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1) JUNE 13th EMAIL TO COUNCILLOR ROPER WHO HAS SIGNED OFF THE ONEWORLD SMART CITY TRIALS PROJECT

Dear Councillor Roper,

We are presenting this notice to you (attached) as the Bath&NES Cabinet Member responsible for the progression of this project, requesting your intervention to ensure that the on-going 'statutory considerations' phase of this project is brought into effect, and to completion with the inclusion of the following obligations:

- i) the Council's enactment of public consultation concerning the public health/environmental consequences of the project made subject to objective, transparent, non-discriminatory and proportionate criteria,
- ii) the Council's acceptance that it is a European Electronic Communications Code (EECC) competent authority for the purposes of its management of the ONE WORD 5G Mobile Network Pilot project,
- iii) the Department of Levelling Up, Housing and Communities, and the Department of Science, Innovation and Technology being asked by the Council to confirm Bath&NES Council's status as an EECC competent authority formally, and conclusively,

and the completion of,

- iv) public consultations on public health/environmental considerations relating to the ONE WORD 5G Mobile Network Pilot project should be conducted by the Bath&NES Planning Policy Team,

before any final decision is made by the Council on the proposed installation of 5G apparatus on Council assets. These expectations are set within the context of Bath&NES Council decisions made upto, and including your single member cabinet decision of the 5th February 2024 (paragraph 1.9 of the notice with supporting evidence in Section 4).

Section 3 of the Notice presents the obligations of Local Authorities as EECC competent authorities, and validation of that status (particularly concerning planning civil works (mast siting), in response to two written questions raised by Wera Hobhouse MP, answered by Matt Warman, Under Secretary of State for the Department of Digital, Culture, Media and Sport in June 2021.

We are focussing here on Bath&NES Council's EECC competent authority status and obligations concerning civil works (ie: small cell deployment) as relevant to the ONE World 5G Mobile Network Pilot Project, given the fact that LA/LPA competent authority status for both types of civil works are complementary and interconnected.

We will copy this request to Mr Godfrey, as the Council's Chief Executive, in the expectation of receiving confirmation early next week that action will be taken by you, or by him to confirm that the notice will be addressed in accordance with due processes.

It appears appropriate to seek that assurance respectfully before informing the citizens of Bath&NES that we aspire to support, and possibly to represent, of the action that we are taking, and our success in gaining appropriate and receptive engagement with the Council through your and Mr Godfrey's good offices.

Thank you in anticipation of that confirmation.

Yours sincerely,

Neil McDougall and Karen Churchill

2) JUNE 13th EMAIL TO CEO WILL GODFREY

Dear Mr Godfrey,

We have issued this email request with the attached notice to Councillor Roper as the Bath&NES Cabinet Member responsible for the progression of this project, anticipating an early response as explained in the concluding paragraphs of our email.

Could you please confer with Councillor Roper and respond as soon as possible confirming the process that Bath&NES Council will now apply to accommodate the four obligations we list below, as being accepted as formal parts of the 'statutory considerations' phase of the project.

We assume that Bath&NES will accept that the four expectations qualify as 'statutory considerations', and that there should be a relatively straightforward process that can be used to establish the value and significance of each expectation in the public interest.

Thank you in anticipation of the confirmation that you can hopefully provide.

Yours sincerely,
Neil McDougall and Karen Churchill

3) LEGAL NOTICE SUBMITTED WITH JUNE 13TH EMAILS

1. The ONE WORD 5G Mobile Network Pilot project, Bath&NES Council commitments, and its position on public health/environmental consequences of the proposed development as stated.

1.1 The Executive Forward Plan (Reference E3501) recommended Councillor Paul Roper's approval, on or after 13 January 2024 for,

'the installation of 5G apparatus on Council assets including street furniture such as CCTV and lighting columns (paragraph 2.3)',

through a Single Member Cabinet decision of the 5 February.

see: <https://democracy.bathnes.gov.uk/mgIssueHistoryHome.aspx?IId=38190&PlanId=929&RPID=87795041> for project details as referenced

1.2 The 'Project Issue Details' document reported that,

i) 'the Business and Skills Team will ensure that local partners, business groups and residents are consulted once the grant offer letter is signed',

and that,

ii) 'a planning application will be submitted for the installation of the new mobile network, with associated consultation for local residents'.

