

Joanna Averley, Chief Planner

**MHCLG
2 Marsham Street
London
SW1P 4DF**

January 28, 2025

Dear Joanna,

We write as ACHES, *Adult, Child, Health and Environment Support* to bring to your attention a serious planning matter relating to the telecoms infrastructure, including base-stations and roof structures. In many hundreds of planning applications telecom companies have been using the name of a company, "*Three UK Ltd*," (CRN 03004157) as the company supplying the self-certified declaration of compliance with ICNIRP guidance. According to Annex C of the Code of Practice for Wireless Networks in England, this should be done by the "Lead Operator."

"Three UK Ltd" is a company that was incorporated on 21 December 1994 and active until 27 October 2015 when it was dissolved. Furthermore it was never, ever engaged in telecoms and so did not have any association with any telecom company.

The name Three UK Ltd has been used in the certification of ICNIRP compliance both whilst Three UK Ltd was active (and without permission) as well as after it was dissolved. It is quite obvious that a dissolved, i.e. non-existing company, cannot make such a self-certified declaration. The address of Star House in Maidenhead was often used and shown in ICNIRP compliance certification, though it is an address that was never used by Three UK Ltd and since 31 March 2021 that address has been a development for Legal and General.

Attached file name "*A List of Lists*" is a sample taken from 20 LPAs and involving 600 planning reference numbers and in each Three UK Ltd has been used in the relevant ICNIRP certification. You are welcome to verify this by checking for yourself on the relevant planning portals.

By extrapolation this could mean there are more than 9,000 cases across the UK. Hardly could this be construed as an “innocent error” as some have called it.

There is more detail related to this in the attached documents, file names “*Three UK Ltd - a Brief*” and “*IRJ Statement*”.

ACHES has also written to the Secretary of State on this issue though we have yet to receive a reply.

Several LPAs have been challenged since this was first discovered in August 2023 and in the case attached, file name “*Wrangle ref B-23-0087*”, Matt Warman, as the constituency MP at the time, would be able to expand on the detail.

We will now bring you right up-to-date, and, following letters from many people to councils, as well as objections on many individual applications, we have moved forward somewhat and are able to link some of this together.

Mr Andrew Weavers, Chartered Legal Executive, Head of Governance & Monitoring Officer of Colchester City Council, recently wrote “*this issue with “Three UK Ltd” is not restricted to Colchester and has been highlighted nationally*” (authors' highlight).

ACHES` letters on this issue have been received by councils in England. Many local people have been writing to their own council about this issue and other 5G planning related issues. In addition to the usage of Three UK Ltd in ICNIRP compliance certification, there have also been relevant planning applications actually with the non-existent company, Three UK Ltd, as the applicant itself.

Mr Weavers has also written that “*The Council has changed its processes to ensure that it does not validate any applications where the applicant is stated to be Three UK Limited and that the applicant is a bona fide company.*” Why we might ask ? Colchester, similar to other Councils, had been so sure that it doesn't really matter and that the actions of the relevant planning department were correct in all respects?

ACHES has been supplied with a copy of Mr Weaver`s letter by a Colchester resident and in the opinion of ACHES the letter is an admission that their process was lacking in diligence .The negligence it might be stressed, is related to approving a planning application or not, it is in

accepting that the given application itself, as supplied, was valid and where relevant, too, the same with regard to the certificate of ICNIRP compliance, with no checking of veracity.

