# Regulation of Exposure from 4G/5G Infrastructure — Evidence of Systemic Failure in Public Health Protection within Planning Procedures

*Oversight of ICNIRP compliance statements at the planning stage remains absent, despite sustained scrutiny through Parliamentary Questions, objections, FOI requests, EIAs and legal challenge*



The sections that follow examine the April 2026 Cardin v Information Officer Tribunal decision, the wider regulatory framework, contrasting responses from local authorities, and how that framework has been tested in practice through objections, Environmental Impact Assessment requests, Freedom of Information requests, and Judicial Review.

Together, they reveal contradictions and failures that undermine the protection of public safety and engage fundamental rights.

## 1. Partial Win for Paul Cardin in the First Tier Tribunal

The First-tier Tribunal decision confirms that ICNIRP statements of compliance supplied with planning applications fall within the scope of disclosure obligations. However, the decision does not address their function in relation to safety.

Paul Cardin submitted a series of Freedom of Information requests — at least 17 identified to date.

The focus of the requests is the validity of ICNIRP compliance statements submitted with planning applications. His fifth question goes further, asking how safety would be restored if those statements were found to be invalid — a question that cannot be resolved through FOI processes.

*Local authorities included:*

Blackburn with Darwen Borough
Bradford City Council
Cheshire East
Cheshire West and Chester
Colchester Borough
East Riding of Yorkshire Council
Herefordshire
Knowsley Metropolitan Borough
Leeds City
Manchester City
Royal Borough of Kingston upon Thames (RBK)
Sefton Borough
Sheffield City Council
Wakefield City
Watford Borough
Wirral Metropolitan Borough

## 2. Kingston

**2.1 Kingston Decision- Information 'not held' overturned**

The request submitted to the Royal Borough of Kingston upon Thames progressed beyond the initial Freedom of Information stage and was considered under the Environmental Information Regulations.

The Council responded as follows:

- **Question 1 (number of certificates):** refused as "manifestly unreasonable", on the basis that identifying and counting certificates would require the manual review of a large number of planning files
- **Question 2 (copies of certificates):** refused on the basis that the information was "not held"
- **Question 3 (application dates and locations):** refused as "manifestly unreasonable"
- **Question 4 (time calculations):** refused on the basis that the information was not held
- **Question 5 (restoration of a safe environment):** refused on the basis that it did not constitute recorded information held by the Council

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This position was challenged and referred to the First-tier Tribunal.

The First-tier Tribunal found that the "not held" position in respect of Question 2 could not be sustained. As stated in the judgment:

> "Given that, on the Council's own evidence, copies of two ICNIRP safety certificates were held at the relevant time, the Tribunal concludes that the Commissioner erred in concluding that, on the balance of probabilities, the Council did not hold any ICNIRP safety certificates."

The Tribunal therefore found an error of law in the original decision and required the Council to issue a fresh response to Question 2 within the statutory 28-day period.

The remaining parts of the request were upheld. The Tribunal accepted that identifying and extracting certificates at scale would impose a disproportionate burden in relation to Questions 1 and 3 and confirmed that Questions 4 and 5 did not relate to recorded information held by the authority.

2.2 Contrasting Responses from Other Authorities

Different approaches are evident in responses to the same set of questions.

This variation reveals the absence of a consistent approach to the treatment of such certificates.

Herefordshire Council identified and counted relevant ICNIRP certificates. It also required that, where errors were identified, operators provide corrected certificates and confirmed that these had been published within the planning applications on the portal.

Wirral Council identified five such cases and treated them as a "matter of serious concern about the validity", requiring the operator to provide a compliant certificate. At least one amended certificate was subsequently supplied.

The operator, however, maintained that this was an “innocent error” and that the naming discrepancy “does not invalidate… the ICNIRP certificate”, on the basis that it is a declaration of compliance rather than a formally certified document tied to a specific legal entity.

## 3. Practical Scrutiny of the Kingston Ruling

To test how this operates in practice, Ian Jarvis examined the Royal Borough of Kingston upon Thames planning portal using the same parameters as those relied on in the Council’s response. He identified 125 telecommunications applications within the relevant date range. Of these, 3 contained ICNIRP certificates on the portal, including 2 issued in the name of “Three UK Ltd”. A further 54 applications were identified as likely involving the same operator, based on applicant and agent details. The total time taken for this exercise was recorded as 3 hours and 15 minutes.

