

Ian R Jarvis B.Sc
+44/0 7793 908 790

irj-4-wifi@outlook.com

Ian R Jarvis
3 Park Avenue
Wolverhampton
WV1 4AH

Wirral Council

Councillor S Kelly et al

Staff members: Jill Travers, Paul Martin, Marcus Shaw

My purpose in writing is to calm down the situation between the Wirral Council and certain members of the Residents' Association so that we might be able to discuss opposing opinions regarding radio frequency radiation, especially the current generation, 5G, as there seems to be a breakdown in communication.

I do understand how this may have come about because of the passionate and strong opinions on either side. So I will restrict this letter to one of factual evidence with subsequent effects on the planning process for telecoms.

I think there are possibly two elements to this issue:

1. The allegedly fraudulent use in Telecom planning applications of the company name "Three UK Limited". Mr Weavers of Colchester Council has commented that this issue has been "highlighted nationwide".
2. Whether there are any possible adverse health effects caused by the radiation from the telecoms base stations and other similar devices and if so what is the evidence.

Who am I?

One of the directors of ACHES, Adult Child Health and Environment Support, which is a support, information and education body campaigning for accurate information and data about electromagnetic frequencies.

I have a degree in computing science and worked in the industry for over 30 years since when I have been following the development of cable less telecommunications and related matters.

Item 1 above

I know that this issue has been raised with Wirral Council and you held an internal review which was conducted by Paul Martin (Principal Lawyer) and concluded with:

"Officers have contacted the Applicant's Agent highlighting these points and have received a response saying that these were innocent errors."

Adding that the agent has been asked to ensure it doesn't happen again.

The agent in many of these cases around the country was the company Dot Surveying Limited and shortly after we had reported this it rapidly changed its structure and ceased acting as agent for the company. Not implying that is necessarily connected. More recently I have noticed 1 or 2 applications where Dot Surveying was again the agent.

My response to this is that, since August 2023, the so-called "innocent error" has been claimed several times in different cases to my certain knowledge, in the name of Nicola Davies. The council may like to know that currently **I have researched about 25 local planning authorities and have found over 1,000** other applications where the name of "Three UK Limited" was the name on the ICNIRP self-issued certificate or declaration. Does it still look so "innocent"?

Ian R Jarvis B.Sc.

Should I choose to extrapolate that to the 300+ local planning authorities it would be approximately 10,000 such cases. Of course they are not all approved but many were, and those are still in our streets today. Should there be an incident or a claim relating to any of them, where would any of these local authorities go to litigate or seek reparation? Would any insurance be invalidated?

I have attached two documents which explain the situation relating to the company "Three UK Limited". These have also been sent to the Secretary of State and to the ministry's Chief Planning Officer, Joanne Averley. I think anyone who does not understand this issue will have a better idea by reading those two with an open mind.

When I have described it to anyone not involved in any way the response is always to ask the question as to how a company never involved in telecoms and dissolved in 2015 and never at the address given could ever declare or certify ANYTHING, let alone one concerning a health or safety risk.

As an aside, Cllr Kelly, you and all readers might care to note the correct spelling for the company, CK Hutchison UK Ltd. It may be an "innocent error" in this letter but in the law court it would be critical.

* ie the correct spelling is with only one letter "n"; that at the end.

Item 2 above

This is a little more complicated in one sense and very straightforward in another.

I refer to the ICNIRP guideline itself which has in the section titled "Purpose and Scope"

it "will provide a high level of protection for all people against **substantiated adverse health effects**"

My dictionary (Oxford Concise) defines substantiate as "prove the truth of".

In effect, ICNIRP itself is stating that there are proven adverse health effects; need I say more?

As an organisation that accepts a certificate, albeit self-issued, under the guideline of this organisation how can you not accept that? It certainly seems self evidently obvious.

For another support, from the industry itself, in this case Swisscom AG, we have a patent application dated in 2003 that reads,

"The influence of electrosmog on the human body is a known problem."

Then, after some technical discussion:

"These findings indicate that the genotoxic effect of electromagnetic radiation is elicited via a non-thermal pathway. Moreover aneuploidy is to be considered as a known phenomenon in the increase of cancer risk."

