

Physicians' Health Initiative for Radiation and Environment (PHIREmedical)

Response to:

Technical consultation: changes to permitted development rights for electronic communications infrastructure

Type of organisation you are representing:

Non-Governmental Organisation (NGO)

Name of your Organisation:

PHIRE Medical

Response to be treated as confidential:

No

Additional evidence to support your consultation responses:

[2020-Non-Ionising-Radiation-Consensus-Statement.pdf](#) (phiremedical.org)

Radio Equipment Housing *[and Masts]*

Question 1: The Government has committed to make it easier to deploy radio equipment housing without the need for prior approval. This is to support the deployment of 5G and incentivise the use of existing sites for site sharing.

Comments: We object to any further developments relating to radiofrequency (RF) transmitter deployment, especially in the absence of adequate public consultation and the approval of local democratic stakeholders and their elected representatives. We do so primarily on the basis that despite claims from PHE, there is more than adequate evidence that the electromagnetic field (EMF) emissions from mast sites compromise health.[1,2,3,4,5,6,7] Some of these health damages cause acute symptoms and others chronic. Many of those who suffer acute symptoms are currently focused on finding 'not spots' in which to seek sanctuary and protect their health. The World Health Organisation has long accepted that their symptoms "are real" and can be "disabling".[8] Obliterating these diminishing areas will leave them with nowhere at all to go to seek refuge and current numbers of affected individuals will therefore increase even more rapidly, as will symptom severity and suffering. The current planning regime is enabling violation of the Equality Act 2010, as well as human rights acts and conventions, and this would be escalated by this Government initiative.

Q1A References:

1. 2020 NIR Consensus Statement: <https://phiremedical.org/2020-nir-consensus-statement-read>
2. The 5G Appeal: <https://www.5gappeal.eu>. Note: By April 19th 2020, signed by 353 scientists and medical doctors.
3. Di Ciaula, A., 2018. International Society of Doctors for Environment 5G networks in European Countries: appeal for a standstill in the respect of the precautionary principle. International Society of Doctors for Environment. Apr ISDE Scientific Office. Link: https://ehtrust.org/wp-content/uploads/5G_appeal.pdf
4. BioInitiative Working Group, Sage, C., Carpenter, D., BioInitiative Report: A Rationale for a Biologically-based Public Exposure Standard for Electromagnetic Radiation December 31, 2012, as updated in 2014, 2018. 2019 and 2020. Link: www.bioinitiative.org
5. The EMF Call, 2018. The EMF Call – Scientists and NGOs Call for Truly Protective Limits for Exposure to Electromagnetic Fields (100 kHz to 300 GHz): <https://www.emfcall.org/the-emf-call>. Note: By November 26th 2018, signed by 164 scientists and medical doctors together with 95 non-governmental organizations.
6. International EMF Scientists Appeal. Note: By April 30th 2020, signed by 253 EMF scientists (published in this field only) from 43 nations.
7. Kostoff, N., et al., 2020. Adverse health effects of 5G mobile networking technology under real-life conditions. Toxicology Letters. 323, 35-40. doi: 10.1016/j.toxlet.2020.01.020. Link: <https://www.sciencedirect.com/science/article/abs/pii/S037842742030028X>
8. WHO, 2006. Electromagnetic Hypersensitivity: Proceedings, International Workshop on EMF Hypersensitivity, Prague, Czech Republic, October 25-27, 2004. Geneva: World Health Organization. Link: https://www.who.int/peh-emf/publications/reports/EHS_Proceedings_June2006.pdf

Question 2: The Government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage use and sharing of existing masts and so limit the need for new ones.

Comments: We assume that the requirement to enlarge existing masts is motivated by a desire to increase signal intensity / abundance. We object to this intention given that public exposures should be minimised at this point, not increased, since there is clear evidence of detriment to health (as per Question 1A answer). To allow such expansion without properly consulting individuals who would be subject to radiation exposure from mast sites and requiring their approval is entirely unethical. In effect, the proposed changes deprive people of the chance to participate in decisions about the modification of their local environment and to make consequential representations about the increase in wireless pollution resulting from the densification of mobile telecommunications infrastructure. This is in stark contrast with the Government's reiterated promises to give people more control over their lives and to focus on "building back better together" ... "building back greener" ... "building back fairer" ... "and building back more equal".[1] Besides inherent questions of legitimacy and lawfulness, proposals to remove local community-level authorisation fly in the face of the widely supported, democratically mandated 'localism' agenda of successive Conservative governments.