The critical importance in this issue concerns responsibility and liability:

- In the case of "Three UK Ltd" specified as Applicant; if such equipment were to be damaged, would a council ask "Three UK Ltd" to repair it? (Good luck with that!). Would the relevant council send a letter to Star House, often the given address and one that doesn't exist in regard of three UK Ltd? (The attached file name "Three UK Ltd - a Brief" relates.) If the planning approved apparatus were to catch fire (whatever the cause) who would be responsible for repairs to any damaged properties, or for health care for anyone breathing in the toxic smoke and fumes? And if an EV hit such apparatus at speed resulting in a lithium battery thermal run off explosive fire - imagine what that could cause in terms of indemnity issues.
- In the case of "Three UK Ltd" specified as the self-certifier, and by implication the Lead Operator; the ICNIRP compliance certificate certifies that the equipment when operational will be in compliance with ICNIRP. If a non-existent company is declaring compliance, how can anyone be sure that it IS compliant? Where is the liability if the equipment is found not to be compliant? Given the sheer number of applications processed in this name, it begs the question of whether ANY of these masts are actually compliant with ICNIRP guidance and this raises a critical point of national security and protection of public health, which needs addressing urgently.

If a Council cannot answer any of that with certainty and in a heartbeat, then such a council might not be said to be operating with due diligence. In regard of potential health claims brought to a council arising from EMF effects emitted by a planning approved mast, if such claims were presented in a court of law that might bring into very sharp focus the position of both the relevant council and its insurance company. Wandsworth Council in reply to an FOIA request, stated that their insurers declared that they were not covered for EMF effects.

Mr Weavers quoted from a letter received from Hutchison 3G UK Ltd, *"It was an innocent error that the planning application and the ICNIRP certificate referred to Three UK instead of CK Hutchison Networks (UK) Limited, but a reasonable person would be able to confirm that the name used (Three UK Limited) is a reference to the entity who trade as "Three UK", Hutchison 3G UK Limited."*

Others have received letters with this wording. In many cases signed by the same person. Such letters could be seen as misleading as the applications often referred to "Three UK Ltd" and not "Three UK". Cases can and have been thrown out of court if the relevant names are not precisely correct.

In a nation with over 300 Councils/LPAs how many telecom mast planning applications could have been approved on the submission of such documentation ? This is a problem relevant to every council in UK potentially. We have cited Colchester City Council just as a representative example. Serious questions arise from this scenario. Could these installations all be uninsured, illegally erected and with a lack of clarity as to where responsibility and liability lie? Could there also be an element of negligence or lack of due diligence by the relevant planning departments and others?

Are all of them simply "innocent errors"?

If a members of the public made so many errors, would they be forgiven by their council ? Furthermore, a lawyer for Cignal Infrastructure UK Ltd wrote in August 2023 that "Three UK Ltd" does not exist. If a company lawyer knew it then, then that company knew it.

Mr Weavers has also given the excuse that *"It is the accepted role of a Local Planning Authority to accept documents submitted with a planning application at face value."*

From the experience of many, that assertion does not seem to apply to ordinary people and nor does the National Planning Inspectorate (NPI) agree with that statement, since it *wrote in Feb 2024 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."*

Subsequently Mr Weavers has written *"...the Council will not process any applications where the applicant, operator or ICNIRP declarations are not from active companies.* ACHES has been supplied with a copy of Mr Weaver's letter by a Colchester resident, and in the opinion of ACHES the letter is an admission that their process was lacking in diligence.

What will Councils now do regarding all those planning applications, potentially thousands, that have been accepted as valid and which proceeded to go through the usual process, being taken "at face value", and which were potentially in fact never valid ? Certain commentators have raised the issue of fraud and there is the doctrine that "fraud vitiates all". If fraud were confirmed that would mean a great number of approved base stations and roof structures would need to be switched off, decommissioned and then removed.

With the numbers so far involved, and with companies even now (Jan 2025) still using the "Three UK Ltd" name, and Councils/LPAs still accepting documentation in the name of Three UK Ltd even after having being advised of this issue, such usage is looking more like a deliberate act rather than an "innocent error".

Contact has been made with Mr Tim Llewellyn, the sole director of the former company Three UK Ltd. Mr Llewellyn is extremely fearful of the potential of receiving a legal suit, especially for the cases whilst the company was active. If nothing else the Secretary of State could formally and publicly make clear he is innocent of any blame so he can continue his life with some sort of peace of mind. It is completely obvious that all of this has nothing to do with Mr Llewellyn who has had no involvement with telecom nor telecom equipment certification.