1.3 Councillor Roper's 5 February approval, presumably, was founded upon the E3501 report that prior consideration had been given to 'Health & Safety' and 'other legal considerations', and that additional 'consultation and engagement' will be undertaken through the 'statutory considerations' phase of the project being completed as described in the 'Executive Forward Plan' to include:

i) 'a primary application ... (being) ... required for the installation of the 5G network' (paragraph 4.1),

ii) risk management as a necessary 'statutory consideration' which obviously requires completion well beyond the Business and Skills Team being,

'aware of concerns among the groups as to the safety of 5G and other mobile technologies' (paragraph 6.2), and their expectation that

iii) 'vocal opposition',

will arise but,

'by way of mitigation ONE WORD offers an excellent opportunity for the Council to promote the benefits of new applications of mobile technologies' (paragraph 6.3).

1.4 Paragraph 6.2 of the report implies that safety 'concerns' are, 'a key project risk associated with communications and perception',

rather than actual or potentially avoidable risks of harm, injury and nuisance which cannot be mitigated against through better communication, nor changes in perception.

1.5 Citizens in the 'groups' referred to, alongside other citizens, are clearly entitled on public health and environmental grounds to participate in Bath&NES decisions on the sources and the terms upon which emissions of involuntary public exposure to radio-frequency radiation (RFR) are released into the environment.

1.6 The report confirmed that,

'a planning application will be submitted for the installation of the new mobile network, with associated consultation for local residents' (paragraph 10.3).

1.7 How this connects with the paragraph 4.1 requirement relating to the 'installation of the network', is unclear.

1.8 As explained below, the 'Issues considered' listed in Councillor Roper's 5 February decision notice as including Health & Safety, and other legal considerations, were not resolved satisfactorily, if at all, as demonstrated by the subsequent issue of the application for a 'Lawful Development Certificate' (LDC) on 15 May.

1.9 The on-going 'statutory considerations' phase of the project should be brought into effect and completion with the inclusion of the following obligations:

- i) the Council's enactment of public consultation concerning the public health /environmental consequences of the project made subject to objective, transparent, non-discriminatory and proportionate criteria,
 - ii) its acceptance that it is an European Electronic Communications Code (EECC) competent authority for the purposes of its management of the ONE WORD 5G Mobile Network Pilot project,
 - iii) the Department of Levelling Up, Housing and Communities, and the Department of Science, Innovation and Technology should be asked to confirm Bath&NES status as an EECC competent authority formally, and conclusively, and,
 - iv) public consultations on public health/environmental considerations relating to the ONE WORD 5G Mobile Network Pilot project should be conducted by the Bath&NES Planning Policy Team (see: supporting evidence in Section 4, below),
- before any final decision is made by the Council on the proposed installation of 5G apparatus on Council assets.

1.10 Where applicable in respect to the project, the Council should apply Equality Act 2010 duties as required to promote disability equality, and Aarhus Convention obligations as required concerning public access to information, participation in decision making and by bring access to mechanisms that are designed to secure environmental justice. see https://unece.org/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf

1.11 The Aarhus 'Implementation Guide' identifies radiation explicitly as one of the factors relevant to questions of human safety (see page 56):

'for example, human health may include a wide range of diseases and health conditions that are directly or indirectly attributable to or affected by changes in environmental conditions. Human safety may include safety from harmful substances, such as chemicals, factors, such as radiation, or other natural or man-made conditions that affect human safety through manipulation of environmental elements'.

2. The application for a Legal Development Certificate (LDC) is not a primary application, nor does it trigger required consultations re: its legality, nor imperative public health/protection requirements, nor environmental protection requirements.

2.1 The installation of radio cells, antennas and associated infrastructure in connection with rollout of 5G mobile network (LDC application ref 24/10855/CLPU/Planning Portal reference PP-13059298, issued on 15 May), names the Business & Skills Team of Bath&NES Council as a 'company', and identifies the Principal Enterprise Officer as an agent acting on behalf of the applicant. With a further agent, being named as acting for Context Planning Ltd which issued a 'Statement of support'.

2.2 Under Section 3 paragraph 3.1 of that Statement, the proposal is described as qualifying under Part 12(A) of the GDPO (2015) being,

(a) 'equipment on land belonging to or maintained by them required for the purposes of any function exercised by them (the LA)',

and,

(b) 'similar structures or works required in conjunction with the operation of any public service administered by them'.

2.3 Paragraph 3.2 of the Statement reads,

'Section 33(1) of the Local Government Act 2003 outlines those bodies that are 'local authorities' for the purposes of the permitted development rights, which would include Bath&NES Council. The works themselves are likely to constitute 'development' for the purposes of the T&CPA 1990. This notwithstanding, were the Council to conclude that the operations were 'de minimis' (i.e. the operations to be so minor or inconsequential that they fall outside of the scope of the planning system) then the proposed operations would be lawful'.