This provides a direct practical test of the Council’s position, accepted by the Tribunal, that identifying such information would be “manifestly unreasonable”, and suggests that the burden estimate may have rested on an unnecessarily broad or poorly targeted search method. However, it does not alter the limited legal scope of the Tribunal decision, which concerned disclosure rather than the validity or safety effect of the certificates.

## 4. The “Cardin in Context” Report: Risk Assessment and the Applicable Legal Framework

It is understandable that Paul Cardin would seek redress in relation to safety, given the role of ICNIRP “certificates” — more accurately, self-certified statements of compliance — within the planning process.

The Kingston case confirms that the Tribunal’s scope was limited to information — whether such statements are held and must be disclosed — **not** whether they are reliable as evidence of safety.

The “5G Cardin Case in Context” report examines safety from the perspective of how ICNIRP compliance statements are used in practice. Legal advice put forward on behalf of the Government by DLA Piper confirms that ICNIRP guidance is not a binding standard, and that the weight given to it — alongside other evidence — is a matter for the decision-maker.

This position is reflected in the wider framework of the **1999/519/EC Recommendation** and the obligations for risk assessment and condition setting under the European Electronic Communications Code.

Although the 1999/519/EC Recommendation adopts the ICNIRP basic restrictions and recommends adherence to those limits, it **allows for further considerations**. The framework remains evaluative in nature, allowing for the consideration of evidence, recent science, and precaution in site-specific decisions.

Public Health England, and subsequently the UK Health Security Agency, have stated that control of public exposure occurs through planning policy. However, the National Planning Policy Framework instructs planners *not to set health safeguards other than ICNIRP*, and in practice the evaluative process for site-specific impacts is not carried out in practice.

Case law, Thomas v Cheltenham Borough Council, has shown that policy wording prevented the risks to those with metal implants from being considered. Those risks fall outside the ICNIRP guideline, and therefore local planning authorities necessarily retain an evaluative function beyond the receipt of an ICNIRP compliance statement.

ICNIRP statements are typically provided without Public Exclusion Zone (PEZ) diagrams. Without that information, the public health protection intended to operate at the planning stage **cannot function** reliably in practice.

The calculation of an exclusion zone depends on underlying technical parameters — including frequency, power output, antenna characteristics, and site-specific conditions affecting nearby receptors. In the absence of that information, the basis on which compliance is asserted cannot be independently verified.

Planning authorities are **likely to accept** that the ICNIRP ‘certificate’ confirms compliance without any hesitation.

Central Government obligations to assess risk against all available evidence were tested in *Angell and others v Secretary of State for Health and Social Care and others* (the AA5G case). The respective roles of the Department of Health and Social Care (DHSC), the Department for Science, Innovation and Technology (DSIT), and the Ministry of Housing, Communities and Local Government (MHCLG) were further developed in the McDougall and Churchill 2023 submission and subsequent judicial review proceedings. A hearing on the latter was refused despite appeals to the Court of Appeal and Supreme Court.

Further submissions addressing the same issues are being pursued under the **Section 7 REULA process** — legislation designed to ensure compatibility of retained EU law with domestic law.

The AA5G case, initiated by Vicky Angell and represented by Michael Mansfield KC, did not secure the risk assessment sought, but it did demonstrate something critical: central Government was not assessing risk beyond the adoption of the ICNIRP guideline. The court declined to engage with what was characterised as a scientific debate, and no reasons were provided for dismissing the scientific evidence presented.

As a result, risks outside the ICNIRP framework were not identified — risks which, had they been considered, may have avoided the need for the Thomas case, defended by Cheltenham Borough Council at a cost of over £100,000.