Thus it has been possible to show that mobile radio radiation can cause damage to genetic material, in particular in human white blood cells, whereby both the DNA itself is damaged and the number of chromosomes changed. This mutation can consequently lead to increased cancer risk. In particular, it could also be shown that this destruction is not dependent upon temperature increases, i.e. is non-thermal."

These statements, without any further explanation, seem quite certain to me and indicate that both the regulatory body and the Telecom industry have known since 2003 (at least) that EMF can harm our biology.

I repeat, need I say more?

I have provided some other links after this document, just to strengthen my argument.

But there is more, from the UK law courts. In 2024 Steven Thomas made a claim against Cheltenham Borough Council (CBC) relating to an approved mast in that city. His claim was partly on the grounds of the ICNIRP guideline exclusions, in that same section mentioned above:

*"radiofrequency EMFs can indirectly cause harm by unintentionally interfering with active implantable medical devices ... ICNIRP considers such exposure ... as well as the utilization of conducting materials for medical procedures, as **beyond the scope of these guidelines**"*

It is easy in these situations to think that your decision as a Council has to be made on a scientific basis. However the decision that you take is **not** a scientific decision; it is an **ethical** decision, possibly a political decision and certainly not a scientific one even though it is **guided by science**.

Scientific certainty is an elusive goal and arguably illusory, ie it doesn't exist. Any claim of scientific certainty is false. Science should always be open to new discoveries.

Thus an ethical decision will be made on the basis of "is there a **possibility**" of something happening? In our case, is there a possibility of emfs causing harm? We certainly use it openly in diagnostic settings. We also use it in treatment settings. Is it then **impossible** that it cannot do harm?

I would suggest, "no", it is not impossible.

Thus, logically, it is possible.

In the original hearing, Judge Jarman granted Mr Thomas' claim on these grounds. CBC decided to appeal and the hearing in the Royal Court of Justice refused the appeal. In other words that leaves us with the situation that any case officer, or planning committee must account for that possibility of harm and that decision will relate to the siting/location of the base station. Justice Andrews, in her report explained (para 24) the logic of the reasoning, by referring to an earlier case in 2021.

Implicitly it assumes that the case officer has a clear comprehension of the NPPF, expressly Section 10, and of the ICNIRP Guideline and how these make planning decisions related to telecoms very different to most other matters.

To assist you in digesting those two hearings I have shared my own summary here, originally drafted for use within a planning application objection and slightly amended for this letter. For the record I attended both of Mr Thomas' hearings, which you may consider gives me a bias. I am happy to discuss this with anyone from Wirral Council.

*The Council must hold in mind that there are scientifically **known and established harms** from EMF and the Council has a **legal obligation** to consider them.*

*The **ICNIRP Guideline** itself states that there are "**substantiated** adverse health effects" from EMF. The Council has a duty to know and understand that Guideline as it pertains to Planning in England.*

*The **ICNIRP Guideline** excludes any person who has metal or an active implant (AIMD) in their body.*

In the case of Thomas vs Cheltenham Borough Council, the decisions (ie judgements) in two law courts support this.

Ian R Jarvis B.Sc.

1. Case No: AC-2023-CDF-000079

Judge Jarman in the High Court wrote "the failure on the part of the authority to grapple with potential impacts on medical implants was, in my judgment, **an error** ..." (para 43)

2. Case No: CA-2024-001169

This was confirmed by Lady Justice Andrews (with agreement from Lady Justice Asplin and Lord Justice Jackson) in the CBC Appeal heard in the Royal Courts of Justice who agreed, writing "I consider that the Judge [ie Jarman] was right to identify that **the Planning Officer fell into error**, ..." (para 39)

and the appeal (by CBC) was dismissed.

But because ICNIRP does not specifically mention the risk, the level of risk nor any suggestions of effects or remedies for such people, see above, she determined in para 20;

"Compliance with the ICNIRP Guidelines therefore tells one nothing about the specific risk of harm which may potentially be caused by EMFs unintentionally interfering with active implantable medical devices."

In addition, Lady Justice Andrews, was careful to avoid the common argument made by many telecom applicants that this could be in conflict with paragraph 123 of the NPPF (issued 2024) writing

*"this does **not** conflict with the NPPF by "setting health guidelines different from ICNIRP guidelines for public exposure so as to fall foul of NPPF" [now para 10/123] **because** "the guidelines do not address the issue of potential harm caused by EMFs in relation to medical implants" (My emphasis)*

This means that any case officer must "grapple with" (quoting Judge Jarman) the implications of the ICNIRP self-certification including the obvious conflict of interest and its omissions and the potential effects in any specific case in any particular location.