2.4 The 'operations' need to be defined in terms of the service functions that the Council is required to perform. Particularly, in relation to how the public health/environmental impacts of the proposed development are controlled. The required control may operate through the planning system, through other regulatory obligations of the Council, or through overlapping systems of regulation.

2.5 Paragraphs 3.3, 3.4, and 3.5 of that Statement concern the terms upon which, 'radios and antennas would be defined as 'works or equipment' for the purposes of the permitted development right' (paragraph 3.3), concluding that:

- i) 'the GPDO Part 12 permitted development rights unquestionably apply to Bath&NES Council as a 'local authority' (also paragraph 3.3), and,
- ii) 'all of the proposed sites are locations which are owned 'belong' to the Council or are maintained by the Council', ... (consequently) ... 'all the physical works in connection with the project can, benefit from the exercise ... (of those rights)' (paragraph 3.4), and that the terms of permitted development would include,
- iii) 'a requirement that for the buildings, works or equipment they; (a) need to be required for the purposes of any function exercised by the local authority; or in respect of (b) to be required in connection with the operation of any public service administered by them' (paragraph 3.5).

2.6 Paragraphs 3.6, 3.7 and 3.8 of that Statement refer to UK Government policies promoted through the Department of Science, Innovation and Technology's 'UK Wireless Infrastructure Strategy' (2023), and at paragraph 3.9 by the Local Government Association.

2.7 The 'UK Wireless Infrastructure Strategy' under the Section on 'Planning Reform' reports on the intent to make, 'clarificatory amendments to Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to the definition of small cell systems and the application of constraints on the alteration or replacement of a mast. The current provisions in legislation that require operators to minimise the impact of any development on the surrounding local area as much as possible, particularly in more sensitive locations, will still apply in these cases ... (alongside action) ... where planning issues continue to act as a barrier to network deployment'.

2.8 Nonetheless, these policy measures and legislative amendment to the GDPO fail to address the unresolved controversy concerning the obligations of LAs/LPAs as competent authorities under the 'European Electronic Communications Code' (the EECC Directive 2018/61/EC), and the interrelated Directive 'On measures to reduce the cost of deploying high-speed electronic communications networks' (Directive 2014/61/EC), which updated long-standing regulatory obligations that LAs/LPAs are required to apply when granting or refusing civil works authorisations such as this ONE WORD 5G Mobile Network Pilot telecommunication system.

2.9 These functions may override LA permitted development rights under the GDPO.

2.10 'Planning issues' relating to civil works (small cell deployment) and planned civil works (the siting of masts) have public health and environmental consequences which cannot be disregarded, nor can they be assumed to be a needless 'barrier' nor a 'project risk associated with communications and perception'.

2.11 Rights accrued to Telecom companies, and therefore to citizens in relation to the LA/LPA civil works authorisations, are extant as a consequence of the EECC being agreed by the UK on the 11th December 2018. The agreement brought updated EECC provisions/measures into direct effect, which previously been made subject to superseded Directives. Thus, the implementation of the directly effective provisions/measures was not dependant on the 21 December 2020 EECC transposition deadline.

2.12 EECC Recital 5 reads, 'this Directive creates a legal framework to ensure freedom to provide electronic communications networks and services, subject only to the conditions laid down in this Directive ... (quoting constitutional pre-Brexit limitations) ... in particular measures regarding public policy, public security and public health ... (and further pre-Brexit constitutional limitations)', see: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972>

however, the accrued public policy and the public health imperative requirements designed into the procedural provisions of the Directive, remain intact and unchanged post-Brexit as assimilated law.

3. Relevant EU Directives under contention re: legality, and as interpreted by Matt Warman, Under Secretary of State, Department of Digital, Culture, Media and Sport, in 2021.

3.1 EECC Recital 105 applied to small cell deployment by LAs as competent authorities, continues to apply as a condition relating to the operation of telecommunication undertakings providing services connected to the proposed ONE WORD 5G Mobile Network.