In response to a parliamentary question raised by Gillian Jamieson (via the Rt Hon Rishi Sunak MP) (10 February 2026, Ref ZA76553 / PO-1675420), the Department of Health and Social Care stated that *"the interpretation of studies of potential health effects is a matter of judgement, and there is a spectrum of opinion within the scientific community and elsewhere."*

That position is significant. It confirms that a judgement is there to be made — yet, in practice, compliance declarations are accepted without scrutiny, inaccuracies are corrected only when challenged, and **no such judgement** is exercised at the planning stage.

There is a need for precise, evidence-based decision-making at the planning stage, where **both** risks and benefits are site-specific and proposal-specific.

At present, evidence of risk to children, those with EHS, and those with metal implants is lost within an inconsistent, policy-led framework. The inconsistencies engage human rights protections. They remain unresolved despite multiple judicial review proceedings and appeals, and are now being prepared for submission to the European Court of Human Rights.

The "Cardin in Context" report concludes - *"It is a question of whether the system intended to assess risk is functioning at all."*

It is encouraging to see that the identified gaps are beginning to be recognised in the **Castle Point Local Plan**, and in the testing of Environmental Impact Assessments (EIA) at a local level, which may already be influencing outcomes in practice. Telecommunications Specific EIAs were suggested as Remedy 6 in the McDougall/Churchill September 2023 submission sent to all three government departments.

## 5. Environmental Impact Assessments (EIAs), Castle Point Local Plan and Risk Assessment

The Castle Point Local Plan draws directly on the reasoning in *Thomas v Cheltenham Borough Council*, recognising that certain risks — including those affecting individuals with medical devices — fall outside the scope of ICNIRP guidelines, and using this as the basis for introducing risk assessment and consideration of Public Exclusion Zones within planning decisions.

This represents a positive step towards giving practical effect to the obligations set out in the 1999/519/EC framework, even though the approach remains confined within the existing local planning process rather than as a fully defined and consistent assessment mechanism that serves to enact broader UK government public health protection obligations.

The Castle Point Local Plan requires:

> *"A satisfactory risk assessment [is] provided which includes the outcomes of consultation with all residents and businesses within 500m of the installation… where the consultation highlights risks to persons that could be affected by levels of EMF radiation below ICNIRP safety thresholds this should be highlighted and addressed in the risk assessment."*

It also requires:

> *"Information that demonstrates that satisfactory consideration has been given to areas of non-compliance (exclusion zones) and cumulative impact, to the extent that risk to human health has been avoided."*

These provisions reflect the same underlying requirement identified above: that risk must be assessed and addressed within planning decisions, rather than assumed through compliance statements alone.

## 6. Emerging Use of Environmental Impact Assessment

*6.1 Erdington, Birmingham*

In Erdington, Birmingham, an earlier mast proposal was refused by the local planning authority in 2022 with significant input from Eileen O'Connor of the Radiation Research Trust

The refusal was sustained on appeal to the Planning Inspectorate.

A more recent proposal at the same location was opposed through detailed objections and submissions, including an Environmental Impact Assessment (EIA) screening request, and was withdrawn in April 2026.

This reflects sustained input from Eileen O'Connor, involving detailed technical engagement over an extended period. Her approach has consistently been grounded in peer-reviewed scientific evidence, particularly in relation to non-thermal effects, with the use of EIA representing a further step in bringing that evidence into the planning process. The link between the EIA request and the withdrawal cannot be drawn directly but the question does arise as to whether there is one.

Further detail is set out in Eileen O'Connor's report:
*https://radiationresearch.org/emf-health-objection-submitted-a-tool-to-protect-children-communities/*

*6.2 Lewes*

In Lewes, a mast proposal at Nevill Road, immediately adjacent to a school and nursery, has been subject to sustained and repeated challenge.

The proposal has generated significant local opposition across multiple stages. Local reporting from 2025 shows the scale of community response, including petitions and a high volume of objections:
*https://www.sussexexpress.co.uk/business/controversial-application-for-5g-mast-in-lewes-recommended-for-approval-plan-to-be-considered-by-committee-5165513*

This has been sustained work by a dedicated small team, involving detailed submissions and engagement with the planning process.

Following installation, a retrospective planning application was submitted and subsequently refused by the local planning authority in October 2023, and that refusal was taken to appeal.

