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Yours sincerely,

BESWAAR 3

Albertus van Zyl

076 814 7143

bertusover@gmail.com

Mainroad 59 Ashton

2021-06-02

to: The District Manager
Planning and Development management

Attention: Asa De Klerk

(ERF 2231)

Dear Mrs. De Klerk

Letter of Objection Application Reference MK NR.26/2021

RE: Installation of 20 m5G Mobile Phone Mast and ancillary equipment on ERF 1991, Mainroad 36, Ashton by New Vision Towers

This is a letter of objection to the proposed installation of a free standing mobile phone mast with antennas.

Interest in Application

I am writing as a resident located at Mainroad 59, Ashton which is in close proximity to the proposed mast and to which my property value, my health and visual surrounds will be severely negatively impacted by this proposed mast.

Objection

1. Visual Impact

In terms of Visual impact, the proposed mast is inappropriate and will be an eye sore to the mostly single storey residence in the nearby surrounding area. The degradation of land values in the area due to negative visual impact is also of concern.

2. Health and Welfare

The greatest concern is the impact on the health and welfare of residents living within 500m of the proposed mast. The negative impacts masts have on the health of people living within close proximity is well documented with many highlighting the particular vulnerability of babies and small children.

In terms of the Constitution of South Africa, Chapter 2 / Section 24 of the Bill of Rights, South Africans are entitled to "the right to a healthy environment and the right to have the environment protected."

A small number of papers are listed below for reference:

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Similarly found that within 350 meters of cell phone antennas there was: -- 300% increased incidence of cancer among men and women -- 900% cancer increase among women alone -->4x risk of cancer after 3-7 yrs exposure <350 meters

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Cancer deaths in center of city: --within 100m 4.342/1000 **(35% increase if within 100 meters)** -- >1000m 3.212/1000

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AJ VAN ZYL


BESWAAR 4

M.T. Kempen
8 La Rochelle str.
Ashton16715
2021-06-02to: The District Manager
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(ERF 184)

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BYLAE 4**Aansoeker se reaksie op besware**

Jandre Loots
072 740 4231
jandre@newvisiontowers.co.za

12 Midwood Close
Richwood
7441



51

The Municipal Manager

Langeberg Municipality
52 Church Street
6705

Date: 17 June 2021

**APPLICATION FOR CONSENT USE TO PERMIT A FREESTANDING BASE TELECOMMUNICATION STATION ON
ERF 1991, ASHTON**

Dear Sir/Madam

The e-mails received from Langeberg Municipality dated 14 June 2021 refers. Four objections were received from the public with their primary concerns relating to property value, visual impact and health. It should be noted that all four objections are identical and are only signed by different people. One of the objectors is furthermore located more than one kilometre from the proposed base station, while two of the other objections are from the same address. The concerns have been addressed below.

Property values:

The objectors are of the opinion that the proposed base station will have a negative impact on their property values. There is however no evidence proving that base stations have an impact on property values. On the contrary, many people are working from home since the start of Covid-19 and require good cellular reception in order to continue doing so in many instances. Many people also don't have fibre or access to fibre and use wireless LTE devices for internet connectivity. Having a base station in close proximity will ensure optimal connectivity for these devices as well. This should as a result have a positive impact on property values.

It should also be noted that the majority of the properties in the nearby surrounding area are zoned for industrial and commercial/business purposes, on which the proposed base station is a primary right (industrial) or a consent use (business). The proposal is therefore in line with the surrounding land uses.

Visual Impact:

The mast is already proposed at a reduced height of 20m. The mast height cannot be reduced any further as this will result in fewer service providers being able to utilise the proposed mast. We can however consider changing the design of the mast in order to reduce the perceived visual impact. In figures 1 and 2 below two alternative mast designs have been explored. In Figure 1 a tree mast is explored as an alternative design. From some viewpoints a tree mast does seem viable, especially considering the row of trees along Main Road. In Figure 2 a lattice mast is explored as an alternative design. The lattice mast is a see-through structure, thereby reducing the visual impact on the surrounding area. In addition the mast and equipment can be painted in order to further reduce the perceived visual impact.

