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Subject: Stage 2 Complaint 6632 re adjudicatuion of Planning Application 25/00890/PRIOR

Dear Tracey

Further to my email 2nd September, in which I advised ACHES (Adult Child Health and Environmental Support) is considering its options, what is of great concern to ACHES is that ICNIRP guidance appears to have been misinterpreted by Cornerstone (the applicant, represented by its agent in Planning Application 25/00890/PRIOR) and that that apparent misinterpretation seems to have been taken at face value, and as factual, and so relied in by the relevant case officer and on that basis a telecom mast has been approved.

I quote from the case officer`s report, in Planning Application 25/00890/PRIOR, as to that reliance being salient to the decision to approve the mast:

"6.23 The applicants (sic) agent has acknowledged the concerns raised, and with specific regard to interference with pacemakers a **fact sheet** from the telecommunication operator has been provided, which states 'There is no evidence to suggest that radio frequency fields from radio base stations can interfere with cardiac pacemakers or other implanted medical devices so long as the exposure levels from the radio base station are within the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines.'
6.24 In this instance, the information provided is considered to be sufficient to fulfil the requirements of para 123 of the NPPF in regards to health and self-certification."

May I refer you to what the NPI said about documents received by councils:

Ticket 48526 planning inspectorate:

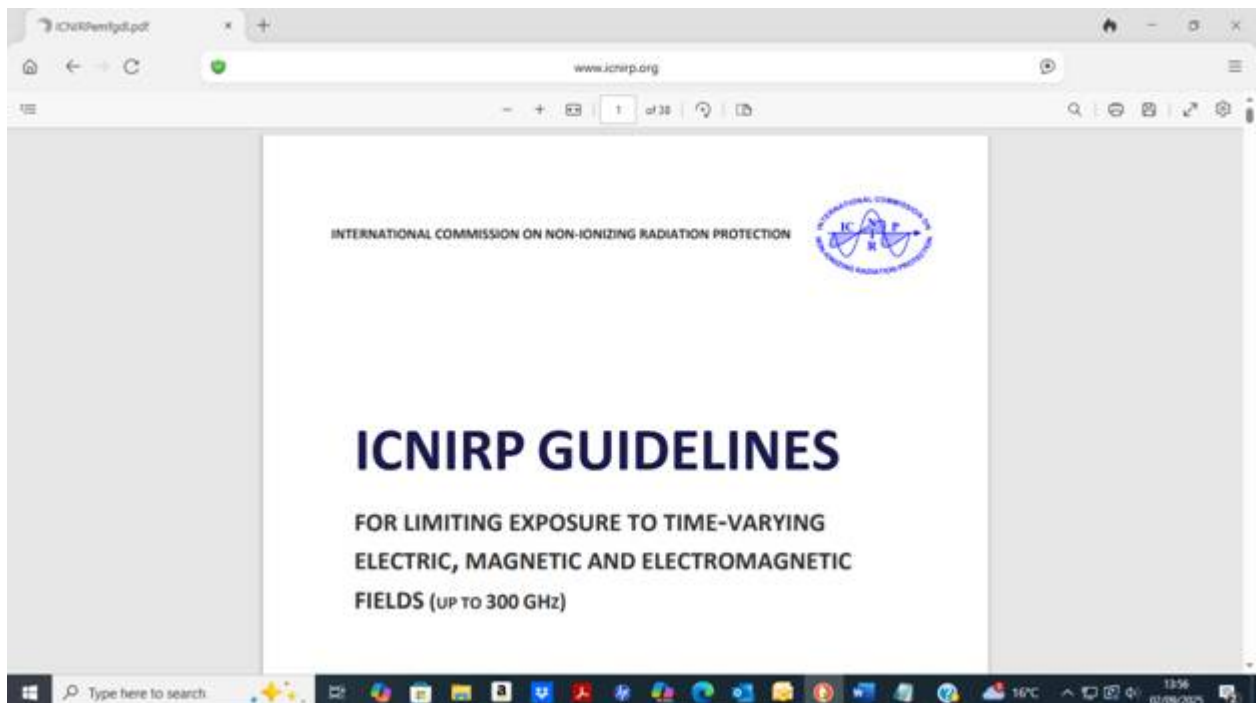
"Our complaints officer specified to me that any issues regarding certificates or declarations would be a matter that the Council would have to deal with, as **they would need to be satisfied with all of the documents** before making any decisions."