Messrs Jarvis and Martin, please see below, are willing to meet with you in your role as Chief Planner and or with the Secretary of State, to fill in background and detail. It is important for all of us that this issue is investigated and a solution found.

We are sure you agree that this is a very serious matter and we wait to hear from you concerning suitable remedial action.

Yours sincerely,

On behalf of ACHES

Nicholas Martin, BSc, Chair

Ian Jarvis B.Sc. (computing science), member of the Board of Directors

Amanda Kenton, BA member of the Board of Directors

Summary of certain key issues confirming the need for an investigation and resolution of this scenario

- There have been hundreds (possibly thousands) of planning applications up and down the country where the non-existent company “Three UK Limited” has been used in ICNIRP declarations. Compliance with the guidelines cannot be guaranteed by a company that does not exist and this constitutes a breach of NPPF December 2024 para 122 (b and c).

This company was dissolved in 2015 and had nothing to do with telecoms (see Annex A below). This is not a simple “administrative error” as there are hundreds of these potentially fraudulent declarations up and down the country.

We refer you to Annex B, an email from the Planning Inspectorate dated 1st March 2024, where the Inspectorate states they are aware of the:

“questions being asked of the use of fraudulent certificates in 5G mast cases.”

They further state that,

“It is the responsibility of the relevant LPAs to ensure any certificates submitted as evidence as part of the application are valid.”

- This is a breach of planning policy, specifically NPPF 122(b and c) December 2024, which states:

“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:

(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, 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

An ICNIRP certificate, declared by a non-existent company, cannot possibly claim compliance

- This situation demonstrates potential fraud (fraud by false representation under Section 2 of the Fraud Act 2006 and/ or the use of a “false instrument” under the Forgery and Counterfeiting Act 1981).
- It is the LPA’s role to check the evidence submitted as part of the planning application (see email from the Planning Inspectorate below, Annex B). Any planning decision revolves around the use of land – potentially compatible use of land (as evidenced by a valid ICNIRP Certificate) has to be carefully weighed up against potentially incompatible and unacceptable use of land. Material planning considerations, including evidence submitted by the public, need to be considered. A deficient ICNIRP Certificate is “unreliable evidence from an unreliable source”.
- Urgent remedy is required to address the very serious situation up and down the country where possibly thousands of ICNIRP safety certificates have been issued in a non-existent company name or where the name on the declaration is not that of the Lead Operator or where the applicant itself is a nonexistent company .

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Annex A:

THREE UK LIMITED

Company number **03004157**

Follow this company

Overview

[Filing history](#)

[People](#)

[Charges](#)

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Registered office address

**Unit 2 Crompton Road Mill, Crompton Road, Macclesfield,
Cheshire, SK11 8DX**

Company status

Dissolved

Dissolved on

27 October 2015

Company type

Private limited Company

Incorporated on

21 December 1994

Accounts

Last accounts made up to **31 January 2010**

Annual return

Last annual return made up to **20 December 2010**

Annex B:

From: Planning Inspectorate <feedback@planninginspectorate.gov.uk>
Sent: 01 March 2024 16:33
To: Steven Thomas <stevethomas56@hotmail.com>
Subject: Your ticket 50195 has been updated Re: ICNIRP Certificate

Dear Steven Thomas,
Your ticket 50195 has been updated.
Dear Steven Thomas,

We are aware of questions being asked about the use of fraudulent certificates in 5G mast cases. It is important to note:

- It is the responsibility of the relevant LPAs to ensure any certificates submitted as evidence as part of the application are valid
- This does not affect the outcome of any decisions that have been made by our Inspectors.

Any further questions regards these certificates need to be raised with the LPAs.

Kind Regards

Charlotte Malkawi

Customer Team
The Planning Inspectorate
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Twitter: @PINSgov



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