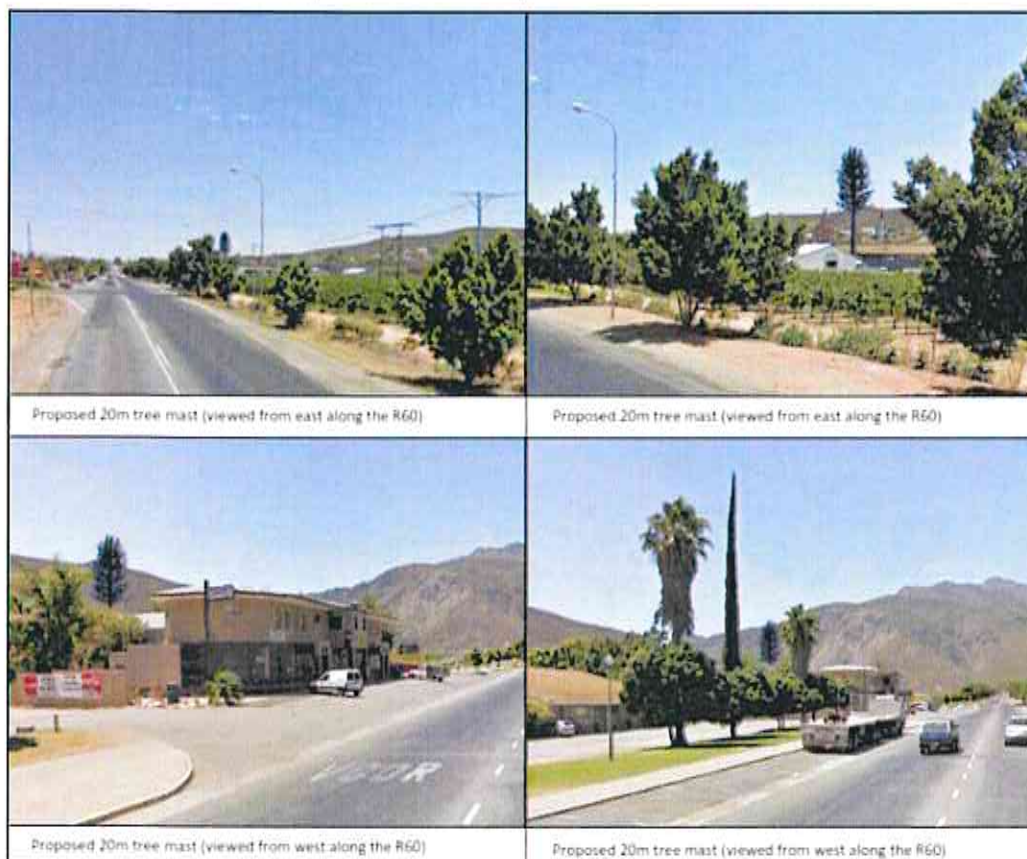


Figure 1 - Alternative design 1 (tree mast)