Thus, it is the responsibility of the council, via the case officer in each specific case, to address his/her mind to those matters in order to make the decision and apply a weighting to the consideration of health risks in each case. This will depend very much on the location and siting because of the people living there

If you have not considered this aspect before, it is important that you recognise that the vast majority of the population will have some metal in their body. The list of possibles is long, beginning with dental amalgam and braces, contraceptive coil and Filchie clips, all used in healthy people along with the many items in a variety of medical conditions such as replacement knees, spinal and other operations as well as active implantable medical devices (AIMDS).

*In similar vein but a different issue, it was noted by legal firm Grant Harrison Ring in an objection to an application in the South Downs National Park, near Lewes (2023) where the applicant had claimed the LPA could not question the need nor impose a ban, writing "this is very different from questioning the need for **a specific installation**."*

In other words, the fact that the case officer has an ICNIRP self-certificate, does not give him/her the right to ignore the risks given the location, in fact it very much makes it essential for him/her so to do.

*In a recent reply to an FoI request the UKHSA wrote that any wearer of an Active Implantable Medical Device (AIMD) "**should** [not "will"] be protected if ... Exclusion Zones around mobile phone masts based on the ICNIRP public exposure guidelines **are respected by the AIMD wearer**". Which means that any pacemaker etc user must have ready access to the exclusion zone (EZ) of every base station in the*

Ian R Jarvis B.Sc.

country, in order that s/he can safely walk around the country and play golf (for example). The Lead Operator, nor any other, rarely even mentions the EZ. How then can any passer by abide by the UKHSA advice?

This must raise serious and complex questions about liability and responsibility. Can you be **certain** that the EZ will not extend to a home, school, office etc in the vicinity? If not always but sometimes if a collimated beam happens to connect to a nearby smartphone.

The Case Officer cannot ignore:

- The fact that EMF can cause harm is "substantiated" (ie proven) **according to ICNIRP itself** nor
- The two rulings summarised above and
- UKHSA advice that those with any AIMD is themselves responsible for avoiding to enter any exclusion zone including that from a base station; **any** base station.

additionally

- DLA Piper advice to the PHE (now UKHSA) that the overarching legal obligation upon councils is as set out in the **Health and Social Care Act, 2012**, which requires that "each local authority must takes steps as it considers appropriate for **improving** the health of the people in its area".

Applications have been refused on health grounds, even mental health such as anxiety, both by an LPA and by the Planning Inspectorate.

As all this is the case for "humans" to which the ICNIRP Guideline restricts itself, what about effects on other biological life? It would seem to imply that potential effects on all other life forms in the air, on the surface and under the surface, land or water should be similarly treated since ICNIRP is silent on the risks and effects, as Justice Andrews noted for humans.

If you have not already done so, as is your duty, you should now consider the issues raised by this letter as you now have this knowledge which you cannot ignore nor forget.

with my best of intentions for the UK population nationwide.

ian R jarvis B.Sc. (computing science)

attachments listed on next page.

Attached as zipped file (the source url is in the first sticky note of each pdf)

1. The Swisscom patent application:
<https://patents.google.com/patent/WO2004075583A1/en>
2. The Thomas vs CBC hearing reports:
 1. Cardiff: Neutral Citation Number: [2024] EWHC 1035 (Admin)
 2. RCJ: Neutral Citation Number: [2025] EWCA Civ 259
3. Hensinger and Budzinsky - pdf as the original is on a German language site
4. pdf Three UK Ltd: A Brief
5. pdf Three UK Ltd: IRJ Statement
6. pdf, a note by myself for hospital patients to give to doctors and nursing staff.
7. pdf, a note by myself and Nicholas Martin, a co-director of ACHES, created for general use by anyone writing to their Council / LPA
8. pdf, my list of over 1,000 examples of the use of "Three UK Ltd" within an ICNIRP Declaration. You should note that there are others where it is the Applicant.

Links (url)

- From the Swedish Radiation Protection Foundation a recent short documentary on the research of two scientists, Lennart Hardell and Mona Nilsson:
<https://youtu.be/7-4NaHu9Eo4>