Judgment (Belgium): A recent legal decision refers explicitly to the health hazards posed by radiation from mobile phone antennas

On 18 May 2009 the district court of Ghent gave a judgment banning the installation of a 28-metre phone mast in Drongen, where construction work had already started and was recently halted. As often happens, the phone companies Belgacom, Proximus, etc, decided to install this new phone mast for the SNCB (Belgian national railways) in a very busy place: an urban area with a primary school, and a hall for local youth groups.

That was one of the reasons why the local residents took their case to court. [Reportage aff. SNCB à Drongen 09 /2006 - Fr]

Following events in <u>la France</u>, it's the first time that a Belgian court has cited health hazards as a factor justifying its decision.

The authorities will be directly affected, since the court decided that the health risk cited by the plaintiffs in their objection to the planning application was a legitimate ground for complaint. In other words the usual criteria for planning consent and the impact on the urban context are no longer adequate; disturbance and pollution of the environment are a new ecological parameter that must now be taken into account.

The court considered that "Until it has been scientifically proven that radiation from relay antennas is without danger to human health, it should be admitted that it probably is dangerous."

Bekendmaking

Aanvraag tot stedenbouwkundige vergunning

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In a joint <u>Press release</u> (NL) the Belgian environment action groups that fight against pollution from artificial electromagnetic HF microwave radiation declared: "This verdict from the court in Ghent is a leap forward in the recognition by the Belgian courts of the potential threat to public health posed by relay antennas, and is a legal first in Belgium.... The court also took into account the fact that the mast would have a negative visual impact, and would cause a depreciation in the value of nearby properties."

According to Jan Allein, the group's spokesman "Beperk de Straling" and one of the plaintiffs who brought the case: "The place where they planned to put the mast was not well chosen – it is close to a residential area, a primary school, and a hall for the local scouts and other youth groups."

"The court has now clearly decreed that the authorities have to take account of health hazards and environmental issues, and not only of the visual criteria, when they make a decision about a planning application."

In its judgment, the court recalled a decision taken by a Justice of the Peace in 2000, who declared: "As long as it has not been scientifically proven that radiation is without danger, it should be considered that it is probably dangerous."

The action group hopes also that this verdict will set a legal precedent.

