, which raised the example of the breached exclusion zone in Radstock, where a whole house was found to be inside a zone labelled on the PEZ 'safe for max 8 hours'. It also addressed the continuing lack of clarity, operational direction and practical empowerment for Local Planning Authorities (LPAs). LPAs are the bodies which, in practice, exercise the planning-stage functions through which the EECC reconciliation of public-health and environmental considerations must operate, including consideration of whether conditions or further information are required under Recitals 105 and 106, Article 45(2)(h), and Annex I(B)(3). Solihull asked the Departments to clarify its EECC role and received no reply. The remedies being sought, expressed in the positive, are [here](#).

Judge Andrews included the EECC obligations as part of the legal framework in the CBC appeal in the Thomas case whereas in the Court of Appeal Lady Justice Falk in the McDougall/Churchill case stated that the EECC is not part of English Law. The contradiction was not resolved in the Supreme Court. The case was mischaracterised as a challenge to the transposition and regulations but it was all along about missing administrative provision.

It was agreed that the national problems with the regulation of RFR exposure through planning policy are now well demonstrated. Sam suggested working with the MP, with the possibility of supporting the ADR route as one way of addressing the multiple issues raised

Since the meeting, replies have been received from DHSC dated 28 May and DSIT dated 29 May 2026. DHSC relied on UKHSA's assessment that overall exposure from new radio masts, antennae and small cell systems remains low relative to ICNIRP guidelines, and on Ofcom's role as the sole designated telecoms national regulatory authority. DSIT stated that the 14 January 2026 submission had been passed to DHSC because DHSC was responsible for the policy area. Neither reply answers the central issue raised in the McDougall/Churchill 26 November 2025, 14 January 2026 and 17 February 2026 submissions: which authority performs the planning-stage EECC competent-authority/public-health function in practice, and whether Section 7 REULA 2023 will be considered before the 23 June 2026 deadline.

Facts and Issues arising from Objections and the Case Officer Report

1) Public Health England solicitor's D.L.A Piper letter

The May 2019 Bristol challenge to UK reliance on ICNIRP risk assessment, followed the issue of PHE (Public Health England now UKHSA) Guidance 'Mobile phone base stations: radio waves and health' and left us with the DLA Piper pre-action policy declaration that,

*'the Guidance is not maintained and revised by PHE for the explicit purpose of any other body undertaking any other statutory function. If in any other context regard is had to the Guidance that is entirely a matter for the discretion of the relevant body and it must determine what weight to place on the Guidance given the clear indication as to the sources from which the advice and recommendations in the Guidance are derived. **Equally, that body must determine what other evidence from your clients or other members of the public or interested parties to consider in making any decision** (letter dated 8th August 2019)'.*

The Officer report recognised that objections and material considerations existed, but then treated ICNIRP/NPPF policy as effectively determinative, without engaging with the specific evidence before assigning it no real weight.

2) Officer report: Amenity & Public Health

The key wording is in the officer report section headed “**Amenity & Public Health**”.

The officer records that:

“A large part of the neighbour consultation responses relates to possible harm to human health by exposure to electromagnetic fields.”

He then says the applicant’s documents were provided:

“to allay such worries”.

The difficulty is that the material was not simply internet “worries”; it included legal, technical and scientific evidence which needed to be assessed for what it was, not dismissed by where it could be accessed.

He concludes that:

“the Council considers it has sufficient information to make a decision on the application.”

The report states sufficiency, but it does not demonstrate sufficiency.

The critical sentence is:

“Therefore, officers are not able to consider such health concerns outside of the mast’s ICNIRP Compliance Declaration...”

This is the fettering point. The officer did not simply give limited weight to the evidence. He stated that officers were “not able to consider” health evidence outside the ICNIRP declaration.

Karen and Tanya’s position is that this approach prevented consideration of material planning considerations arising from EECC obligations and the risk-reconciliation function. The evidence in the objections was material to that function, including metal implants, pacemakers, exclusion zones, environmental effects, and whether the ICNIRP safeguard had been properly applied to this site.

NPPF paragraph 123 should not have been treated as preventing that assessment.

3) Mendip refusal of 4G to 5G upgrade on health grounds

This was a full planning permission application for a 4G to 5G upgrade on an industrial estate in Frome – the first 5G application in Frome since the council had voted for the precautionary principle.

(Mendip Decision -2021/1952/FUL — Communication Station at Junction with Manor Road, Grove Lane, Frome, Somerset.

‘Councillor Laura Waters then proposed to refuse the application contrary to Officers Recommendation due to concerns on the impact to public health for all ages and lack of backed up evidence of the impact to health. This was seconded by Councillor Lindsay MacDougall. There were 7 votes for the proposal and 6 votes against, therefore the motion to refuse was carried.

RESOLVED

Refused contrary to Officer Recommendation due to concerns on the impact to public health for all ages and lack of backed up evidence of the impact to health.’

4) Thomas v Cheltenham Borough Council (CBC) case – risk reconciliation requirements beyond ICNIRP

The **Thomas v CBC case** – involved ‘a prior approval’ for a new ground-based 5G mast where Cheltenham defended its position on the basis that the certificate fulfilled its health-safeguarding duty. One of the grounds was successful and thus Cheltenham council had to pay over £100,000 costs. It was ruled that risks to people with metal / medical implants fall outside the ICNIRP guideline. That matters because CBC’s position, mirrored in the Holt Road officer report, was that policy prevented further consideration of health matters once the ICNIRP certificate had been received. **Therefore, the risk to people with metal implants or relevant medical devices needed to be evaluated in this case, yet there is no mention of that risk in the officer report.**¹

Judge Andrews p 15 of the ruling ‘

THE LEGAL FRAMEWORK IN OUTLINE 15. Directive EU 2018/1972 of the European Parliament and of the Council, (which is part of EU retained law since the UK withdrew from the European Union) established the European Electronic Communications Code. The Directive contains in Annex 1 a long list of conditions which may be attached to general authorisations for electronic communications networks. They include “measures for the protection of public health against electromagnetic fields caused by electronic communications networks in accordance with Union law, taking utmost account of Recommendation 1999/519/EC”.

This is pertinent because CBC’s position, mirrored in the Holt Road officer report, was that policy prevented further consideration of health matters once the ICNIRP certificate had been received.

5) Bees/ Pollinators

There is no risk analysis for pollinators from ICNIRP - The [Scientific Assumptions paper](#) (and the link the symposium held in [London](#) – 4 speakers including Professor Lin who is ex-ICNIRP now states the guideline is not adequate to protect children) contains evidence on honeybees: reduced queen egg-laying, depletion of pollen and honey counts, reduced hatching, and altered pupal development of honeybee queen larvae.