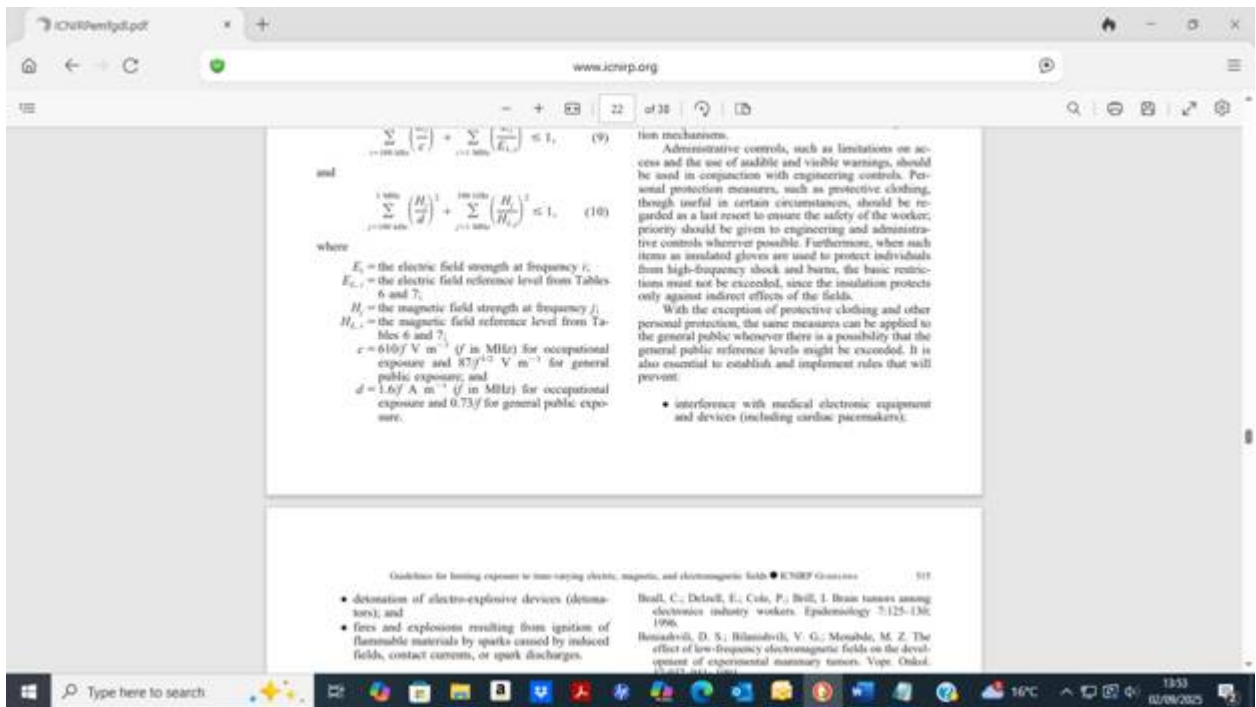
What is the issue here ? Let me spell it out clearly.

Cheltenham Borough Council relies in ICNIRP guidance and the case officer should therefore be familiar with the following statement in the guidance

"Indirect effects - Most health effects considered in non-ionizing radiation protection are direct effects. However, health effects can also arise from indirect pathways. For instance they may occur from an electric discharge arising from metallic objects charged by exposure to some types of non-ionizing radiation; these types of indirect effects are considered by ICNIRP. Other types are not, for example, heating of metallic objects in the body, such as prostheses, or an influence on the operation of medical devices such as pacemakers. The latter electromagnetic interference effects are of a technical nature and do not fall within the remit of ICNIRP."

Again, Cheltenham Borough Council relies in ICNIRP guidance and I refer below to further guidance (taken from the ICNIRP website as you can see) which CBC must be aware of since they of course rely in this very guidance:





Here is a salient phrase in the above abstraction from the ICNIRP guidance:

“It is also essential to establish rules that prevent interference with medical electronic equipment and devices (including cardiac pacemakers)”

Why does the ICNIRP guidance say the above? Because ICNIRP says, as already set out above, inter alia, the following key sentence

The latter electromagnetic interference effects are of a technical nature and do not fall within the remit of ICNIRP

At no place in its guidance does ICNIRP say what Cornerstone say in the attached document and I quote from that document verbatim, below. The Cornerstone document is referred to as a “fact sheet” in the case officer`s report – but perhaps “unfact sheet” might be a better descriptor of that Cornerstone document and which document, as you can see from the paragraph from the case officer`s report cited above, was relied in by the case officer. Here is the salient phrase in the Cornerstone document:

“Cardiac pacemakers and other implanted devices There is no evidence to suggest that radio frequency fields from radio base stations can interfere with cardiac pacemakers or other implanted medical devices so long as the exposure levels from the radio base station are within the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines.

