



## THE CHANGES WE REALLY NEED: WHY LBH&F MUST TAKE ACTION

### Executive Summary

- ★ There are plans to roll out 5G mobile-wireless technology UK-wide by 2027. This is facing rising resistance from residents, but the government wants to make it even easier to install masts. The Borough ('LBH&F') is a pilot site for rolling out 5G small cells (a.k.a. 'mini-masts').
- ★ There is clear evidence that an industry standard used for health and safety is inadequate. The highly pulsing radiation (referred to as RFR, EMR or mast radiation) used by 5G and related technology presents danger to the public. This raises other **ethical and legal liability** issues, such as the protection of LBH&F employees, tenants, children and the wider public.
- ★ Local people didn't stop the hospital closure only to see new strains put on our health services. This summary document provides evidence why LBH&F should as a priority (1) control the rollout of 5G and similar technology and (2) oppose plans to dilute local councils' planning control, aimed at enabling controversial new masts and (3) educate and support our community over the impact.

### Questions over community health and safety

- ★ The Government's 2019 Manifesto noted "We will **not support** fracking **unless the science shows categorically that it can be done safely.**" The same yardstick needs to be adopted for emerging communications technology, which has **not been properly tested for safety.**



- ★ A Non-Governmental Organisation, 'ICNIRP', with links to the telecoms sector, has set radiation exposure limits. Compliance testing is essentially on the **lesser heating effects** of this radiation. Tests are carried out on a plastic head filled with water for minutes of exposure. Of course, such heads don't suffer from headaches, cancer etc. that **real people will suffer** from undue exposure to radiation.



- ★ The EU Reflex study on mobile phones (2004) documented damage to DNA seen in cancer. Scientists speaking out against reliance on ICNIRP, include a former ICNIRP commissioner, James Lin (above right), who called for the radiation to be regarded as **class 1 carcinogenic.**
- ★ 5G is relatively new - the UK launch was in 2019. However the first specific 5G study just out showed health effects **well below exposure levels** allowed by the authorities. These included: difficulty sleeping, palpitations, nosebleeds, tinnitus, skin problems and fatigue. They mirror earlier radiation exposure effects recorded by the European Commission in 2013 – **and those increasingly being reported by LBH&F residents living near to masts.**



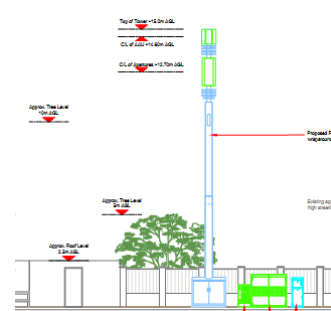
★ Canadian academic Joshua Pearce is not ‘anti-mast’, being a shareholder of an infrastructure company; however he feels that masts should be at least 500m (1640 ft) from schools, citing several studies on their impact.

★ Legislators in New Hampshire, USA, voted for the same distance from residential areas, parks, playgrounds, hospitals and schools. They are also recording radiation injuries.

★ Children are particularly vulnerable as their bodies are not fully formed. Councils have the statutory duty of "preventing impairment to children's health or development".

★ In 2021, the High Court quashed approval for a mast close to a school, noting that Brighton and Hove City Council had failed to address the health impacts.

★ Local people have taken mast radiation measurements and compiled a ‘Hall of Shame’: sites that peaked well over the exposure limit recommended by PACE (the Parliamentary Assembly of the Council of Europe). Since compiling, even worse readings have been taken by masts near to Fulham Broadway – 8.483 Volts/metre, over 14 x the limit for adults (28 x that for children).



## Other concerns

★ The push towards immature technology, not subject to proof of safety, and a push for an ever denser population of devices are quite baffling.

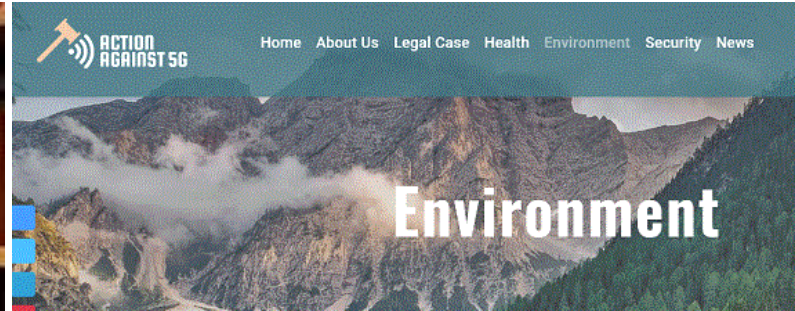
★ Industry websites have observed that commercial demand isn't really there and regarded it as hyped ‘jam tomorrow’ technology. In 2017, the UK government appeared to agree, admitting “...the business case for the investment required for the deployment of 5G is not yet established....” (Next Generation Mobile Technologies: A 5G Strategy for the UK)

★ The director of European communications security watchdog, ENISA, warned that 5G had not been designed with security in mind, making it impossible to have efficient security.

★ Leading privacy campaigners Privacy International and BigBrotherWatch had firm reservations on 5G after police used it for indiscriminate facial recognition without due legal basis or scrutiny (98% of facial ‘matches’ by the Met Police had actually identified the wrong people!).