This matters because pollinator risk was raised as part of the environmental/effect evidence, but the officer report does not show any RF-related assessment of pollinators when concluding that the proposal was not likely to give rise to significant environmental effects.

6) New Hampshire Commission 500m setback

The New Hampshire Commission, raised in Tanya’s objection, was a legally established commission which spent a year reviewing epidemiological and laboratory studies concerning wireless radiation exposure. It recommended a 500 metre setback from wireless infrastructure because it considered that the epidemiological and laboratory evidence demonstrated increased risks within that distance.

We are not claiming that the New Hampshire recommendation is binding on Wiltshire Council. We are saying that it was part of the evidence relied on to support a more careful, site-specific assessment. Accounting for the risks identified within 500m in the New Hampshire Commission report is appropriate within the EU framework.

This matters at Holt Road because Tanya lives approximately 300 metres from the mast, and there are many other residents living closer still, all within the 500 metre area of increased risk identified by the Commission, which led it to recommend a 500 metre setback. The officer report does not show how that evidence, or the

1 Links High Court / Administrative Court

Steven Thomas v Cheltenham Borough Council [2024] EWHC 1035 (Admin)
<https://caselaw.nationalarchives.gov.uk/ewhc/admin/2024/1035>

Court of Appeal

Steven Thomas v Cheltenham Borough Council & Anor [2025] EWCA Civ 259
<https://caselaw.nationalarchives.gov.uk/ewca/civ/2025/259>

residential context within that radius, was weighed before the conclusion that “no significant environmental effects” were likely. This indicates that the wording of the NPPF policy was treated as preventing that consideration, rather than guiding the weight to be given to it.

7) Missing Public Exclusion Zone diagrams (PEZ)

We discussed Public Exclusion Zone diagrams. The aerial and side elevation drawings which together depict the 3D areas around the mast inside which the ICNIRP exposure reference levels are likely to be breached are not usually provided with applications, or anywhere else, and yet UKHSA advises that **people with metal implants or pacemakers** should observe them. It may be that Steven did not have detailed knowledge of PEZ, how they are calculated, or the fact that errors have been found elsewhere.

The point is that the public-facing ICNIRP declaration is the end statement, not the underlying calculation. It says the installation will be ICNIRP compliant, but it does not show the modelled exclusion zone “bubble”, or whether that modelled exclusion zone bubble penetrates places where members of the public can access, or are likely to be.

The MBNL document presented in the Thomas case describes the method of calculation. It shows that operators have a three-step process, stepping down the power levels if the zones are found to penetrate public space so the areas shown on plan and elevation drawings identify the areas within which the reference levels are likely to be breached depending on power, antenna configuration/tilt, orientation, height and surrounding land contours.

Safety is therefore proximity and elevation dependent.

The PEZ diagrams were not provided for the Holt Rd upgrade, and since the upgrade has been confirmed in the report to be 5G they will be different from the current installation. The Cornerstone/Clarke Telecom clarification letter does not reference any technical details about how they were calculated for this site and does not record the distance from the mast where the deemed safe area begins.

In Thomas v CBC, the Court noted that PEZ diagrams are not expressly required by the NPPF or the GPDO. However, where an ICNIRP declaration is being used as reassurance of safety, and UKHSA advises pacemaker wearers to observe public exclusion zones, checking where those zones fall is a reasonable, and arguably necessary, first step in the LPA fulfilling the NPPF paragraph 123 function of not setting health safeguards different from ICNIRP, and in fulfilling the EECC “public health imperative” recognised in Recital 110.

When LPAs receive ICNIRP compliance declaration statements without PEZ diagrams, they are not themselves checking how the health safeguard is being set for the site. The applicant is effectively setting the safeguard for the LPA.

The LPA is accepting the applicant’s assertion without the material needed to verify it.

As already stated in the Meeting Outline, in Radstock, a whole house was found to be inside a zone marked “safe for max 8 hours” and the local planning authority, BANES, felt unable to act on that.

It was also discussed that confidence in ICNIRP declaration statements is low because over 1,000 certificates were found to have been issued in the name of a dissolved company, Three UK Ltd.

8) ICNIRP basic SA limit set to protect against microwave hearing within the 1999/519/EC recommendations

ICNIRP/1999/519/EC distinguishes between “basic restrictions” and “reference levels”. There is a basic restriction exposure limit within ICNIRP 1998/1999/519/EC to protect against microwave hearing, retinal damage and other effects.

Annex III of the 1999/519/EC Recommendation states that reference levels are derived from the basic restrictions, but with *‘the important proviso that localised basic restrictions must not be exceeded.’*

This is important because the MBNL technical guidance also recognises the distinction between basic restrictions and reference levels. It states that ICNIRP compliance can be determined against either basic restrictions, such as SAR, or reference levels, such as Power Flux Density. However, it then states that, because SAR is difficult to determine outside a laboratory, the document only considers exclusion zones derived from Power Flux Density.

The point is that the MBNL process relies on reference-level/PFD modelling, while the 1999/519/EC framework itself says reference levels carry the proviso that localised basic restrictions are not exceeded.

Without the underlying technical material, the officer report gives no reasoned basis for understanding or verifying whether the compliance declaration addresses that localised basic-restriction proviso, or only the reference-level/PFD exclusion zone model. **The question of whether all aspects of the ICNIRP safeguard have actually been met remains unanswered.**

Relevant Case Law & Contextual Facts

We talked about all these matters in the meeting, and Sam kindly gave us more than the allotted hour, so there was time to cover these details. Some of this information may also have been submitted in other objections, but most of it is included here as wider context. Tanya and Karen took the view that it was better not to overload our objections, and that the material we submitted was enough to trigger a deeper consideration of the evidence than the level of “internal appraisal” reported in the officer report.

To be clear, these points are included to set a context for the review, not with the expectation that they form part of the review unless the information was included in the objections filed. We know that Steven can only consider the material that was before him at the time. These points explain the wider risk-reconciliation context and the judicial, policy and practical developments which support the validity and relevance of the evidence submitted.

9) Judicial Review - Brighton

In November 2021, a new 5G mast adjacent to a school was first proposed at one height and then reduced in height, but no PEZ were provided for either proposal and no updated ICNIRP certificate was issued for the lower mast.

Residents used technical data and an example PEZ to estimate the exclusion zones, indicating that they likely extended into the school property, and challenged the approval by way of judicial review proceedings.

