CLAIM NO: CO/2466/2003

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT LIST

BETWEEN:

YASMIN SKELT

Claimant

-v-

(1) THE FIRST SECRETARY OF STATE

-and-

(2) THREE RIVERS DISTRICT COUNCIL

-and-

(3) ORANGE PCS LIMITED

Defendants

CONSENT ORDER

Dated the 26th day of September 2003

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT LIST

CLAIM NO: CO/2466/2003

BEFORE THE HONOURABLE MR JUSTICE MOSES

BETWEEN:

1) YASMIN SKELT

Claimant

-v-

(1) THE FIRST SECRETARY OF STATE

-and-

(2) THREE RIVERS DISTRICT COUNCIL

-and-

(3) ORANGE PCS LIMITED

Defendants

CONSENT ORDER

UPON READING the Claim Form sealed herein on 23rd May 2003 on behalf of the above-named Claimant.

AND UPON READING the Witness Statement of Yasmin Skelt dated 24th May 2003 together with the exhibits referred to therein, filed on behalf of the Claimant in support of this Claim.

AND pronouncing this Order in open Court without the requirement of the parties' attendance

BY CONSENT

IT IS ORDERED that this claim be allowed and that the decision herein of the first Defendant given by letter dated 16th April 2003, be quashed on the grounds set out in the schedule hereto; and

IT IS FURTHER ORDERED that there be no order as to costs save that the First Defendant do pay the Claimant's reasonable costs of and incidental to this application, to be assessed if not agreed.

SCHEDULE

1. This is an application pursuant to s.288 of the Town and Country Planning Act 1990 to quash a decision herein of the First Defendant given by letter dated 16th April 2003, whereby he granted planning permission for the erection of a replica 8m high telegraph pole, with telecommunication antennae and an associated equipment cabinet on the grass verge on the Eastern side of Grove Way, Chorleywood, Rickmansworth;

2. The First, Second and Third Defendants have carefully considered the said decision in the light of the particulars set out in the Claim form and the matters recited in the said Witness Statement of Yasmin Skelt and the documents exhibited thereto;

3. The First, Second and Third Defendants consent to an order quashing the said decision in light of the following Ground of Claim:

   a. The defendant's inspector failure to adequately consider the weight to be given to the health concerns of the claimant in his decision letter.

Dated this day of 2003

Claim No.	[Claim Number]

Details of claim

The Claim is for an order that:

(i) The decision of the First Secretary of State of 16 April 2003 be quashed.

(ii) The costs of an incidental to this application to be paid to the Claimant by the First Secretary of State.

The Grounds of this Appliction are that:

The Secretary of State, by his inspector, misdirected himself in lw by concluding that, simply because the proposed mobile phone mast would comply with the ICNIRP standards, a refusal of permission on health or health perception grounds would not be appropriate. As a matter of law, such matters are material considerations. As a matter of law and government policy, regardless of compliance with the ICNIRP standards, the Inspector should have considered what weight to give those matters recognising that the question of weight was for him, as the decision-maker, and that refusal on that basis would have been lawful. He unlawfully failed to do so. The Claimant is substantially prejudiced by the First Secretary of State's decision.

Statement of Truth
* (I believe) (~~The Claimant believes~~) that the facts stated in these particulars of claim are true.
* I am duly authorised by the claimant to sign this statement

Full name Alastair Wallace

Name of claimant's solicitor's firm Tyndallwoods Solicitors

signed Mark Wallace position or office held PARTNER [position or office held]

* (~~Claimant~~) (~~Litigation friend~~) (Claimant's solicitor) (if signing on behalf of firm or company)

*delete as appropriate

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Claimant's or claimant's solicitor's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

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