★ It is noted that LBH&F wishes to be seen as the leading environmental council. There is growing **evidence of harm** not just to humans, but to other species like pollinators and trees. As ‘lungs of the city’, trees receive special protection in the LBH&F Local Plan.

The Environmental Health Trust covers steps taken by communities to protect themselves. Their graphic and a fully referenced leaflet on environmental and wildlife impact are recommended. See <https://www.techsceptics.org.uk/5g/envhealth.htm>



Michael Mansfield QC, a Freeman of the Borough, is an adviser to the Action Against 5G campaign.

## Liability issues and legal expectations

- ★ The Health & Social Care Act 2012 defines a duty to protect public health, specifically including “...**the protection of the public from ionising or non-ionising radiation**”.
- ★ LBH&F also has obligations as an employer to its workers under the health and safety at work legislation, particularly The Control of Electromagnetic Fields at Work Regulations 2016 (CEMFAW). It also has a wider ‘duty of care’.
- ★ LBH&F stands to be **personally liable** for harm to employees from radiation as it has enabled the rollout of technology by installing wireless devices, granting planning permission for masts and making available access to council assets to a concession holder (Cellnex).
- ★ LBH&F is advised to check for exclusions in its liability cover as it has recently been observed that insurance companies will not insure against harm caused by mast radiation.
- ★ To ignore the needs of EHS (electrosensitivity) sufferers, expectant mothers or people with metallic implants in the context of 5G would constitute a breach of the public equality duty under s.149 of the Equality Act 2010.
- ★ LBH&F’s Council Constitution, defines decision-making responsibilities and requires:  
“All decisions of the Council will be made in accordance with the following principles:  
(a) taking into account all relevant considerations and ignoring all irrelevant considerations (i.e. the ‘Wednesbury’ principle)....”



- ★ This is important when considering external advice, such as from the UK Health Security Agency (replacing Public Health England, PHE).

In a letter from DLA Piper, solicitors for PHE, dated 8 Aug 2019, to Leigh Day solicitors, PHE’s legal team stated

**“A public body must determine how much weight to put on the PHE guidance. Equally that body must determine what other evidence from your client or other members of the public or interested parties to consider in making any decision.”**

- ★ A Freedom of Information Request showed that PHE failed to address the shortcomings of ICNIRP’s limits. A circular in 2021 from since-removed DCMS minister Matt Warman suggested that councils adhere to the (seriously deficient) ICNIRP guidelines.
- ★ However any suggestion in the National Planning Policy Framework (NPPF, para 118) that health impact be allowed by lax ICNIRP guidelines is not binding, being trumped by clear legal requirements. A court case ruled that this was not to be treated as binding statute law.

★ NPPF para 185 requests ‘*taking into account the likely effects (including cumulative) of pollution on health*’ without limitation in scope. The Pollution Prevention and Control Act 1999 covers pollution caused by ‘release of energy’ – which is precisely what mast radiation is.

★ Although classed as non-ionising radiation, mast radiation has some overlapping impact with ionising radiation, for instance in producing indirect ionisation and DNA deterioration. For ionising radiation, a Euratom Directive interestingly set the age limit for occupational exposure to over 18 years, and the exposure limit for an unborn child to ‘preferably zero’.

## Government moves to remove local planning safeguards on masts

★ In 2021, the since-removed planning minister, Robert Jenrick, faced a rebellion of over **100 backbench MPs** angry at proposals that would have removed public consultation rights. The new, more blandly-presented, Moves such as the ‘Code of Practice’ for wireless network development adopted in April 2022 threaten to remove safeguards and tilt the playing field even more towards developers. The Johnson government quietly used secondary legislation to push it through.

## Action needed

Be on our side - as the saying goes, ‘doing things with people, not to them’; LBH&F should:



★ Educate our community on the risks, as requested by a popular 2020 petition. This would include LBH&F employees. If risk management was added, it would be consistent with the requirements of the 2021 LBH&F Constitution and Local Code of Corporate Governance.

Note: A safer alternative for high-speed broadband is via **wired systems** like fibre optic.



★ Control the rollout of 5G and similar technology, ensuring that planning applications are properly evaluated for environmental and health impact and refused if water-tight safeguards are missing.

Note: Small cells/mini-masts are usually hosted on street lights without planning permission, but the contract with Cellnex (to 2024) can be revoked on health and safety grounds.



★ Oppose plans to remove planning safeguards from local councils via the proposed Code of Practice for Wireless Network Development, aimed at enabling controversial new masts. In recent local mast planning applications, **about 95% of responses have been opposed.**

★ Provide support, including exposure reduction, for those affected by mast radiation (electrosensitivity or EHS), especially school children, council tenants and those with protected characteristics.

Plaque above from the wall of Wormholt Park Primary School, W12

## References

Comprehensive references are provided in <https://www.techsceptics.org.uk/5g/mainrefslbhf.pdf>. Other reference material is available on request from [hfnoto5g@gmail.com](mailto:hfnoto5g@gmail.com). This pamphlet is dedicated to those in LBH&F who increasingly suffer from electrosensitivity.

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