The Council defended the claim at a cost of approximately £13,000 before conceding prior to a hearing that:

“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.”

This concession was stamped by the High Court. (more details and concession Notice on [this page](#) 4 scrolls down).

10) Castle Point Local Plan recognises exclusion zone provision and relevance of 500m

The new **Castle Point Plan 2026–2043 is not yet adopted**. It was submitted to the Secretary of State for **independent examination on 31 January 2026** under Regulation 22.

Castle Point

Policy Infra6 - Communications Infrastructure

1. All new residential, commercial developments and other appropriate developments/uses must be served by a gigabit broadband connection to the premises and 4G/5G mobile connectivity. Connection should include the installation of appropriate cabling within the homes or business units (or other buildings) as well as a fully enabled connection of the developed areas to at least two open access network providers, enabling future occupiers to subscribe to gigabit broadband services without the need for further engineering work.

2. When determining applications, or prior approval applications for the siting and design of permanent telecommunications equipment and other associated permanent structures, there will be a presumption in favour of proposals which can demonstrate:

a. They are designed sensitively and appropriately in respect of their setting and location; and

b. Where the proposed mast, antennae, base station or other equipment will emit time-varying electric, magnetic or electromagnetic fields (EMF), there is:

i. An International Commission on Non-Ionizing Radiation (ICNIRP) declaration issued and signed by a qualified and competent person from a registered company that is on the OFCOM Register of persons with powers under the Electronic Communications Code and contains the relative measurements **that allow for public scrutiny; and**

ii. A satisfactory risk assessment provided which includes the outcomes of consultation with all residents and businesses within **500m of the installation**, including any schools, colleges or residential institutions. Where the consultation highlights risks to **persons that could be affected by levels of EMF radiation below ICNIRP safety thresholds this should be highlighted and addressed in the risk assessment;** and

iii. **Information that demonstrates that satisfactory consideration has been given to areas of non-compliance (exclusion zones)**² and cumulative impact, to the extent that risk to human health has been avoided. **The Council will apply the agent of change principle when determining if exclusion zones are appropriate.**

² See Code of Practice for Wireless Development in England (para 44, Annex C scenarios)

Reasoned Justification

19.67 The National Planning Policy Framework (NPPF) supports the provision of high quality and reliable communications infrastructure to deliver economic growth. The Government has confirmed that telecommunications infrastructure should be considered alongside other key infrastructure such as roads and utilities.

19.68 Digital connectivity is becoming increasingly essential to access services and to access work. To this end the Council will require all new developments to have access to fibre to the premises services. The Government have

committed to all existing homes having access to fibre to the premises by December 2026. This is being delivered in Castle Point over the course of 2024 – 2025, and therefore there will be an existing fibre network for new developments to make use of. It is therefore expected that this requirement is broadly deliverable across the Borough.

19.69 Another key component of modern communications is the mobile phone network, with existing 3G, 4G and 5G infrastructure present across the Borough. Many people rely on the mobile network for their day-to-day activities and business whilst they are out and about, and this is therefore also critical infrastructure.

19.70 However, initial roll out of 5G provision has highlighted some design, layout and siting concerns that need to be addressed in future provision. The Essex Design Guide includes a section on 'Planning for 5G' including a The Castle Point Plan 2026-2043 I Regulation 19 Draft I July 2025155 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.

11) The Court of Appeal of Turin (2020)

confirms the link between a head tumour and mobile phone use.

The ruling **“there is protective scientific jurisprudence that supports the assertion of causation based on criteria of “more likely than not”**. P.33.

The Court of Appeal of Turin judgment is useful background because it shows that radiofrequency harm evidence, including the NTP and Ramazzini studies, has been considered by a court and given real evidential weight.

The Court gave weight to the NTP and Ramazzini studies relied on by the claimant, rather than accepting the defence position based on ICNIRP's critical view of those studies. The Court did not accept that those studies could simply be dismissed or treated as unreliable.

This matters here because the New Hampshire Commission also considered the NTP and Ramazzini studies, and those studies formed part of the evidence submitted with the objections. They are not fringe material or

merely internet-based “worries”. They are part of a recognised body of scientific and legal material which requires proper evaluation.

The officer report states:

“A large part of the neighbour consultation responses relates to possible harm to human health by exposure to electromagnetic fields. In a general sense, such concerns are not new and are openly discussed within the World Wide Web, with much of its scientific concerns and theories being submitted as representations for the purposes of this current application.

Such concerns are understood; however, the applicant has provided many and numerous documents within the application relating to such health concerns for people to read and to allay such worries, this information being in addition to the submission of scaled plans and a comprehensive accompanying statement. Therefore, the Council considers it has sufficient information to make a decision on the application.”

Describing the objections as “concerns”, “worries”, and as an issue discussed on the World Wide Web does not reflect the legal, technical and scientific material submitted.

Just to be clear, discussing the Court of Appeal of Turin in the meeting, we are not saying that it directly applies, or that Steven had to reach any particular conclusion about harm. The point we are raising is about the process of decision-making. We are bringing it in to show that the non-formalised internal appraisal did not provide the level of reasoning warranted in response to the formal EIA screening request.

12) Education Health Care Plan (EHCP) awarded (July 2022) for UK child on the basis of Electromagnetic Hypersensitivity (EHS)

This [press release](#) is fairly short, (about a 6 minute skim read), and I think an important read, so I do not reproduce it here in full. A few excerpts:-

‘We take into account that Public Health England does not recognise EHS, but there is a credible body of evidence that on balance establishes the impairment.’

‘We decided, on balance that XXX’s symptoms are caused by electro-magnetic fields’

This ruling is important given the Cornerstone’s Health and Mobile base stations’ supplied with the Holt application states:-

*‘All Cornerstone installations are designed and constructed in compliance with the precautionary ICNIRP public exposure guidelines as adopted in EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz). These guidelines have been set following a thorough review of the science and take into consideration both thermal and non-thermal effects. **They protect all members of the public 24 hours a day.**’*

The Upper Tribunal conclusion that much lower than ICNIRP exposure levels is causing a child’s disabling symptoms demonstrates a need for deeper scrutiny than is apparent in the Officer report. (Note - Again we are not claiming the exposures in that case are equivalent to Holt Rd mast upgrade, just that a full EIA is warranted.)

Steven is unlikely to have known about the EHCP ruling, and we did not want to overload our objections. We thought that the EIA request, together with the level of reasoning and legal framing provided, would be enough to invite deeper scrutiny of the New Hampshire and ICBE materials and prompt an evidence-based, site-specific weighting of the evidence.