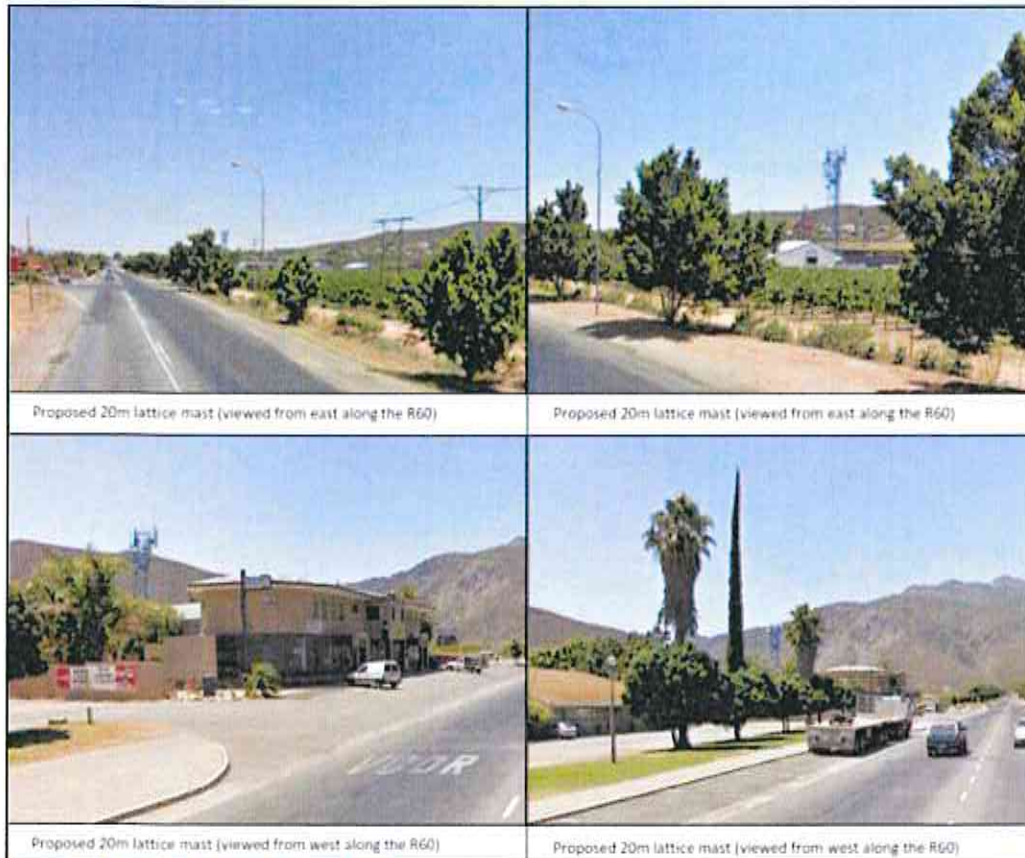


Figure 2 - Alternative design 2 (lattice mast)

Health:

Mobile phones have become an important part of modern technology and is used on a daily basis by the majority of people. These devices connect by transmitting radio waves through a network of cellular base stations. It is therefore important that the network of base stations is adequate in order to ensure that the travel distance for the radio waves are shorter and problems such as dropped calls or poor coverage are avoided. It should be also noted that using a mobile phone in areas that have good cellular reception decreases exposure as it allows the phone to transmit or operate at reduced power.

The emissions from base stations are non-ionizing, meaning that it is a part of the electromagnetic spectrum where there is insufficient energy to cause ionization. This also includes devices such as radio waves, microwaves, infrared and ultraviolet. Unlike ionizing radiation such as gamma rays or X-rays, radiofrequency waves cannot break chemical bonds or cause ionization in the human body.

According to the World Health Organization a number of studies have been conducted regarding the effects of radiofrequency on blood pressure, heart rate, sleep, brain electrical activity etc. To date, the research does

not suggest any consistent evidence of adverse health effects from exposure to radiofrequency fields at levels below those that cause tissue heating.

The following extracts are from a statement released by The Department of Health on 8 September 2020:

"The WHO recommends utilising internationally recognised exposure guidelines such as those that were published in 1998 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and reconfirmed in 2009. The 1998 guidelines were replaced by the updated 2020 version for the frequency range 100 kHz – 300 GHz (i.e. including all the frequencies employed by the cellular industry). The Department of Health likewise recommends the use of these ICNIRP guidelines to protect people against the known adverse health effects of EMF."

"However, generally-speaking unless a person would climb to the top of a mast (or other structure supporting an antenna) and position him/herself not more than a few meters away right in front of the active antenna, such a person would have no real possibility of being exposed to even anywhere near the afore-mentioned ICNIRP guideline limits. Since these base stations are typically cordoned off by means of barbed wire fencing and locked gates/doors in order to protect the sensitive and expensive technology, getting to a mast and actually climbing it despite the afore-mentioned security measures would certainly not be considered responsible behaviour. Even then the only real threat to the health of the person would be falling at any height from the structure in question. Based on the results of numerous global and local surveys, the experience has been that the exposure to base station EMF at ground level is typically in the range of between 0.001 – 1.0 % of the ore-mentioned ICNIRP guideline limits."

We are of the opinion that this consent use application in order to accommodate a freestanding base telecommunication station should receive the support of the Langeberg Municipality due to the following reasons:

1. The proposal will improve mobile network coverage along the R60, which is an important route for commuters and tourists.
2. The proposal will improve the mobile network coverage for the various service providers in Ashton, which also gives people the opportunity to work from home especially during pandemics such as Covid-19 – this can also assist in reducing the unemployment figures.
3. A freestanding base telecommunication station is part of essential infrastructure and is of benefit to the whole community. It also gives people improved access to emergency services.