The EECC and 1999/519/EC framework were introduced within objections and further developed at the appeal stage, **raising the question** of whether refusals based solely on siting grounds are sufficient in the absence of structured risk assessment.

*6.3 Worthing & Bath, Beechen Cliff*

Worthing has also tested the use of Environmental Impact Assessment (EIA), although its effect is difficult to determine, as there was no formal recognition of it in the refusal decision notice.

In Bath, the Beechen Cliff mast proposal was altered from 5G to 4G after public consultation had closed. The Council had previously determined that the original 5G proposal was not Schedule 2 EIA development, and therefore that an Environmental Impact Assessment was not required, but did not provide reasons for that screening decision, nor explain how submitted environmental information was assessed in relation to potential significant effects. The subsequent change in specification was not accompanied by a fresh screening assessment or reasons. This leaves the decision susceptible to challenge. A formal challenge is now underway, including reliance on principles of transparency and reason-giving reflected in the Aarhus Convention.

*6.4 Holt Wiltshire: application of the framework in practice*

Objections submitted in relation to the April 2026 application in Wiltshire (PL/2026/01852) illustrate how the legal framework can be applied in response to the operator's evolving and increasingly complex justification of proposals.

The objections highlight:

- lack of clarity as to the technology being deployed,
- absence of site-specific evidence of need and performance,
- reliance on ICNIRP compliance without supporting calculations or exclusion zone analysis, and
- failure to apply the evaluative framework required under the 1999/519/EC Recommendation and the EECC.

Objection-Holt Rd-evaluative v ICNIRP adoption only framework.pdf   on blog page

Objection-Holt Rd-science requiring reasons.pdf  on blog page

## 7. Parliamentary questions on Public Exclusion Zone (PEZ) breaches and verification (Dec 2025 – Jan 2026)

Alongside Cardin's 17 Freedom of Information questions seeking accountability for the validity of ICNIRP statements and public health protection, Neil Shastri-Hurst MP has tabled four Parliamentary Questions to the Department for Science, Innovation and Technology.

1. To ask the Secretary of State for Science, Innovation and Technology, how many instances of non-compliance with ICNIRP public exclusion zone requirements for telecommunications masts have been identified in each of the last five years; and what enforcement action was taken in each case.
2. To ask the Secretary of State for Science, Innovation and Technology, whether her Department plans to introduce mandatory third-party verification of ICNIRP compliance for telecoms mast installations above a specified power threshold.
3. To ask the Secretary of State for Science, Innovation and Technology, what steps his Department is taking to monitor the accuracy of ICNIRP self-certification declarations submitted by telecommunications operators in respect of public exclusion zones for new and existing masts.
4. To ask the Secretary of State for Science, Innovation and Technology, what advice his Department has received from the UK Health Security Agency on the potential health impacts and emerging evidence concerning electromagnetic field exposure in relation to ICNIRP public exclusion zone requirements.

*7.1 Responses fail to address PEZ oversight*

The responses are framed in terms of institutional roles. DSIT states that it is not responsible for public health considerations or for monitoring compliance, and refers instead to UKHSA, Ofcom and the planning system. However, the responses do not address how site-specific risk is assessed in practice, nor how the accuracy of compliance declarations would be verified. They identify the bodies involved, but do not explain how the underlying function is carried out.

The use of the term “ICNIRP Public Exclusion Zone (PEZ) compliance” in the Parliamentary Questions introduces a degree of conceptual confusion. ICNIRP compliance relates to adherence to exposure limits, whereas Public Exclusion Zones are calculated approximations derived from assumed operating parameters. They do not constitute compliance in themselves. The relevant issue at the planning stage is not compliance with a model, but whether the proposed siting is safe in relation to its surroundings, having regard to proximity-based risk.

In *Thomas v Cheltenham Borough Council*, the court noted that neither the GPDO nor the National Planning Policy Framework requires the assessment of Public Exclusion Zones or refers to them expressly.

Public Health England has stated that control of public exposure occurs through planning policy. However, the Parliamentary Questions do not address how that function is to operate in practice, particularly in relation to the assessment of site-specific, proximity-based risk.

