

Angela Rayner MP

Secretary of State for Housing, Communities and Local Government

Dear Angela,

We are writing to you in your capacity as Secretary of State for Housing, Communities and Local Government, and on behalf of ACHES (Adult Child Health and Environmental Support) set up to promote, enhance and protect human and environmental wellbeing and ACHES is seeking a review of the ICNIRP Certification process in relation to telecom mast planning permission adjudication. As you are aware, all such electronic telecommunications applications must be supported by an ICNIRP certificate which has to be made by the lead operator.

NPPF 121(c) (2023 version) states the following:

121. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- (a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- (b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
- (c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

This is further reinforced in the Code of Practice for Wireless Network Development in England, Annex C, which states that the name and address of the lead operator must make the declaration:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1057999/Code\\_of\\_practice\\_for\\_wireless\\_network\\_development\\_in\\_England.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057999/Code_of_practice_for_wireless_network_development_in_England.pdf)

ACHES has collated sample data from across the country which evidences that hundreds of planning applications are or have been made in the name of a non-existent company, Three UK Limited (please see attached). The sheer number of applications made in this fashion indicate that it is not any form of “administrative error” and in many cases the name of this company has been physically typed onto the ICNIRP declaration.

There are many other instances where the name making the declaration on the ICNIRP Certificate has not been made by the lead operator, again contrary to NPPF 121c and the Code of Practice. Other false names have been used but not so numerous.

Given that councils up and down the country are likely to have been advised by Central Government not to take into account anything to do with public health once an ICNIRP Certificate has been issued, this raises a very serious

question of who or what is meant to be protecting public health if councils are not checking that even the very basic details on a certificate are correct. In this respect it is noted that the National Planning Inspectorate (NPI) in response to several questioners, has argued that it is the planning departments of local councils that are responsible for ensuring that all documentation is valid before making any decision.

In addition, the use of Three UK Ltd in ICNIRP certification has been reported to three Police Forces and to the IOPC - on the basis that such certification constitutes the usage of a "false instrument" under the Forgery and Counterfeiting Act 1981, based in the opinion of a retired police inspector.

Given also that two cases concerning fraud in general and in particular the comments of Lord Denning, in *Lazarus Estates Ltd v Beasley* [1956] and Lord Bingham, in *HIH Casualty and General Insurance Ltd v Chase Manhattan Bank* [2003] with regard to what might be considered as "fraud" and its effects - with both law Lords referring to the "unravelling" of situations based in fraud - the precedent in these cases might be highly relevant. In this light and in the eyes of the law - would planning permissions resting on a potential false instrument "unravel" when legally challenged on this basis?

Against the background elucidated above, ACHES is seeking a review by DHLG of the ICNIRP Certification process, as clearly these procedures are not operating effectively and public health and safety is being undermined, even neglected, by the current metrics of national and local government.

Please can you provide an urgent response to this.

Thank you and we look forward to hearing from you

Yours sincerely,

Nicholas Martin  
Ian Jarvis  
Katherine Armitage  
Amanda Kenton  
Michael Kenton

For and on behalf of ACHES

Sent by email dated 18 July 2024