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7441



4. The proposal does not have any significant impacts on the surrounding community, but provides them with an essential service.
5. In order to retain their licences with ICASA, the service providers are required to constantly improve their network coverage.

Yours faithfully


Jandre Loots

BYLAE 5

Summary of "Relevant Considerations"

Section 33 of the Constitution requires that organs of state make decisions which are **lawful, reasonable and procedurally fair**. It further provides that national legislation must be enacted which provides that those whose rights have been adversely affected by administrative action, are given an opportunity to have the administrative action reviewed in a court of law (or, where appropriate, an independent and impartial tribunal).

In order to give effect to section 33 of the Constitution, the Promotion of Administrative Justice Act (3 of 2000) ("PAJA") was promulgated. Section 6(2) of PAJA sets out the reasons why an administrative decision may be reviewed. Section 6(2)(e)(iii) of **PAJA** provides that an administrative decision may be reviewed if ***irrelevant considerations were taken into account*** or if ***relevant considerations were not considered by the decision maker***.

When assessing a land use application, there are certain general development principles contained in the Spatial Planning and Land Use Management Act, No 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) that must be taken into account, and which are regarded as relevant considerations for the purpose of PAJA.

Furthermore, section 2(2)(d) of LUPA states that **a municipality must regulate the criteria for deciding on land use applications**. These are determined in the Langeberg Municipal Land Use Planning Bylaw, 2015 (the bylaw). Chapter V, Section 65 (1) (a) to (s) of the bylaw sets out the general criteria that must be considered when deciding on a land use application.

In terms of the above, in **considering and deciding on an application**, a Municipal Planning Tribunal / Authorised official / Appeal Authority / Official **must** be guided by

- (a) The **development principles of SPLUMA and LUPA**;
- (b) The prescribed **procedure to be followed** in processing the application; (**Bylaw S65(1)(b)**)
- (c) The **comments received in response** to the notice of the application and the **comments received from organs of state and internal departments of the municipality**. (**Bylaw Section 65(1)(d)**)
- (d) The **response by the applicant** to the **comments** referred to above. (**Bylaw Section 65(1)(e)**)

and, when considering land use applications, must take into account the following key aspects, as drawn from various sections of SPLUMA, LUPA and the Langeberg Municipal Land Use Planning Bylaw:

- (a) Must make a **decision which is consistent with:**
 - (i) norms and standards
 - (ii) measures designed to protect and promote the sustainable use of agricultural land
 - (iii) national and provincial
 - (iv) government policies
 - (v) the municipal spatial development **framework (SPLUMA S42(1)(b))**
- (b) May not make a decision which is **inconsistent** with a municipal spatial development framework **(SPLUMA S22(1))**
- (c) May depart from the provisions of the Municipal Spatial Development Framework in **site specific circumstances (SPLUMA S22(2))**
- (d) Must ensure **alignment** with any relevant structure plans, the PSDF and any applicable Regional SDFs; **(Bylaw, S65(1)(l)(n)(o))**
- (e) Must take into account **public interest (SPLUMA 42(1)(c)(i))**
- (f) Must have regard to at least **any guidelines issued by the Provincial Minister** regarding proposed land uses; **(LUPA 49(e))**
- (g) Must take into account **any applicable national or provincial policies** that guide decision making; **(Bylaw, 65 (1) (p))**
- (h) Must take into account the **impact on existing rights and obligations; (SPLUMA 42(c)(iv))**
- (i) Must take into account the **constitutional transformation imperatives; (SPLUMA, S42(1)(c)(i))**
- (j) Must take into account the **state and impact of engineering services, social infrastructure and open space requirements; (SPLUMA S42(1)(c)(v))**
- (k) Must consider any factor that may be prescribed, including timeframes, for making decisions; **(SPLUMA, S42 (1)(c)(**
- (l) Must take into account **investigations carried out in terms of other laws** which are relevant to the consideration of the application; **(Bylaw 65(1)(f))**
- (m) Must take into account the **relevant provisions of the zoning scheme; (Bylaw 65(1)(s))**
- (n) When considering an application affecting the environment, **ensure compliance with environmental legislation; (SPLUMA, 42 (2))**
- (o) Must consider the desirability of the proposed land use **(LUPA, section 49(d) and Bylaw S65(1)(c))**