I repeat, what ICNIRP actually says is **“electromagnetic interference effects are of a technical nature and do not fall within the remit of ICNIRP** and too within ICNIRP guidance: **“It is also essential to establish rules that prevent interference with medical electronic equipment and devices (including cardiac pacemakers)”**

Elsewhere in the ICNIRP guidance is the following:

"Medical procedures may utilize EMFs, and metallic implants may alter or perturb EMFs in the body, which in turn can affect the body both directly (via direct interaction between field and tissue) and indirectly (via an intermediate conducting object). For example, radiofrequency ablation and hyperthermia are both used as medical treatments, and radiofrequency EMFs can indirectly cause harm by unintentionally interfering with active implantable medical devices (see ISO 2012) or altering EMFs due to the presence of conductive implants."

Also in the ICNIRP guidance is the following:

"Radiofrequency EMFs may also interfere with electrical equipment more generally (i.e., not only implantable medical equipment), which can affect health indirectly by causing equipment to malfunction. This is referred to as electromagnetic compatibility, and is outside the scope of these guidelines"

ICNIRP does not say anywhere in its guidance what Cornerstone states in the attached document that: "There is no evidence to suggest that radio frequency fields from radio base stations can interfere with cardiac pacemakers or other implanted medical devices so long as the exposure levels from the radio base station are within the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines"

You can now see why "unfact sheet" might be a better descriptor of the Cornerstone document and if the case officer had paid attention to the failure of the Cheltenham Borough Council's attempt to overturn the Judge Jarman precedent and if he had followed the guidance of the NPI to establish the veracity of documents submitted to the Council - it might be safe to say he might not have used the said "fact sheet" submitted by Cornerstone, to recommend approval of Planning Application 25/00890/PRIOR - and would justifiably have refused the application - it might therefore be said.

This is a very, very serious matter. Cheltenham Borough Council failed to facilitate, in line with Judge Jarman's words "to grapple with" this very situation, a consultation to discover the existence of any residents living proximal to the proposed in order mast to establish if they had pacemakers and the like in their bodies. Too, under the Gunning Principles for such consultations, such residents would then have been provided with the fact that they fall outside the scope of the ICNIRP guidance and which ICNIRP guidance is used by Cheltenham Borough Council to ensure their safety. This is at the very essence of the Jarman precedent isn't it ?

It might be said by some that it appears that Cornerstone have invented an unauthorised amendment to the ICNIRP guidance and that the relevant case officer subsequently decided to adhere to the unauthorised invention as a basis for recommending approval of a telecom mast planning application, rather than checking the veracity of the Cornerstone document against ICNIRP guidance. As already stated the National Planning Inspectorate do expect Councils to establish the veracity of documents submitted to them.

As you know this is at stage 2 of the Cheltenham Borough Council complaints procedure and ACHES is deciding what course of action to follow hereon in. You sent me a link to the Local Government Ombudsman and you wrote as follows:

“The Ombudsman decides whether it can and should investigate complaints. For example, the Ombudsman may decide not to investigate your complaint if you have not been significantly personally affected by the issue you are raising. You can find out more information about what complaints the Ombudsman may consider on its website.”

ACHES (Adult Child Health and Environmental Support) aims to protect public health by trying to ensure correct and fair adjudication of telecom mast planning applications. Why is this so important ? Because for example, the telecom industry itself, as you can see in the attached patent application, knows for example, that the radiation from such equipment can cause increased cancer risk and so the public must be appropriately safeguarded. That is if we care about our fellow human beings, obviously - and ACHES does. ACHES, and others, might say there is nothing more important than public health. So the grounds of this complaint, which are about public health, would justify it being referred to the Local Government Ombudsman, would it not ? If not why not ?

Cheltenham Borough Council as stated, did not succeed in their attempt in the Appeal Court to overturn Judge Jarman`s critically important ruling in regard of people with pacemakers and **the like falling outside the ICNIRP remit**. So it is in the view of ACHES, and in the light of this public and dramatic failure by Cheltenham Borough Council, in the Appeal Court, to overturn the Jarman precedent, quite astonishing that a very Cheltenham Borough Council case officer should rely in the Cornerstone document attached in the adjudication of planning application 25/00890/PRIOR. As an aside several of my colleagues and myself witnessed that court hearing at the Royal Courts of Justice in The Strand, London.

I have copied in this email to the entire board of directors of Cornerstone (as made available to the public, by Companies House) and I would request the Cornerstone board to explain why Cornerstone supplied the document attached, to the planning department in application 25/00890/PRIOR, since what they have written in that document seems to be at variance with the actuality of the ICNIRP guidance - ICNIRP guidance, as repeatedly stated, being used by Cheltenham Borough Council, to safeguard public health in this arena.

I have also copied in the CEO and Mayor of Cheltenham Borough Council.

With kind regards

Nicholas Martin

For and on behalf of ACHES



Adult Child Health and Environmental Support

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