There is one objector I know of who is a long-term sufferer of EHS.

13) FCC / Environmental Health Trust and Children's Health Defence

The U.S. Court of Appeals for the D.C. Circuit judgment in *Environmental Health Trust v FCC* is relevant because it shows that a general or cursory response to substantial RF evidence is not enough.

The Court held that the FCC had failed to provide a reasoned explanation for keeping its 1996 radiofrequency exposure guidelines unchanged. In particular, the Court found that the FCC had not adequately addressed evidence about non-cancer health effects, children, long-term exposure, wireless ubiquity, technological developments since 1996, including 5G, and environmental harm.

The Court stated that the FCC's conclusory reliance on the FDA was not the "reasoned" explanation required by administrative law. It also said that whether existing testing was "conservative" was not the point; the unanswered question was whether RF radiation permitted under existing limits could cause negative health effects.

The Court also found that the FCC "completely failed even to acknowledge, let alone respond to" comments about environmental harm, and that the record contained "substantive evidence of potential environmental harms."

The Court therefore remanded the case to the FCC and required a reasoned explanation addressing, among other things, children, long-term exposure, technological developments, and environmental impacts.

Children's Health Defense and Environmental Health Trust have since filed a petition for a writ of mandamus, arguing that the FCC has still not complied with the 2021 remand. The petition says the FCC's delay is preventing further judicial review and refers to ongoing issues including exposure zones exceeding general-population limits and the need for "positive access control."

The point for local planning authorities is not that the U.S. FCC ruling binds them but that substantial RF evidence cannot properly be answered by a cursory or generalised reassurance. If evidence is submitted about non-cancer effects, children, long-term exposure, environmental harm, pollinators, exclusion zones, or individual vulnerability, the decision-maker must identify the evidence, engage with it, and give reasons for the weight given to it.

We consider this gives further support for why the report's references to general "concerns" and "worries", and to material discussed on the "World Wide Web", are inadequate, especially as a formal EIA request was raised.

14) Parliamentary questions on Public Exclusion Zone (PEZ) breaches and verification (Dec 2025 – Jan 2026)

Neil Shastri-Hurst MP has tabled four Parliamentary Questions to the Department for Science, Innovation and Technology.

1. To ask the Secretary of State for Science, Innovation and Technology, how many instances of non-compliance with ICNIRP public exclusion zone requirements for telecommunications masts have been identified in each of the last five years; and what enforcement action was taken in each case.
2. To ask the Secretary of State for Science, Innovation and Technology, whether her Department plans to introduce mandatory third-party verification of ICNIRP compliance for telecoms mast installations above a specified power threshold.
3. To ask the Secretary of State for Science, Innovation and Technology, what steps his Department is taking to monitor the accuracy of ICNIRP self-certification declarations submitted by telecommunications operators in respect of public exclusion zones for new and existing masts.

4. To ask the Secretary of State for Science, Innovation and Technology, what advice his Department has received from the UK Health Security Agency on the potential health impacts and emerging evidence concerning electromagnetic field exposure in relation to ICNIRP public exclusion zone requirements.

But the responses fail to address PEZ oversight

The responses are framed in terms of institutional roles. DSIT states that it is not responsible for public health considerations or for monitoring compliance, and refers instead to UKHSA, Ofcom and the planning system. However, the responses do not address how site-specific risk is assessed in practice, nor how the accuracy of compliance declarations would be verified. They identify the bodies involved, but do not explain how the underlying function is carried out.

The use of the term “ICNIRP Public Exclusion Zone (PEZ) compliance” in the Parliamentary Questions introduces a degree of conceptual confusion. ICNIRP compliance relates to adherence to exposure limits, whereas Public Exclusion Zones are calculated approximations derived from assumed operating parameters. They do not constitute compliance in themselves. The relevant issue at the planning stage is not compliance with a model, but whether the proposed siting is safe in relation to its surroundings, having regard to proximity-based risk.

In *Thomas v Cheltenham Borough Council*, the court noted that neither the GPDO nor the National Planning Policy Framework requires the assessment of Public Exclusion Zones or refers to them expressly.

Public Health England has stated that control of public exposure occurs through planning policy. However, the Parliamentary Questions do not address how that function is to operate in practice, particularly in relation to the assessment of site-specific, proximity-based risk.

The fourth question, which seeks advice on health impacts and emerging evidence “in relation to” Public Exclusion Zone requirements, lacks precision. It does not distinguish between the adequacy of Public Exclusion Zones, the reliance placed on compliance statements, and the role of the decision-maker in assessing site-specific risk — the function to which any such advice would need to relate.

What the questions needed to address in our (Karen and Tanya) opinion are:-

- Q1.** Will Government require that Public Exclusion Zone calculations and diagrams are provided, examined and verified at the planning stage as part of the assessment of site-specific risk?
- Q2.** In the absence of such a requirement, how would any instance of a Public Exclusion Zone extending into space accessible to the public be identified in practice?
- Q3.** Will any authority be required to assess whether the operation of telecommunications equipment corresponds to the technical parameters said to underpin ICNIRP compliance statements submitted at the planning stage?

15) Matt Warman – intervenes to move a mast given approval outside a school

Matt Warman MP, former minister for Digital Culture Media and Sport (DCMS), the defendant in the legal challenge led by Michael Mansfield KC, supported his constituents in their desire to not erect a 5G mast outside a school, by intervening directly with the Telecoms company.

“Over the summer, a number of residents contacted me about their concerns over a proposed 5G Mast in Wrangle, and many more attended a public meeting I convened in the Village Hall. I have contacted those people who signed up to be kept up to date on this issue, directly.

In the course of that meeting, the vast majority of people expressed their desire to see improved mobile coverage in the village and across the county, and shared the ambition I pursued as a minister to see this happen rapidly. As I said then, I am confident this technology is being safely deployed in the UK, as it is being around the world as well.

It is, however, also the case that the positioning of masts is an emotive topic, and in order to maintain public confidence it’s important that networks get these decisions right. I am pleased that following my intervention, the Chief Executive of Three has agreed not to

proceed with the proposed mast outside Wrangle Primary School and has now committed to exploring other more suitable sites in the local area. While this may take some time, I will encourage the company to do so as rapidly as possible.

As always, my priority is to listen to and represent the views of my constituents and I'm glad to have been able to ensure action was taken in this case." -Matt Warman MP [facebook post 6th September 2023](#)

The unacceptability of this form of regulation was discussed especially in view that Matt Warman had been asked about the role of Local Planning Authorities as EECC competent authorities. He answered Wera Hobhouse MP's tabled questions on 22nd June 2021, saying that the transposition of the EECC would have no effect on the status of LPAs where they are considered competent authorities under EU directive 2014/61/EC. We tested this in Bath and other councils and reported the outcomes in the September 2023 submission.