Q2A References:

1. HMG, 2021. Prime Minister Boris Johnson's opening remarks at the first session of the G7 Summit on the 11 June 2021: <https://www.gov.uk/government/speeches/pm-boris-johnsons-remarks-at-the-first-session-of-the-g7-summit-11-june-2021>

Question 4: The Government has committed make it easier to deploy building-based masts nearer to highways, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

Comments: We again object on the grounds that further radiation exposures from such antennae are detrimental to health and efforts should be currently underway to decrease rather than increase exposures. As such, any proposal intended to make it "easier" to place masts is unethical.

In relation to not just SSSIs but our precious, fragile wider ecology and ecosystems we also have grave concerns. Given current planetary environmental crises, well documented impacts of electromagnetic fields on wildlife,[1,2,3] and RF emissions impacting insects,[4,5] especially at higher 5G frequencies,[6] it is not just protection of human health from harmful effects of anthropogenic radiation which constitutes an emergency but actually that of all global life. It has grown increasingly clear in recent years and decades that sensible precaution and due diligence have been largely neglected when it comes to the hazards posed to not just humans but also other species. In its response to the initial mobile planning consultation of 2019 the Government affirmed DEFRA's commitment to "monitoring the evidence ... and to revising its advice" as necessary (MHCLG and DCMS, 2020; Paragraph 32). To date we have not seen or been advised of any government department making serious and sustained efforts to do this. Even more alarmingly, there appears to be evidence of avoidance of this issue. For example, selective reading and reporting of the EU EKLIPSE project and dismissal of concern for pollinators with reference to a single external assessment that does not appear to have addressed bioelectromagnetic issues at all.[7] On the other

hand, various public bodies including DEFRA have been provided with other, relatively focused, directly relevant, and instructive peer-reviewed research in this area, yet this appears to have been overlooked. Key submitted examples cite numerous positive, confirmatory findings,[8] and hence their stark omission raises serious questions.[9] It is clear that there are major deficiencies with the Government's approach in this domain. Leaders and officials in government should consider carefully, now, whether these actions can be considered ecologically sound, sustainable or ethical.

Q4 References:

1. Balmori, A., 2014. Electrosmog and species conservation. *Science of the Total Environment*. 496 (2014) 314–316. doi: 10.1016/j.scitotenv.2014.07.061. Link: <https://www.sciencedirect.com/science/article/abs/pii/S0048969714010912>
2. Bandara, P., Carpenter, D.O., 2018. Planetary electromagnetic pollution: it is time to assess its impact. *The Lancet. Planetary Health*. 2, 512-. doi: 10.1016/S2542-5196(18)30221-3. Link: [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30221-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30221-3/fulltext)
3. Waldmann-Selsam, C., Balmori-de la Puente, A., Breunig, H., Balmori, A., 2016. Radiofrequency radiation injures trees around mobile phone base stations. *Science of the Total Environment*. 572 (2016) 554–569. doi: 10.1016/j.scitotenv.2016.08.045. Link: <https://www.sciencedirect.com/science/article/abs/pii/S0048969716317375>
4. Cammaerts, M-C., Johansson, O., 2014. Ants can be used as bio-indicators to reveal biological effects of electromagnetic waves from some wireless apparatus. *Electromagnetic Biology and Medicine*. Dec; 33 (4) 282-8. doi: 10.3109/15368378.2013.817336. Link: <https://www.tandfonline.com/doi/full/10.3109/15368378.2013.817336>
5. Balmori, A., 2021. Electromagnetic radiation as an emerging driver factor for the decline of insects. *Science of The Total Environment*. Vol. 767. doi: 10.1016/j.scitotenv.2020.144913. Link: <https://www.sciencedirect.com/science/article/abs/pii/S0048969720384461>
6. Thielens, A., Bell, D., Mortimore, D.B. et al., 2018. Exposure of Insects to Radio-Frequency Electromagnetic Fields from 2 to 120 GHz. *Scientific Reports*. Rep 8, 3924 (2018). doi: 10.1038/s41598-018-22271-3. Link: <https://www.nature.com/articles/s41598-018-22271-3>
7. MHCLG and DCMS, 2020 – Paragraph 32. Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902836/Government_Response_Mobile_Planning_Consultation.pdf
8. Sutherland, W. et al., 2018. A 2018 Horizon Scan of Emerging Issues for Global Conservation and Biological Diversity. *Trends in Ecology & Evolution*. Volume 33, Issue 1, 47 - 58. doi: 10.1016/j.tree.2017.11.006. Link: [https://www.cell.com/trends/ecology-evolution/fulltext/S0169-5347\(17\)30289-6](https://www.cell.com/trends/ecology-evolution/fulltext/S0169-5347(17)30289-6)
9. Lázaro, A., Chroni, A., Tscheulin, T. et al., 2016. Electromagnetic radiation of mobile telecommunication antennas affects the abundance and composition of wild pollinators. *Journal of Insect Conservation*. 20, 315–324 (2016). doi: 10.1007/s10841-016-9868-8. Link: <https://link.springer.com/article/10.1007/s10841-016-9868-8>

