



Contact address:

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

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Sent via email from: EM Radiation Research Trust Director Eileen O'Connor
Email address: eileen@radiationresearch.org

For the attention of: Ian J. MacLeod ian.macleod@birmingham.gov.uk
General Enquiries and Mentors general.enquiries.and.mentors@gmail.com
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
Planning Inspectorate press.office@planninginspectorate.gov.uk
Department for Levelling Up, Housing & Communities correspondence@levellingup.gov.uk
Rt Hon Michael Gove MP michael.gove.mp@parliament.uk
Rt Hon Rachel Maclean MP rachel.maclean.mp@parliament.uk
Rt Hon Felicity Buchan MP felicity.buchan.mp@parliament.uk
Rt Hon Jacob Young MP jacob.young.mp@parliament.uk
Rt Hon Lee Rowley MP lee.rowley.mp@parliament.uk
Baroness Scott of Bybrook contactholmemberr@parliament.uk

Dear Ladies and Gentlemen,

**THE EM RADIATION RESEARCH TRUST CALLS FOR THE PHONE MAST WORKS ON WAR LANE,
HARBORNE, BIRMINGHAM B17 1RP APPLICATION REF: 2022/02399/PA TO CEASE AND DESIST**

The EM Radiation Research Trust calls on the Secretary of State to investigate the missing ICNIRP certificate along with contradictory and bias decision making taken by the planning inspectorate. I have included MPs and Ministers who are responsible for the Planning Inspectorate due to concerns regarding serious breach of planning in decision making.

I call on all responsible parties, including MP's and Ministers to read the email/letter sent yesterday on behalf of the EM Radiation Research Trust to Birmingham City Council regarding the missing ICNIRP Certificate. <https://www.radiationresearch.org/newswire/mobile-phone-masts/cease-and-desist-all-works-for-phone-mast-application-202202399pa-missing-icnirp-certificate/>

I would also like to draw your attention to the Appeal Decision issued by Planning Inspector Elaine Moulton, decision date: 14th December 2022.

Planning Inspector Elaine Moulton claims an ICNIRP certificate was provided when making the decision to grant approval for the phone mast. The ICNIRP Certificate was **clearly not** uploaded to the planning portal for the public to view during the original/initial application that was refused by Birmingham City Council. The EM Radiation Research Trust call on Birmingham City Council and the Planning Inspector Elaine Moulton to provide a copy of the ICNIRP certificate including additional information.

Under a Freedom of Information Request we call on Birmingham City Planning and the Planning Inspector Elaine Moulton to answer the following questions:

- 1) We request proof of the ICNIRP certificate from both Birmingham City Council and Elaine Moulton the Planning Inspector.
- 2) The Planning Inspector refers to the ICNIRP Certificate in her decision notice. We therefore call on the Inspector to provide a copy of the ICNIRP Certificate and date it was submitted. This is important considering that pervious planning applications in England have identified 'flawed' and 'not fit for purpose,' certificates due to missing operator information, and incorrect site details.
- 3) Is it lawful to send an ICNIRP Certificate to the Planning Inspector if the certificate was missing during the initial planning application to Birmingham City Council?
- 4) We also request proof from both Birmingham City Council and the Inspectorate that all telecom applicants are registered with OFCOM for persons with powers under the Electronic Communications Code.

I would like to highlight concerns regarding the Planning Inspector Elaine Moulton's decision to approve the phone mast application.

Elaine Moulton dismisses concerns raised by residents about the loss of property values that may result from the proposed installation. Elaine Moulton claims there is no evidence to suggest that this would be the case. **I disagree.** An article published in 'This is Money' raises concerns with the headline **Phone mast wipes £50,000 off house value** this feature highlights concerns raised by property experts, David Adams, sales director at Hamptons International. He said: 'There are two ways mobile phone masts affect property prices - by being close to one and actually looking out over it. In this case it's both, so it's a double whammy.' In addition, a spokesman for the Royal Institution of Chartered Surveyors said there was no way of calculating the exact effect of a phone mast on property prices. 'You have to treat it as any other kind of blight, like being next to a smelly glue factory, a noisy garage, a cliff, a wind farm or something really ugly,' Link to news report:

<https://www.thisismoney.co.uk/money/mortgageshome/article-1587027/Phone-mast-wipes-50000-off-house-value.html>

The Planning Inspector Elaine Moulton appears to offer inconsistent and conflicting reasons in decision making. I would like to draw your attention to the following examples:

Decision date: 5 December 2022 - Elaine Moulton **REFUSED** an Appeal for the development of a modest new dwelling (2 bedroom) Appeal Ref: **APP/P3040/W/22/3303345** Land To Rear Of 5 & 7 Nottingham Road, Cropwell Bishop, Nottinghamshire NG12 3BQ. She considered this application **unacceptable** due to **noise and disturbance** along with the impact of development on the amenity of occupiers and nearby residents.

Decision date: 14th December 2022 - Elaine Moulton **APPROVED** a 20.0m phone mast and five cabinets Appeal Ref: **APP 2022/02399/PA** War Lane, Harborne, Birmingham B17 1RP. She did not offer the same consideration regarding **noise and disturbance** that may result from the phone mast. (Residents living in Harborne have complained about a local mast that gives out a loud hum). Elaine Moulton did not add the same value in comparison to the impact of the phone mast development on the amenity of occupiers and nearby residents.

The Planning Inspector also dismissed concerns raised about potential effects on health and wellbeing, claiming sight of an ICNIRP certificate (**to be confirmed**). **The Inspector added:** "In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine."

This is contrary to the views of the court. I would like to draw your attention to a landmark legal ruling in November 2021 that took place at the Planning Court, Queen's Bench Division, High Court of Justice, London with campaigners successfully claiming against Brighton and Hove Council with Hutchison 3G as the interested party. The Honourable Mr Justice Holgate overturned the local authority approval for the 5G mast to be sited close to a primary school. The ruling found that the Council "**failed to address the health impacts**" of the mast. Court Decision here: <https://rfinfo.co.uk/wp-content/uploads/2021/11/Consent-Order-02.11.21.pdf>

Reliance on ICNIRP should also be challenged. 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.

Elaine Moulton provided conflicting and inconsistent reasons in decision making according to the examples provided. Both Planning Inspector Elaine Moulton and Birmingham City

Council failed to address the health impacts which is a material consideration according to the courts and we are yet to see a copy of the missing ICNIRP Certificate.

We may need to consider reporting this most serious matter to the Ombudsman if the Planning Inspectorate's decision is not overturned with immediate effect.

We call on all works to Cease and Desist while requesting a full investigation.

Yours sincerely,

Eileen O'Connor Director EM Radiation Research Trust

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