As an article about the situation asked: 'if the positioning of a mast, in this case outside a primary school, is an emotive topic, is it not also an emotive topic to position a mast outside a home, in a public area or indeed anywhere at all? Clearly, if outside a school is unacceptable, is any place suitable? Children do not only occupy schools, they roam; they walk, play and sleep in almost every area of domestic habitation. Can we suggest that, as the positioning of masts is accepted as an emotive topic for Mr Warman, the positioning of masts in all areas can be similarly intervened?'

16) Indoor plants in line of sight of mast and in presence of Wi-Fi adversely affected.

The WHO **established the International EMF Project in 1996** "to assess the scientific evidence of possible health effects of EMF in the frequency range from 0 to 300 GHz." - and to encourage research to fill knowledge gaps and to facilitate internationally acceptable EMF exposure standards. The UK is a member of IEMF project. The group conducted experiments in Amsterdam to mitigate the adverse effects of RFR on indoor plants. The results demonstrated that mitigation is possible and sometimes necessary. This could be directly relevant to the assessment of cumulative effects from in-house Wi-Fi exposure combining with external exposures from masts and yet this form of 'cumulative effects' has not been assessed by Cornerstone but could have been addressed in the EIA requested. This WHO material may be relevant to the request for a more detailed EIA assessment because Tanya is in line of sight of the mast and the allotments are nearby - it supports further consideration of cumulative exposure and environmental effects. The need for new approaches to mitigating fast moving technologies was addressed in the report and discussed between the three of us in the meeting. Page 1 '*The next steps would be to focus on bioadaptive solutions instead of complaints, negatives and fear mongering*'.

We agreed that technologies are developing quickly, and that new mitigation solutions may be needed where risks or exposure issues are identified. We are keen not to approach this from fear or complaint, but equally we are keen that evidence of harm is not set aside without proper consideration.

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RF transmitters and localised hotspots:

*'Intervention: redundant, and poorly positioned/configured WiFi transmitters are disconnected. **Filtering mesh installed for residents in line-of site to cellular transmitter** with high reflective zone parameters.*

*Outcome: micro-algae oxygen bars and **indoor plants are growing more optimally** and responding better to the Photon-flux model interventions.'*

Requests and Next Steps

The experience of CBC and Brighton also shows why early review is sensible. Once these issues become litigation, costs increase quickly for everyone. That is why Karen and Tanya are asking for review and clarification now, before positions harden further.

1) Review of the Holt Rd 5G upgrade decision

Karen and Tanya asked that Sam support us in asking Steven to review the legality of the decision given the information shared about the legal framework and the contextual information. We ask that Wiltshire Council urgently request the applicant/operator to give a written undertaking that no works will commence or continue pending that review.

We understand that Steven may only be able to consider what was before him at the time of the decision. Given the material within the objections, we consider it reasonable to ask for a reasoned review of the conclusion that “no significant environmental effects” were likely, with reference to the specific information and evidence submitted.

We consider that without such reasoned assessment, the **decision is vulnerable to judicial review**.

We request the following as part of the review:

- Metal implants and pacemakers at different distances to be accounted for in light of Thomas. A resident with metal implants living at 17m was treated as material to possible re-siting of the mast, whilst at 100m a pacemaker wearer was not treated as material to re-siting.
- The risks to Tanya, who lives approximately 300 metres from the mast, and to other residents living closer still within the 500 metre area of increased risk identified by the New Hampshire Commission, which led to its recommended 500 metre setback.
- The scientific evidence within Karen’s objection to be weighed against the Cornerstone claim about the ICNIRP guideline ‘*They protect all members of the public 24 hours a day*’.
- Provision of the exclusion zone diagrams, given that UKHSA advises that pacemaker wearers should remain clear of public exclusion zones, and because the Council and residents need to know whether the modelled exclusion zone bubble penetrates publicly accessible land or airspace.
- Specific assessment of the ecological and environmental evidence in Karen’s objection, including the science relating to pollinators, allotment users and the play area. The officer report’s ecology section addresses the bat SAC/Habitats issue by reference to roosts, vegetation removal and lighting, but it does not assess RF/RFR effects on pollinators or other environmental receptors.
- Confirm that the EU framework does not remove active consideration of public-health EMF risks from the authorisation process, and that the officer report was wrong to treat NPPF paragraph 123 as closing that down, given that the EEC general authorisation system expressly preserves public-health EMF measures within Annex I (B)(3).

If this matter is passed to Wiltshire Council’s legal department, we request that the September 2023 submission, the Supreme Court application, and the 17 February 2026 submission are read in conjunction with this briefing and the action requests. The [September 2023 submission](#) is hyper-linked, the 17 February submission is attached, and the Supreme Court application is available on request.

2) MP support

Sam suggested informing Brian about the Holt Road decision, the EIA/public-health issues raised, and the wider regulatory gap. Karen suggested that the ADR route re-requested in the 17 February submission could be supported by Brian and Wiltshire Council.

Since the meeting, replies have been received from DHSC dated 28 May and DSIT dated 29 May. DHSC has relied on UKHSA's assessment that overall exposure from new radio masts, antennae and small cell systems remains low relative to ICNIRP guidelines, and that there should therefore be no consequences for public health. It has also relied on Ofcom's role as the sole designated telecoms national regulatory authority, the High Court's refusal and TWM certification, and the subsequent refusals of permission to appeal by the Court of Appeal and Supreme Court. DSIT has said that the 14 January 2026 submission was passed to DHSC because DHSC is responsible for the policy area. No substantive response has yet been received from MHCLG.

The replies demonstrate the circular problem identified in the submissions. DSIT refers the matter to DHSC; DHSC points to Ofcom; and Ofcom does not determine individual planning or siting decisions. At the same time, Government is consulting on, and reforming, the GPDO/NPPF and digital-infrastructure planning framework. Those reforms may change the planning route for telecommunications infrastructure, but the underlying EEC competent-authority and public-health safeguard gap remains unresolved. DHSC's reliance on UKHSA's general exposure assessment does not answer the six requests made in the 14 January submission, which included requests for a non-adversarial public-health-oriented settlement, confirmation that mediation or ADR will be brought into effect, and clarification of how the requested remedies can be taken forward before the 23 June 2026 Section 7 REULA deadline.