Question 6: The Government has committed to enable higher masts, subject to prior approval. This is to support deployment of 5G, extend mobile coverage and to support the sharing of masts.

Comments: As per previous comment.

Question 7: The Government has considered whether further measures are needed to support deployment of 5G and extend mobile coverage.

Comments: As per previous comments.

Safeguarding

Question 8: The Government wishes to ensure that appropriate measures are in place to mitigate the impact of development from the proposals on safeguarded areas. To achieve this, we are proposing to amend the General Permitted Development Order for all developments relating to masts within official safeguarded areas related to Aerodromes, Technical Sites and Military Explosives Storage Areas.

Comments: Lengthened, strengthened, better informed and empowered prior notification and approval mechanisms should be a prerequisite for all transmitter deployments. Failing this, as per the attached international expert Consensus Statement and response to Q11, we urge the Government to include within the scope of safeguarding in this area: provision for the protection of vulnerable persons, and especially places where groups of vulnerable persons come together. For example, spatial RF emission exclusion zones should be established around childcare and education, healthcare, and social care settings, as well as places where persons affected by electromagnetic hypersensitivity (EHS) live or work. Those who do not consent to exposures also stand to benefit from such exclusion zones and the government should more generally enable members of this wider category of concerned citizens to opt-out of exposure. Informed consent has not at this point been sought from the general population and this step is essential prior to further irradiation.

Q8B References:

2020 NIR Consensus Statement: <https://phiremedical.org/2020-nir-consensus-statement-read>

Question 10: We welcome comments on what more, if anything, the Government should do to ensure successful implementation of the proposed planning reforms to support the deployment of 5G and extend mobile coverage.

Comments: The government should be promoting and protecting the health, human rights and equality of its citizens first and foremost. This means swiftly instituting a moratorium on 5G rollout and pursuing instead the development of biologically safe and sustainable communications technology.

Public Sector Equality Duty

Question 11: The proposals outlined in this technical consultation build upon the principles that the Government has established to enable the deployment of 5G and extending mobile coverage, and have been considered under Section 149 of the Equality Act 2010.

Comments: There are many subgroups who will be prejudicially impacted by the deployment of further transmitters, as under the technical provisions laid down in this consultation. Included in these vulnerable groups are children, the electromagnetically hypersensitive, the elderly, the infirm, those with prosthetic metal work, and those with implanted devices. In the case of children and those with internal metal work, their exposures can actually be higher than exposures in others, and current 'safety limits' were not designed to adequately protect in these circumstances. Indeed, current guidelines are not in fact adequately protective of any individuals given that they fail to address low intensity so-called 'non thermal' effects.

The Government continues to refer to ICNIRP as the authoritative international body determining guidelines for exposure to RF emissions from wireless technology, and claimed in its response to the initial consultation of 2019 that mobile network operators have committed to follow the ICNIRP guidelines. It also quoted PHE conjecturing that "overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health". In 2002, however, ICNIRP noted that its own guidelines were inadequate to ensure the protection of all groups in a population: "Different groups in a population may have differences in their ability to tolerate a particular NIR [Non-Ionising Radiation] exposure. For example, children, the elderly, and some chronically ill people might have a lower tolerance for one or more forms of NIR exposure than the rest of the population. Under such circumstances, it may be useful or necessary to develop separate guideline levels for different groups within the general population, but it may be more effective to adjust the guidelines for the general population to include such groups. Some guidelines may still not provide adequate protection for certain sensitive individuals nor for normal individuals exposed concomitantly to other agents, which may exacerbate the effect of the NIR exposure, an example being individuals with photosensitivity".[1]

Both current and proposed levels and types of emissions, and associated policy and proposals, contravene the Equality Act 2010, The Human Rights Act 1998, the Nuremburg Code and the Rights of the Child as well as numerous other national and international ethical codes.

