DRAFT - How to OBJECT to a cellphone tower near you

Usually, very few people know that an application has been made. If the tower is 15m high or taller, an Environmental Impact Assessment is also needed (see further below). South Africa uses the ICNIRP guidelines for possible exposure to Electro Magnetic Fields/Radiation (EMF/R), which are problematic.

All objections must be made in writing to the person/s and addresses shown in the letter of notification or advertisement. This is a **GENERIC** template, and should be adjusted according to local issues / conditions.

Earthlife Africa
Fighting for Environmental and Social Justice since 1988
Issued by Cape Town Branch - 2016

[Date]

[Your address line 1]

[Your address line 2]

[Your postal code]

Your interest in the application. (e.g. ratepayer / local resident, citizen, acting in the public interest, etc)

To whom it may concern

RE: Objection to cellphone tower proposed for (WHERE)

Application Number

(YOUR REASONS FOR OBJECTING)

(SUGGESTED TEXT TO END) Failing such steps, we reserve the right to institute further action against both the City of Cape Town as well as the service provider, including under (but not limited to) Section 33 of the National Environmental Management Act as referred to above; and the Promotion of Administrative Justice Act 3 of 200 as amended.

[Your Name]

Suggested Reasons for objection:

- Considering the location of the property concerned and the land use on the surrounding erven as well as comments and objections, the cellular base station is not considered compatible with the solely residential uses within the surrounding area.
- The base station is not regarded as appropriate in this locality due to the fact that the properties concerned form part of a residential neighbourhood where a positive environmental quality exists.
- The reasons cited in the policy of the City *(Telecommunication Mast Infrastructure Policy number 40544)*, with regards to health, are inadequate and unspecific to serve as a definitive indication that cell towers in residential areas are acceptable and do not pose a threat to the health and wellbeing of the residents, especially as the ICNIRP "guidelines" are problematic (see below). The application of the Precautionary Principle is required here.
- The mast goes against the policy of the City of Cape Town in that it will lead to a proliferation of masts in the area – there are already other masts close by, with more being planned. An immediate city-wide plan to

rationalise telecommunications masts is required, and we DEMAND that no further masts be approved until such is carried out and finalised

- The mast is also going against the same policy (OB.10.2 AND 2.4.1 AND 5.1.5) as far as the need to measure and confirm CUMULATIVE EXPOSURE. No such studies measuring existing exposure have been carried out which we demand as a right to our environmental protection prior to any mast being approved. The need for the application of the Precautionary Principle is clear.
- The policy of Council is deficient in that it does not take into account science not provided by vested interests, nor does it speak to the actual impacts, whether thermal or non-thermal.
- In the absence of 100% proof that cell towers do not endanger the health of the population in any way whatsoever, it is fundamentally important to minimise the risk
- There is no information regarding need and desirability for the mast, at a minimum, a full list of service provider/s currently making use of the nearest tower plus a detailed report of complaints of dropped calls including a list of the affected service provider/s should be provided.
- The probability that the mast will be extended in future, and additional antennae will be added, is high. This would subvert the legal processes required for such a mast in excess of 15m in height. Information on which service providers and types of service [such as 5G] are planned for the proposed tower over the next ten years must also be provided, with full justification for same. An EIA must be triggered should the mast ever be raised above 15m
- There is no clear need and desirability shown for the tower by the proponent. The existing infrastructure already supports all services. Which service provider requires the tower? How many providers will be using the tower, now and in the future? The current signal strength for each service provider is not adequately demonstrated. Without these questions being answered, it is impossible for Council to take a decision.
- No technology alternatives or co-location on existing infrastructure as alternatives has been made known.
- No information regarding existing or future impacts has been made available.
- The current policy mentions that no habitable structure shall be within 50m in line with the antenna – at least two issues are of concern, firstly, future structures may well be constructed within that 50m and base stations will limit future capital expenditure and personal choice on building additional storeys or higher buildings and secondly, the signal does reach the ground about 100m away – was this fact is not catered for in the policy, the limitation should at least include "no habitable structures within 100m" of the mast. Failure to do so may render Council liable for lost value on properties within 100m, especially those within 50m.
- (any other reasons you may wish to add)

The ICNIRP recommendations were adopted by the EU in its Council Recommendation of 1999, without considering long-term non-thermal effects. However, it should be stressed that at an international EMF conference in London (2008), Professor Paolo Vecchia, ICNIRP Chairman from 2004 to 2012, said about the exposure guidelines "What they are not": "They are not mandatory prescriptions for safety", "They are not the' 'last word' on the issue", and "They are not defensive walls for industry or others"

In May 2011, the Parliamentary Assembly for the Council of Europe (PACE) recommended that its member states "reconsider the scientific basis for the present electromagnetic fields exposure standards set by the International Commission on Non-Ionising Radiation Protection (ICNIRP)" and "put in place information and awareness-raising campaigns on the risks of potentially harmful long-term biological effects on the environment and on human health, especially targeting children, teenagers and young people of reproductive age". In the same report they urged town planners to introduce town planning measures to keep relay antenna base stations "at a safe distance from

dwellings" and requested that member states "pay heed to and protect 'early warning' scientists" *http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994&*

Follow up procedure:

- (a) If your objection is being hand delivered, retain a stamped and dated copy.
  (b) If emailed, request confirmation of receipt.
  (c) Always copy more than just the relevant dept or the consultant – the mayor's office, the city ombud, etc – objections have been known to vanish!