It may be helpful for Brian to see the 14 January submission itself, rather than only this summary, because it sets out the six requests in detail and reduces the risk that the issue is raised with Ministers too generally.

We hope Brian may be able to support this by raising the unresolved Section 7 REULA request and the departmental-responsibility issue with Ministers before the 23 June 2026 deadline.

There may also be value in making contact with Wera Hobhouse MP. Wera was recently engaged on the Beechen Cliff School mast-upgrade issue in Bath, where a proposed 5G upgrade was downgraded to 4G following public consultation. That case also raised questions about the adequacy of ordinary planning procedures: the risk-benefit weighting was not technology-specific, the EIA response was not reasoned, and no exclusion-zone diagrams were provided. She was supportive of a precautionary approach and was informed about the wider central-government submissions concerning the EEC lacuna.

3) ISO Route

This was not discussed in the meeting but was considered subsequently.

There may be a practical ISO route for Steven or Wiltshire Council to request further technical clarification through the operator's quality/compliance process by raising a 'non-compliance report' (NCR).

This could assist in obtaining or verifying power, frequency, transmission characteristics, exclusion zone information, and the assumptions underlying the submitted compliance material. Statements in the health reports could also be presented with evidence submitted in the objections as part of an NCR.

We would be happy to provide further information about this ISO route if it would assist.

Closing note

Thank you for your time in considering this briefing.

We all agreed that these regulatory matters are challenging, and we appreciate the time Sam gave us to talk them through properly.

ANNEXES

i) Mendip minutes

021/1952/FUL Communication Station At Junction

With Manor Road, Grove Lane, Frome, Somerset

The Officer Report stated that this application was for the installation of a 20m monopole, 12 antenna and 3 equipment cabinets. Also, the removal of an existing 17.5m monopole, 2 equipment cabinets and development ancillary thereto. It had been referred to the Planning Board because the Officer recommendation was contrary

to those of the Town Council and there had been a significant number of representations.

It said that the site already supported a 4G mast and was within an industrial/commercial area.

Ward Councillor Collins had said that as it was the first 5G mast application within Frome, it should go to the Planning Board and he had raised various concerns during the consultation period including the lack of proof of safety. Carlton Langford - Frome Town Council had objected to the application as their council policy meant they were unable to support the rollout of 5G. There had been 185 letters of objection received from local people at the time the main report was submitted to the agenda. The reasons for objection included the following:

- Visual impact*
- Adverse impact on the environment and wildlife.*
- Various health reasons as to why the mast and equipment should not be allowed.*
- Documented health implications associated with the rollout of 5G.*
- Insufficient information surrounding the health risks associated with 5G.*
- 5G should not be allowed in Frome.*
- 5G not needed in Frome, 4G sufficient.*
- The site is located close to schools.*
- Close to a care home for the elderly.*
- Concerns regarding electromagnetic fields (EMF) surrounding 5G equipment.*
- Indications show that children are among the most susceptible to EMF emissions.*
- Highway safety concerns*

The Report added that there had been a petition with at least 115 signatures objecting to the proposal for the similar reasons as above, but also that 2 letters of support had been received.

The Officer Report advised that public health controls surrounding radio waves including 5G technology were set out by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and gave some background to their guidelines and research. The report provided a summary of the findings saying it was possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure was expected to remain low relative to guidelines and, as such, there should be no consequences for public health. Public Health England was committed to monitoring the PEZ diagrams were not provided for the Holt Rd upgrade evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

Mendip District Council

*Councillor Laura Waters then proposed to refuse the application **contrary to Officers Recommendation** due to concerns on the impact to public health for all ages and lack of backed up evidence of the impact to health.*

This was seconded by Councillor Lindsay MacDougall. There were 7 votes for the proposal and 6 votes against, therefore the motion to refuse was carried.

RESOLVED

Refused contrary to Officer Recommendation due to concerns on the impact to public health for all ages and lack of backed up evidence of the impact to health.

ii) EECC Recitals

Recital 21

"National regulatory and other competent authorities should have a harmonised set of objectives and principles to underpin their work, and should, where necessary, coordinate their actions with the authorities of other Member States and with BEREC in carrying out their tasks under this regulatory framework".

Recital 105

(105) Spectrum management carries out an important public interest function. In addition to achieving the objectives set out in this Directive, spectrum management should support other general interest policies such as public safety, defence, environmental protection, civil protection, scientific research, social and territorial cohesion, and town and country planning. Spectrum management should therefore ensure coordination with such policies, including coordination with civil works and deployment of electronic communications networks, in order to minimise the environmental impact of infrastructure and facilitate network roll-out.

Recital 106

(106) Requirements linked to the deployment and operation of electronic communications networks should be proportionate, transparent and non-discriminatory. **Competent authorities should seek to reconcile the environmental and public health considerations in question** with the need to ensure that electronic communications networks are deployed efficiently and rapidly. In particular, Member States should ensure that such requirements are applied in a consistent manner and should not be used to hinder the deployment of networks.

Recital 121

(121) In order to ensure predictability and preserve legal certainty, **Member States should establish, in advance, appropriate criteria to determine compliance with the conditions attached to general authorisations** and rights of use for radio spectrum and numbering resources. Such criteria should be objective, transparent, proportionate and non-discriminatory.

iii) EECC Articles

Article 6(1)

“Member States shall guarantee the independence of national regulatory authorities and of other competent authorities by ensuring that they are legally distinct from, and functionally independent of, any natural or legal person providing electronic communications networks, equipment or services. Member States that retain ownership or control of undertakings providing electronic communications networks or services shall ensure effective structural separation of the regulatory function from activities associated with ownership or control.”

Article 6(2)

“Member States shall ensure that national regulatory and other **competent authorities** exercise their powers impartially, transparently and in a timely manner. **Member States shall ensure that they have adequate financial and human resources to carry out the tasks assigned to them.**”

Article 44

“Co-location and sharing of network elements and associated facilities for providers of electronic communications networks

1. Where an operator has exercised the right under national law to install facilities on, over or under public or private property, or has taken advantage of a procedure for the expropriation or use of property, competent authorities may impose co-location and sharing of the network elements and associated facilities installed on that basis, in order to protect the environment, public health, public security or to meet town- and country-planning objectives.

