

From: [REDACTED] on behalf of [ESS Representations](#)
To: [REDACTED]
Subject: Re: Concerns previously raised with you
Date: 22 December 2021 11:53:56
Attachments: [OutlookEmoji-163714714517781c6472-1f7d-45e5-8c66-7dcc07823b9a.png](#)

Dear [REDACTED],

Thank you for your recent email, representation form and accompanying attachment.

I have reviewed the information submitted, and I would like to offer the following response to the two separate issues you raise in your representation.

1. The coercive roll-out of mobile data technology.

Unfortunately this issue falls out with the remit for Environmental Standard Scotland (ESS) to investigate as it does not relate to either non-compliance of Environmental Law by a Public Authority, or effectiveness of Environmental Law. I note that you cite specific Environmental Regulations within your email however non-ionising radiation technologies (or similar) are not referenced in these.

The installation or extension of telecommunications equipment/network falls upon the relevant Local Authority to assess through the planning (development control) process. At this stage a number of factors including the type, size, location and impact of the proposal will be reviewed to determine whether the development meets permitted development rights (PDR) or if a "prior approval" notification or a full planning application is required. In view of this, any complaint relating to this matter should be directed in the first instance to the relevant Local Authority and subsequently to the Scottish Public Services Ombudsman (SPSO) should a non-satisfactory response be received from the Local Authority, as mentioned in my previous email dated 6 December 2021.

With regards to the Court of Appeal Judgement submission, this specifically refers to a case in the United States and therefore this evidence again does not meet with the criteria for further investigation by ESS.

2. The so-called 'market' in water and drainage in Scotland.

Similarly, this does not relate to non-compliance or effectiveness of Environmental Law, therefore as such does not fall within the investigation remit of ESS. Any complaints regarding maladministration or service failures by either Scottish Water and/or a Local Authority should follow the aforementioned complaints route.

As an aside, please note that ESS is not a complaints body, and our role has been specifically defined to avoid any overlap with the responsibilities and functions of existing oversight and regulatory bodies.

I appreciate that this may not be the response you were hoping for, however I would like to take this opportunity to thank you for your time in submitting both your enquiry and representation form.

Kind regards

[REDACTED]

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