PHIRE are already aware of many individuals who have no refuge from the adverse symptoms caused by involuntary electromagnetic exposures and this proposal to further irradiate without consent will further discriminate against and damage vulnerable groups. Some children are acutely affected, and many are also likely to be subject to elevated chronic illness directly resulting from these exposures; moreover, they cannot consent and are limited in what they and their families can do to minimise exposure and to mitigate its effects. In this context, measures intended to help bring about further RF infrastructural deployment are entirely unethical and the Government will undoubtedly find itself subject to copious legal action as a result.

EHS is recognised under the disability act in Sweden,[2,3] USA,[4] and Canada.[5] Cases are now being won for long term disability compensation, pensions, and other forms of social security (Australia,[6] France,[7] Spain,[8], UK,[9] and United States [10,11]). Legal recognition that brain tumours are caused by mobile phones has also been achieved and cases such as these are expected to escalate.[12]

Ministers will also be aware that a growing number of accomplished legal teams are now also bringing public law cases around the world,[13,14,15] including here in the UK.[16,17] Those with EHS are already enduring severe physical impacts, and suffering hardship and marginalisation, because of existing wireless infrastructure. Many have lost their jobs and/or been forced to leave their homes, their social and support networks and families in search of safe refuge in relatively unpolluted rural parts of the country. For people with EHS, the Government's proposals will exacerbate what is already a dire situation for many of them. Given that a significant proportion of the population suffers from EHS already – approximately 5% according to the French Agency for Food, Environmental and Occupational Health & Safety,[18] the Government's proposals will certainly not “have a positive impact on all persons” or “allow for greater participation for all in our society” (Paragraph 84); in fact, they will increase exclusion, hardship and suffering.

It is curious that there is no mention of people with EHS whatsoever in the Government's response to its initial consultation.[19] This is despite the fact that multiple relevant UK charities, such as ES-UK and the Radiation Research Trust, lodged detailed responses spelling out the Government's failure to take into account the plight of people with EHS in the said consultation. Given this, plus the fact that other vulnerable groups were mentioned in the Government's summary response, by contrast, it may reasonably be concluded that any mention of EHS has been deliberately omitted. This is deeply concerning and suggestive of direct discrimination against this particular group. It stands to reason that all relevant public bodies should be empowered and encouraged to treat vulnerable groups and individuals who have relevant protected characteristics as principal interested parties in decisions involving potentially problematic changes in anthropogenic EMF exposure in their environment. Any policy or instrument that serves to undermine such input and involvement is illegitimate and unethical.

Q11 References:

1. ICNIRP, 2002. General approach to protection against non-ionizing radiation. Health Physics. 82(4):540-48. doi: 10.1097/00004032-200204000-00017. Link: <https://www.icnirp.org/cms/upload/publications/ICNIRPphilosophy.pdf>
2. Johansson O, 2006. Electrohypersensitivity: state-of-the-art of a functional impairment. Electromagn Biol Med. 2006;25(4):245-58. doi: 10.1080/15368370601044150. Link 1: <https://www.tandfonline.com/doi/abs/10.1080/15368370601044150>. Link 2: <http://www.national-toxic-encephalopathy-foundation.org/esen.pdf>
3. Sweden: <http://www.es-uk.info/information/8-ehs-in-sweden.html>
4. Americans with Disabilities Act, 2021: <https://www.access-board.gov/ada>
5. Genuis, S., Lipp, C., 2012. Electromagnetic hypersensitivity: fact or fiction? Sci Total Environ. 2012 Jan 1;414:103-12. doi: 10.1016/j.scitotenv.2011.11.008. Epub 2011 Dec 5. Link: <https://linkinghub.elsevier.com/retrieve/pii/S0048969711012733>
6. Administrative Appeals Tribunal of Australia, 2013. McDonald and Comcare [2013] AATA 105 (28 February 2013): <http://www.austlii.edu.au/au/cases/cth/aat/2013/105.html>. Additional report: <http://www.news.com.au/technology/csiro-scientist-dr-david-mcdonald-wins-compensation-for-wifi-pain/story-e6frfnr-1226729178281>