Co-location or sharing of network elements and facilities installed and sharing of property may be imposed only after an appropriate period of public consultation, during which all interested parties shall be given an opportunity to express their views and only in the specific areas where such sharing is considered to be necessary with a view to pursuing the objectives provided in the first subparagraph. Competent authorities may impose the sharing of such facilities or property, including land, buildings, entries to buildings, building wiring, masts, antennae, towers and other supporting constructions, ducts, conduits, manholes, cabinets or measures facilitating the coordination of public works. Where necessary, a Member State may designate a national regulatory or other competent authority for one or more of the following tasks:

- (a) coordinating the process provided for in this Article;
 - (b) acting as a single information point;
 - (c) setting down rules for apportioning the costs of facility or property sharing and of civil works coordination.
2. Measures taken by a competent authority in accordance with this Article shall be objective, transparent, non-discriminatory, and proportionate. Where relevant, these measures shall be carried out in coordination with the national regulatory authorities.”

Article 45

Management of radio spectrum

1. Taking due account of the fact that radio spectrum is a public good that has an important social, cultural and economic value, Member States shall ensure the effective management of radio spectrum for electronic communications networks and services in their territory in accordance with Articles 3 and 4. They shall ensure that the allocation of, the issuing of general authorisations in respect of, and the granting of individual rights of

use for radio spectrum for electronic communications networks and services by competent authorities are based on objective, transparent, pro-competitive, non-discriminatory and proportionate criteria.

In applying this Article, Member States shall respect relevant international agreements, including the ITU Radio Regulations and other agreements adopted in the framework of the ITU applicable to radio spectrum, such as the agreement reached at the Regional Radiocommunications Conference of 2006, and may take public policy considerations into account.

2. Member States shall promote the harmonisation of use of radio spectrum by electronic communications networks and services across the Union, consistent with the need to ensure effective and efficient use thereof and in pursuit of benefits for the consumer such as competition, economies of scale and interoperability of networks and services. In so doing, they shall act in accordance with Article 4 of this Directive and with Decision No 676/2002/EC, *inter alia*, by:

(a)

pursuing wireless broadband coverage of their national territory and population at high quality and speed, as well as coverage of major national and European transport paths, including trans-European transport network as referred to in Regulation (EU) No 1315/2013 of the European Parliament and of the Council (46);

(b)

facilitating the rapid development in the Union of new wireless communications technologies and applications, including, where appropriate, in a cross-sectoral approach;

(c)

ensuring predictability and consistency in the granting, renewal, amendment, restriction and withdrawal of rights of use for radio spectrum in order to promote long-term investments;

(d)

ensuring the prevention of cross-border or national harmful interference in accordance with Articles 28 and 46 respectively, and taking appropriate pre-emptive and remedial measures to that end;

(e)

promoting the shared use of radio spectrum between similar or different uses of radio spectrum in accordance with competition law;

(f)

applying the most appropriate and least onerous authorisation system possible in accordance with Article 46 in such a way as to maximise flexibility, sharing and efficiency in the use of radio spectrum;

(g)

applying rules for the granting, transfer, renewal, modification and withdrawal of rights of use for radio spectrum that are clearly and transparently laid down in order to guarantee regulatory certainty, consistency and predictability;

(h)

pursuing consistency and predictability throughout the Union regarding the way the use of radio spectrum is authorised in protecting public health taking into account Recommendation 1999/519/EC.

For the purpose of the first subparagraph, and in the context of the development of technical implementing measures for a radio spectrum band under Decision No 676/2002/EC, the Commission may request the RSPG to issue an opinion recommending the most appropriate authorisation regimes for the use of radio spectrum in that band or parts thereof. Where appropriate and taking utmost account of such opinion, the Commission may adopt a recommendation with a view to promoting a consistent approach in the Union with regard to the authorisation regimes for the use of that band.

Where the Commission is considering the adoption of measures in accordance with Article 39(1), (4), (5) and (6), it may request the opinion of the RSPG with regard to the implications of any such standard or specification for the coordination, harmonisation and availability of radio spectrum. The Commission shall take utmost account of the RSPG's opinion in taking any subsequent steps.'

EECC Annex I — Part B(3)

I — List of conditions which may be attached to general authorisations, rights of use for radio spectrum and rights of use for numbering resources

"This Annex provides for the maximum list of conditions which may be attached to general authorisations for electronic communications networks and services ... electronic communications networks (Part B) ..."

B. Specific conditions which may be attached to a general authorisation for the provision of electronic communications networks

...

3. "Measures for the protection of public health against electromagnetic fields caused by electronic communications networks in accordance with Union law, taking utmost account of Recommendation 1999/519/EC."

iv) 1999 Recommendations extracts

'COUNCIL RECOMMENDATION

of 12 July 1999

on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)

(1999/519/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4), second subparagraph,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament(1),

Whereas:

- (1) In accordance with point (p) of Article 3 of the Treaty, Community action must include a contribution to the attainment of a high level of health protection; the Treaty also makes provision for protecting the health of workers and of consumers;
- (2) In its resolution of 5 May 1994 on combating the harmful effects of non-ionising radiation(2), the European Parliament called on the Commission to propose legislative measures seeking to limit the exposure of workers and the public to non-ionising electromagnetic radiation;
- (3) Community minimum requirements for the protection of health and safety of workers in relation to electromagnetic fields exist for work with display screen equipment(3); Community measures were introduced to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding(4) which oblige, inter alia, employers to assess activities which involve a specific risk of exposure to non-ionising radiation; minimum requirements have been proposed for the protection of workers from physical agents(5) which include measures against non-ionising radiation; whereas, therefore, this recommendation does not address the protection of workers against occupational exposure to electromagnetic fields;
- (4) **It is imperative to protect members of the general public within the Community against established adverse health effects that may result as a consequence of exposure to electromagnetic fields;**
- (5) Measures with regard to electromagnetic fields should afford all Community citizens a high level of protection; provisions by Member States in this area should be based on a commonly agreed framework, so as to contribute to ensuring consistency of protection throughout the Community;
- (6) In accordance with the principle of subsidiarity, **any new measure taken in an area** which does not fall within the exclusive competence of the Community, such as non-ionising radiation protection of the public, may be taken up by the Community only if, by reason of the scale or effects of the proposed action, **the objectives proposed can be better achieved by the Community than by Member States;**
- (7) Actions on limiting the exposure of the general public to electromagnetic fields should be balanced with the other health, safety and security benefits that devices emitting electromagnetic fields bring to the quality of life, in such areas as telecommunications, energy and public security;
- (8) There is a need to establish by means of recommendations addressed to Member States a Community framework with regard to exposure to electromagnetic fields with the objective of protecting the public;
- (9) This recommendation has as its objective the protection of the health of the public and it therefore applies, in particular, to relevant areas where members of the public spend significant time in relation to the effects covered by this recommendation;
- (10) The Community framework, which draws on the large body of scientific documentation that already exists, must be based on the best available scientific data and advice in this area and **should comprise basic restrictions and reference levels** on exposure to electromagnetic fields; recalling that only established effects have been used as the basis for the recommended limitation of exposure; advice on this matter has been given by the International Commission on Non-Ionising Radiation Protection (ICNIRP) and has been endorsed by the Commission's Scientific Steering Committee; the framework should be **regularly reviewed and reassessed in the light of new knowledge** and developments in technology and applications of sources and practices giving rise to exposure to electromagnetic fields;
- (11) Such basic restrictions and reference levels should apply to all radiations emitted by electromagnetic fields with the exception of optical radiation and ionising radiation; for optical radiation the relevant scientific

data and advice still require further consideration, and for ionising radiation Community provisions already exist;