The fourth question, which seeks advice on health impacts and emerging evidence “in relation to” Public Exclusion Zone requirements, lacks precision. It does not distinguish between the adequacy of Public Exclusion Zones, the reliance placed on compliance statements, and the role of the decision-maker in assessing site-specific risk — the function to which any such advice would need to relate.

*7.2 What the questions needed to address*

**Q1.** Will Government require that Public Exclusion Zone calculations and diagrams are provided, examined and verified at the planning stage as part of the assessment of site-specific risk?

**Q2.** In the absence of such a requirement, how would any instance of a Public Exclusion Zone extending into space accessible to the public be identified in practice?

**Q3.** Will any authority be required to assess whether the operation of telecommunications equipment corresponds to the technical parameters said to underpin ICNIRP compliance statements submitted at the planning stage?

# 8. Conclusion

Central Government adopts ICNIRP guidance as a general framework and sets policy on that basis, but does not undertake risk assessment against specific evidence. Local planning authorities are the decision-makers within whose role site-specific risk assessment would need to occur. However, the relevant central government departments — including DHSC, MHCLG and DSIT — have not resourced or directed LPAs to fulfil that role, as required by EECC Article 6(2).

In practice, this means that ICNIRP is treated as sufficient in itself, even where no site-specific assessment has been carried out. This is not enough: Public Exclusion Zone breaches occur, and risks beyond those embodied in the ICNIRP guideline are not examined.

This report reflects sustained effort over several years to bring these issues into the open. Despite that, the underlying problem remains unresolved.

Either the adoption of ICNIRP guidance is sufficient to meet public health obligations, or it is not. Either the obligations under Directive (EU) 2018/1972 form part of domestic law, or they do not.

In Thomas v Cheltenham Borough Council, the legal framework was acknowledged as part of the applicable law. In the judicial review proceedings following the McDougall/Churchill 2023 submission, the same framework was treated as not part of domestic law, and the case was dismissed without any hearing on the issues raised.

These positions cannot stand together. They reveal a direct conflict within the domestic legal system that has not been resolved.

The issues raised engage the Applicants' rights under Articles 6, 8 and 13 of the European Convention on Human Rights.

It is disappointing that it has become necessary to take this matter to the European Court of Human Rights.

Read the referenced report on the blog page '***The 5G Cardin Case in Context'***.

Further detail is set out in the report, which brings together the evidence, legal framework and practical examples in full – useful for Members of Parliament, councillors and others engaged in decision-making.

## Support this work

If you wish to support the continuation of this work you can do so here:

https://www.gofundme.com/f/admin-fees-for-litigants-in-person

***KC, CT***

**Reference FOI Questions** (Paul Cardin Requests)

1."A figure for the precise number of ICNIRP safety certificates related to 5G telecommunications mast installations that have been signed off by 'Three UK Limited', a company that didn't exist at the time the relevant planning applications were made, and whose declared ICNIRP safety certificates are potentially fraudulent."

2."Actual copies of the ICNIRP safety certificates related to 5G telecommunications mast installations that have been signed off by 'Three UK Limited', a company that didn't exist at the time of the planning applications, and are therefore potentially fraudulent."

3."The actual dates of the initial planning applications made for 5G telecommunications mast installations that have been allegedly ICNIRP 'safety certified' by bogus certificates, along with the named street locations and identifying nomenclature."

4."The time period stated in years, months, weeks and days, between the date of the dissolution of 'Three UK Limited' (27th October 2015) and the date of the initial applications made for all of the 5G telecommunications masts concerned, having bogus safety certificates, e.g. '8 years, 2 months, 3 weeks and 5 days'."

5."Given that the World Health Organisation classifies radio frequency - such as that transmitted 24/7 by 5G telecommunications masts - as a potential Type 2B carcinogen, that the power output of the affected 5G masts is unknown, that potentially a large number of safety certificates are potentially fraudulent, and that tens of thousands of [Council] residents have potentially been plunged into an unsafe environment, please provide detailed information explaining how [Council] is planning to restore council tax payers, voters, their children, and [Council]'s wildlife and domestic pets back to a safe, non-hazardous environment, one which will no longer be a serious, ongoing, potential threat to residents' health and wellbeing?"