Attend all meetings – oral presentations from objectors are permitted:

- If re-zoning is not required, approval can be granted at local governmental level.
- Assemble as many objectors as possible to be present.
- Noted from City documentation is a requirement of a 7 day, prior to the meeting, notification period if you wish to be present.

Appeals Process:

- Applicants are always granted leave to appeal and you have to be relentlessly one step ahead and ensure that you are present at subsequent meetings. If you err on the side of caution, rubber stamped approval will be granted by the City with your only option being to take the case to the High Court at your cost.

You also have the right to appeal.

Points to note:

- City legislation does not permit the erection of cell towers until approval has been finalised.
  To quote Sean Van Rensburg, in reply to the following question recently posed:
  "Only after the full process has run its course and the mast received approval can it be installed?" "Correct, but building plan approval will also be required".
- Email Sean.VanRensburg@capetown.gov.za and report any mast that has been illegally erected.

If the proposed mast is 15m in height or greater, it triggers a full Environmental Impact Assessment (EIA), which is a separate process and governed by Provincial Government.

This happens by the issuing of a Background Information document, with a period for comment. These comments (and other requirements by government) are then included in a Scoping Report and Plan of Study, after which the studies are carried out. This then results in a DRAFT Environmental Impact Report (EIR), which is also open for public comment.

The FINAL Environmental Impact Report is then submitted to government for approval. IF it is approved, the public has (generally) 30 days within which to lodge an appeal.

Broadly speaking, two areas are important to understand with an EIA / EIR – process and content. There are often flaws in the process – not enough time for comment, poor notification, late notification and so on. Content issues could include insufficient, unclear or biased information – inevitably, the information

will be biased in favour of the proponent, and little, if anything, negative will be included. So the so-called independence of consultants is but a sham, as the proponent pays them.

Some specific issues:

Adverts – these are usually too small, tucked away in the classifieds section of newspapers, and generally only in one language. In a country where the illiteracy rate is around 50% this must be re-visited.

Interested and Affected Parties (I&AP's)- Identification of I&AP's is problematic – for a mast less than 15m in height, only people within 30m to 50m of the proposed site are informed, but even this is erratic. There is no guarantee that all who should be informed are.

1) Background Information Documents (BID) – These are generally only a page or two, saying nothing about potential or possible impacts of the proposed development, or in many cases, outright mis-information. These BID's should contain :-
    - An outline of the EIA requirements. In particular those things that are required before a licence is issued. This could be of great use to those un-familiar with EIA's.
    - A broad description of the proposal. This should be simple for the lay person. This should include what the benefits of this proposal will be.
    - A full description of how the facility will be operated.
    - All of the technical information available (not only what the consultant thinks is valid) If this is too big then maybe it should only be supplied to those who ask.
    - A life cycle analysis of the proposed facility. How long will it last? What will be required for decommissioning? What is the succession plan for this installation?
    - Maps of the area showing residential areas, schools, open land, agriculture, etc. This is already a requirement but it is not always done.
    - A full and detailed description of the issues that are already known. I&AP's need to be informed as to the potential impacts. This could be considered part of the capacity building process. Each issue should have detail about how it will be mitigated, if indeed this has been considered.
    - Contact details for the consultants, and government. This must be accompanied by clear instructions on how to interact with these people.
    - A full description of the proponent.
    - Timelines for the process. These should be planned during the plan for study of scoping and should therefore available at the BID stage.
    - The full list of alternatives considered. It must be made very clear why the proposal is the preferred alternative. There is never enough detail given about this.
    - While never provided, economic justification for the project. What the start-up, running, and decommissioning costs are. What the sales will be? Who are the shareholders and what will happen to the profit? How will the community benefit(jobs, free services and community development, capacity building)
    - Government seems to be pro all development, and cater for people and the environment only if deemed possible – decisions must be taken around what is and is not acceptable in areas, and these must be adhered to. The principle of limits to growth and development must be accepted, an overall "environmental limits" decision taken in conjunction with civil society, and adhered to. Sustainability must become the dominant theme in EIA evaluation.
    - Projects proposed are almost always designed to make the rich richer. EIA should also give real attention to those who stand to benefit from the proposal. As a rule local communities who will be affected directly by the proposal should get direct and tangible benefits. (Not at the expense of their health however)
    - Many EIA's have a risk assessment aspect to them, but never for cellmasts. This methodology is severely flawed.

- Accessibility of information is problematic. Documents are usually too technical, generally only available in English, and generally not too widely distributed. However when technical detail is given, it is incomplete and little can be learned from it. It is usually an uphill struggle to get additional information
- There are no requirements for the circulation of minutes after public meetings – this should be mandatory, so that people can ensure that they were correctly quoted. Also, there should be a mandatory requirement that all draft and final documents should be sent to those who require them. They could be asked to indicate their needs at time of registering, eg. Summaries only or complete documents, and which.
- Local Government appears fearful about rejecting any and all development – development at any cost and profits before people seem to be the guiding thoughts.
- There also appears to be much reluctance to refuse a development, if there has been an investment of some sort prior to the process, for example, there are many examples in Cape Town where masts and other infrastructure has been built, and approval was sought post-construction. Permission should be automatically refused in these cases, otherwise it is just a form of extortion.
- The definition of the word "environment" in NEMA is not being applied to EIA's – socio-economic issues, health and attendant costs, etc, are generally ignored, or only given passing mention. ALL aspects must be studied, and studied in full, including but not limited to full cost accounting; life cycle analysis; cost / benefit analyses; etc. This allows for a good decision to be taken based on whether any development is actually beneficial for our country and it's people.

This document is issued in the public interest by Earthlife Africa Cape Town, and is correct to the best of our ability.