7. Le Figaro, 2015. L'électrosensibilité reconnue comme handicap par la justice:
<https://sante.lefigaro.fr/actualite/2015/08/25/24044-lelectrosensibilite-reconnue-comme-handicap-par-justice>
8. El Pais, 2011. La hipersensibilidad electromagnética, causa de incapacidad laboral:
https://elpais.com/elpais/2011/07/12/actualidad/1310458634_850215.html
9. UK Social Entitlement Chamber, 2012. British Tribunal Case Won. Summary: The case was heard in the Social Entitlement Chamber in July 2012. The claimant was awarded Employment and Support Allowance under ESA Regulation 29 (Exceptional Circumstances).
10. PR Log, 2014. Los Angeles Unified School District Accommodates Teacher Who Fell Ill After Wireless Installation: <http://www.prlog.org/12381499-los-angeles-unified-school-district-accommodates-teacher-who-fell-ill-after-wireless-installation.html>. Official report: <http://thefullertoninformer.com/wp-content/uploads/2014/10/Lawson-Anura.Reasonable-...ation.092214-2-11.pdf>. Additional video: <https://www.youtube.com/watch?v=wghaMbzRnb4>
11. ACCESSWIRE, 2021. JML Law Wins Appeal in 'Unprecedented' Disability Case Against LAUSD For Failure to Accommodate Teacher With Electromagnetic Hypersensitivity:
<https://www.accesswire.com/viewarticle.aspx?id=637661>
12. Global Research, 2020. The Court of Appeal of Turin Confirms the Link Between a Head Tumour and Mobile Phone Use: <https://www.globalresearch.ca/court-appeal-turin-confirms-link-between-head-tumour-mobile-phone-use/5701050>
13. Court Listener, 2020. Environmental Health Trust v. FCC (20-1025):
<https://www.courtlistener.com/docket/47551/environmental-health-trust-v-fcc>
14. Children's Health Defence, 2020. CHD V Federal Communication Commission (FCC):
<https://childrenshealthdefense.org/seeking-justice/legal/chd-v-federal-communication-commission-fcc>
15. Kompetenzinitiative, 2020. Mobile Communications and Health – Legal Action:
<https://kompetenzinitiative.com/gesellschaft/mobilfunk-und-gesundheit-juristische-klage>
16. Action against 5G, 2021. Legal Action Against 5G: <https://actionagainst5g.org>
17. Crowd Justice, 2021. UK High Court case against EMFs and 5G:
<https://www.crowdjustice.com/case/5g-judicial-review-2020>
18. ANSES, 2018. Hypersensibilité électromagnétique ou intolérance environnementale idiopathique attribuée aux champs électromagnétiques:
<https://www.anses.fr/fr/system/files/AP2011SA0150Ra.pdf>
19. MHCLG and DCMS, 2020. Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902836/Government_Response_Mobile_Planning_Consultation.pdf

Assessment of Impact

Question 12: We welcome any further evidence specifically on the regulatory impacts of the proposed changes to planning regulations set out in this technical consultation

Comments: The Government has affirmed that “OfCom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded”.^[1] It is, however, difficult to see how the regulator would be able to effectively monitor levels of RF radiation around the country in the wake of the proposed relaxation of the planning regime and the densification of infrastructure.

There are already issues with regulation of current emissions which have rightly undermined confidence in the process. The majority of handsets tested have been shown to exceed ICNIRP guidelines with normal use,^[2] and although relevant authorities have been informed nothing appears to have been done about this; so there can be no faith in current regulation of standards, let alone adequate policing of new emissions. Furthermore, such regulation is dependent on a foundation of adequate ‘safety standards’, which are currently not in place in this country.

Clearly, biologically based safety standards must precede the deployment of emissions and then stringent regulatory measures must be put in place in order to monitor and enforce these; presently, neither exists. One could argue that measuring the ever changing intensity and absorption of multiple sources of radiation inside the human body is actually impossible in real world scenarios anyway, and constructive interference from these multiple sources, as well as reflected / refracted sources, may increase intensities experienced in biological tissues. There have been no scientific studies to even attempt to measure these field interactions, let alone mitigate them. Those responsible for the issues raised here and elsewhere in this response have for too long overlooked ‘Late Lessons from Early Warnings’,^[3] to the collective detriment of people and planet. This must change and change quickly if, as the Prime Minister suggests, we wish to bounce back from health and environmental crises strongly, to avoid past mistakes, and to flourish going forward.^[4]

Q12 References:

1. MHCLG and DCMS, 2020 – Paragraph 8. Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902836/Government_Response_Mobile_Planning_Consultation.pdf
2. Phonegate Alert, 2021. International Phonegate Scandal: <https://www.phonegatealert.org/en>
3. EEA, 2012. Late lessons from early warnings: science, precaution, innovation:
<https://www.eea.europa.eu/publications/late-lessons-2>
4. HMG, 2021. Prime Minister Boris Johnson's opening remarks at the first session of the G7 Summit on the 11 June 2021: <https://www.gov.uk/government/speeches/pm-boris-johnsons-remarks-at-the-first-session-of-the-g7-summit-11-june-2021>