



Contact address:

Chairman Mr. Brian Stein CBE,
EM Radiation Research Trust,
Chetwode House, Leicester Road,
Melton Mowbray,
Leicestershire, LE13 1GAUK

8th November 2023

Sent via Email from: eileen@radiationresearch.org

For the attention of: Ian J. MacLeod ian.macleod@birmingham.gov.uk

Rt Hon Preet Kaur Gill MP preet.gill.mp@parliament.uk

Councillor Martin J Brooks OBE martin.j.brooks@birmingham.gov.uk

Councillor Jayne Francis jayne.francis@birmingham.gov.uk

Birmingham Live News Desk newsdesk@birminghamlive.co.uk

Local resident, Mindy Connor

Mr. Brian Stein CBE, EM Radiation Research Trust Chairman

Cease and Desist all works for phone mast application 2022/02399/PA - Missing ICNIRP Certificate

The EM Radiation Research Trust call on all works for 20.0m mast and streetworks on War Lane, Harborne, Birmingham B17 1RP to **immediately cease and desist**. This mast and associated cabinets are in breach of planning due to a missing ICNIRP Certificate. We understand that work on the site has started with four cabinets already in place. We call on local authorities to follow the code of best practice and to stop all work on this site immediately.

Masts must have a valid ICNIRP certificate and can be operated only by Ofcom. A serious investigation must be carried out as due diligence had not been followed.

Birmingham City Council previously refused this application for Prior Notification for the proposed 20.0m High EE/H3G phase 7 streetworks pole at War Lane, Harborne, Birmingham B17 1R

FOR THE FOLLOWING REASONS:

'Reason(s) for Refusal 1 By virtue of its size, siting and appearance, the proposed telecommunications equipment would be exposed and prominent in the street scene to the detriment of visual amenity. As such the proposal would be contrary to Policy DM16 Telecommunications of the Development Management in Birmingham DPD 2021, Telecommunications Development : Mobile Phones Infrastructure adopted as a Supplementary Planning Document and the National Planning Policy Framework.

2 The proposed telecommunications equipment would, by virtue of its size, siting and appearance, be detrimental to the outlook from the residential properties located in close proximity to the site. As such the proposal would be contrary to Policy DM16 Telecommunications of the Development Management in Birmingham DPD 2021, Telecommunications Development : Mobile Phones Infrastructure adopted as a Supplementary Planning Document and the National Planning Policy Framework. Date: Thursday 12th May 2022 Ian J. MacLeod'

However, we understand this decision was appealed and passed and without an ICNIRP Certificate. This is contrary to the National Planning Policy Framework, and the Code of Best Practice for Wireless Network Development in the UK.

A missing ICNIRP Certificate is a valid ground for councils and the Planning Inspectorate to dismiss mast planning applications. The Planning Inspectorate has previously refused an appeal for a 5G mast in Dartford for Application Ref: **DA/22/00938**

'The main issues are:

- The effect of the siting and appearance of the proposal on the character and appearance of the area;
- The consideration of alternative sites; and
- **Whether an appropriate International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate has been provided.** Details here: <https://publicaccess.dartford.gov.uk/online-applications/applicationDetails.do?keyVal=RG1SJQBQJG400&activeTab=summary>

In this case, the council initially refused the application, one of the grounds being that an ICNIRP Certificate **had not** been provided (this was spotted by Environmental Health). Telecom appealed this, and belatedly sent a certificate to the Planning Inspectorate. However, this was found to be 'flawed' and 'not fit for purpose', due to missing operator information, and an incorrect site address.

We call on the Rt Hon Preet Kaur Gill MP to raise this significant error calling on the appropriate Government Department(s), asking for an explanation of how the Planning Inspectorate can say in its decision notice that an ICNIRP Certificate was supplied with the application, when it clearly was not according to the documents uploaded to planning.

The EM Radiation Research Trust call for a complete overhaul in planning. Although, ICNIRP is considered as a guideline for health and safety for planning when considering an

application, we call for even stricter measures to protect public health and the environment. It is common knowledge and supported by peer reviewed evidence that phone mast radiation and the ICNIRP guidelines raise health & safety concerns, as follows:

- Not suitable for those suffering with Electrosensitivity.
- ICNIRP based on thermally heating effects only.
- Masts emit pulsed microwave radiation.
- RF/microwave radiation is recognised as a class 2B carcinogen by the WHO.
- Are fire hazards due to electrical faults.
- Can disrupt and disable medical devices such as pacemakers. (Outside scope of ICNIRP guidelines.)
- ICNIRP conflicts of interest stated by a judgement at the Turin Court of Appeal.
- ICNIRP's guidelines are based on studies from the 1980's involving 40–60-minute exposures in 5 monkeys and 8 rats.
- Paolo Vecchia, ICNIRP Chair from 2004 until 2012 said “the ICNIRP guidelines are neither mandatory prescriptions for safety, the “ last word” on the issue nor are they defensive walls for Industry or others.”

The case of Yasmin Skelt vs Secretary of State (John Prescott) and Three Bridges District Council and Orange (2003), made it clear that it is not acceptable for local planners to accept an ICNIRP certificate according to a High Court Judge who highlighted “failure to adequately consider the weight to be given to the health concerns of the claimant in his decision letter.” The First Secretary of State offered to concede the case and to pay reasonable costs.

The EM Radiation Research Trust call on Birmingham Planning Authority, Environmental Health, local councillors and Preet Kaur Gill MP to carry out a duty of care towards the people you represent and use existing powers to overturn permission given for this mast on the grounds of non-compliance.

We also call on public officials to launch a full investigation calling for a complete review of the whole planning process for this technology taking health into consideration based on independent research demonstrating biological effects below the ICNIRP guidelines. Fire hazard safety should also follow strict regulations and regular safety inspections. Public health and safety should take priority over industry profits.

We call on you to keep us informed regarding this most serious situation.

Yours sincerely,

Eileen O'Connor

Director EM Radiation Research Trust

The EM Radiation Research Trust is an educational organisation funded by donations. An independent Charity Registered No. 1106304 © The EM Radiation Research Trust 2003-2004 Website: www.radiationresearch.org