(12) In order to assess compliance with the basic restrictions provided in this recommendation, the national and European bodies for standardisation (e.g. Cenelec, CEN) should be encouraged to develop standards within the framework of Community legislation for the purposes of the design and testing of equipment;

(13) Adherence to the recommended restrictions and reference levels should provide a high level of protection as regards the established health effects that may result from exposure to electromagnetic fields but such adherence **may not necessarily avoid interference problems with, or effects on the functioning of, medical devices such as metallic prostheses, cardiac pacemakers and defibrillators, cochlear implants and other implants; interference problems with pacemakers may occur at levels below the recommended reference levels and should therefore be the object of appropriate precautions which, however, are not within the scope of this recommendation** and are dealt with in the context of legislation on electromagnetic compatibility and medical devices;

(14) In accordance with the principle of proportionality, this recommendation provides general principles and methods for the protection of members of the public while leaving it to the Member States to provide for detailed rules as regards the sources and practices which give rise to exposure to electromagnetic fields and the classification, as work-related or not, of conditions of exposure of individuals, in accordance with Community provisions concerning the safety and health protection of workers;

(15) Member States may, in accordance with the Treaty, provide for a higher level of protection than that set out in this recommendation;

(16) Measures by the Member States in this area, whether binding or non-binding, and the way in which they have taken account of this recommendation should be the object of reports at national and Community level;

(17) In order to increase awareness of the risks of, and measures of protection against, electromagnetic fields, Member States should promote the dissemination of information and rules of practice in this field, in particular with regard to the design, installation and use of equipment, so as to aim at obtaining levels of exposure that do not exceed the recommended restrictions;

(18) Attention should be paid to achieving appropriate communication and understanding regarding the risks related to electromagnetic fields, while taking into account public perceptions of such risks;

(19) The Member States should take note of progress made in scientific knowledge and technology with respect to non-ionising radiation protection, taking into account the aspect of precaution, and should provide for regular scrutiny and review with an assessment being made at regular intervals in the light of guidance issued by competent international organisations, such as the International Commission on Non-Ionising Radiation Protection, **(NOTE In the planning context, the local planning authority is the body required to undertake the decision-making assessment before it, including any public-health EMF evidence that is legally material to that decision.)**

HEREBY RECOMMENDS THAT:

I. For the purpose of this recommendation Member States should assign to the physical quantities listed in Annex I.A the meanings given to them therein.

II. Member States, in order to provide for a high level of health protection against exposure to electromagnetic fields, should:

- (a) adopt a framework of **basic restrictions and reference levels** using Annex I.B as the basis;
- (b) implement measures according to this framework, in respect of sources or practices giving rise to electromagnetic exposure of the general public when the time of exposure is significant with the exception of exposure for medical purposes where the risks and benefits of exposure, above the basic restrictions, must be properly weighed;
- (c) aim to achieve respect of the basic restrictions given in Annex II for public exposure.

III. Member States, in order to facilitate and promote respect of the basic restrictions given in **Annex II**:

(a) should take into account the reference levels given in Annex III for exposure assessment purposes or, when they exist, as far as they are recognised by the Member State, European or national standards based on agreed scientifically proven measurement and calculation procedures designed to evaluate compliance **with the basic restrictions**;

(b) should evaluate situations involving sources of more than one frequency in accordance with the formulae set out in Annex IV, both in terms of basic restrictions and reference levels;

(c) may take into account criteria, where appropriate, such as duration of the exposure, exposed parts of the body, age and health status of the public.

IV. Member States should consider both the risks and benefits in deciding whether action is required or not, pursuant to this recommendation, when deciding on policy or **adopting measures** on exposure of members of the public to electromagnetic fields.

V. Member States, in order to increase understanding of risks and protection against exposure to electromagnetic fields should provide, in an appropriate format, information to the public on the health impact of electromagnetic fields and the measures taken to address them.

VI. Member States, in order to enhance knowledge about the health effects of electromagnetic fields, should promote and review research relevant to electromagnetic fields and human health in the context of their national research programmes, **taking into account Community and international research recommendations and efforts from the widest possible range of sources.**

VII. Member States, in order to contribute to the establishment of a consistent system of protection against risks of exposure to electromagnetic fields, should prepare reports on the experience obtained with measures that they take in the field covered by this recommendation and should inform the Commission thereof after a period of three years following the adoption of this recommendation, indicating how it has been taken into account in these measures,

HEREBY INVITES the Commission to

1. Work towards the establishment of European standards as referred to in section III(a), including methods of calculation and measure.
2. Encourage research into long and short-term effects of exposure to electromagnetic fields at all relevant frequencies in the implementation of the current research framework programme.
3. Continue to participate in the work of international organisations competent in this field and promote the establishment of an international consensus in guidelines and advice on protective and preventive measures.
4. Keep the matters covered by this recommendation under review, with a view to its revision and updating, taking into account also possible effects, which are currently the object of research, including relevant aspects

of precaution and to prepare a report, within five years, taking into account the reports of the Member States and the latest scientific data and advice.

,

1999/519/EC ANNEX III

REFERENCE LEVELS

Reference levels of exposure are provided for the purpose of comparison with values of measured quantities. Respect of all recommended reference levels will ensure respect of basic restrictions.

If the quantities of measured values are greater than the reference levels, it does not necessarily follow that the basic restrictions have been exceeded. In this case, an assessment should be made as to whether exposure levels are below the basic restrictions.

The reference levels for limiting exposure are obtained from the basic restrictions for the condition of maximum coupling of the field to the exposed individual, thereby providing maximum protection. A summary of the reference levels is given in Tables 2 and 3. The reference levels are generally intended to be spatially averaged values over the dimension of the body of the exposed individual, but with the important proviso that the localised basic restrictions on exposure are not exceeded.