3.2 Relevant parts of Recital 105 read:

'... improving facility sharing can lower the environmental cost of deploying electronic communications infrastructure and serve public health, public security and meet town and country planning objectives. Competent authorities should be empowered to require that the undertakings which have benefitted from rights to install facilities on, over or under public or private property share such facilities or property, including physical co-location, after an appropriate period of public consultation, during which all interested parties should be given the opportunity to state their views, in the specific areas where such general interest reasons impose such sharing ... competent authorities should in particular be able to impose the sharing of network elements and associated facilities, such as ducts, conduits, masts, manholes, cabinets, antennae, towers and other supporting constructions, buildings or entries into buildings, and a better coordination of civil works on environmental or other public policy grounds ... it should be for national regulatory authorities to define rules for apportioning the costs of the facility or property sharing, to ensure that there is an appropriate reward of risk for the undertakings concerned. In light of the obligations imposed by Directive 2014/61/EU, the competent authorities, in particular, local authorities, should also establish appropriate coordination procedures, in cooperation with national regulatory authorities, with respect to public works and other appropriate public facilities or property which should be able to include procedures that ensure that interested parties have information concerning appropriate public facilities or property and ongoing and planned public works, that they are notified in a timely manner of such works, and that sharing is facilitated to the maximum extent possible'.

3.3 EECC Article 44 on the 'Co-location and sharing of network elements and associated facilities for providers of electronic communications networks', defines the legal interrelationships between the LA as a competent authority participating in the development and the authorisation process that it must lawfully manage, in respect to the balance of rights between the public and telecommunication service 'undertakers' when civic works (small cell deployments) are intended, or are required to be shared.

3.4 The most relevant parts of the Article reads:

'1. Where an operator has exercised the right under national law to install facilities on, over or under public or private property, or has taken advantage of a procedure for the expropriation or use of property, competent authorities may impose co-location and sharing of the network elements and associated facilities installed on that basis, in order to protect the environment, public health, public security or to meet town-and country-planning objectives. Co-location or sharing of network elements and facilities installed and sharing of property may be imposed only after an appropriate period of public consultation, during which all interested parties shall be given an opportunity to express their views and only in the specific areas where such sharing is considered to be necessary with a view to pursuing the objectives provided in the first subparagraph. Competent authorities may impose the sharing of such facilities or property, including land, buildings, entries to buildings, building wiring, masts, antennae, towers and other supporting constructions, ducts, conduits, manholes, cabinets or measures facilitating the coordination of public works ...

2. Measures taken by a competent authority in accordance with this Article shall be objective, transparent, non-discriminatory, and proportionate. Where relevant, these measures shall be carried out in coordination with the national regulatory authorities'.

3.5 The foundations for the EECC Recital 105 authorisations are derived from the 2009 Directive 2009/140/EC, which amongst other binding legislative acts replaced EU Directive 2002/20/EC on the 'authorisation of electronic communications networks and services'.

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0037:0069:EN:PDF>

3.6 Recital 43 of the 2009 Directive read,

'the competent authorities, particularly local authorities, should also establish appropriate coordination procedures, in cooperation with national regulatory authorities, with respect to public works (ie: small cell deployment) and other appropriate public facilities or property which may include procedures that ensure that interested parties have information concerning appropriate public facilities or property and on-going and planned public works (ie: masts), that they are notified in a timely manner of such works, and that sharing is facilitated to the maximum extent possible'.

3.7 The Recital was enacted through Article 12 'Co-location and sharing of network elements and associated facilities for providers of electronic communications networks', by paragraph 5 which read, 'measures taken by a national regulatory authority in accordance with this Article shall be objective, transparent, non-discriminatory, and proportionate. Where relevant, these measures shall be carried out in coordination with local authorities'.

3.8 Directive 2014/61/EC 'On measures to reduce the cost of deploying high-speed electronic communications networks'

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0061>

still applies alongside the EECC, with Recital 8 reading that,

'a major part of those ... (presumed excessive) ... costs can be attributed to inefficiencies in the roll-out process related to the use of existing passive infrastructure (such as ducts, conduits, manholes, cabinets, poles, masts, antenna installations, towers and other supporting constructions), bottlenecks related to coordination of civil works, burdensome administrative permit granting procedures, and bottlenecks concerning in-building deployment of networks, which lead to high financial barriers, in particular in rural areas'.

3.9 Under Recital 16, the Directive provisions are required to be applied,

'without prejudice to any specific safeguard needed to ensure safety and public health, the security and integrity of the networks'.

3.10 Given that the Directive came into force ten years ago, it is not acceptable for uncertainty on how its provisions should be enacted through decisions made on 'objective, transparent, non-discriminatory and proportionate criteria', persists into the present day.

3.11 Particularly, with respect to requirements under Recital 26 concerning,

'a number of different permits concerning the deployment of electronic communications networks or new network elements may be necessary, including building, town planning, environmental and other permits, in order to protect national and Union general interests. The number of permits required for the deployment of different types of electronic communications networks and the local character of the deployment may entail the application of a variety of procedures and conditions. While preserving the right of each competent authority to be involved and maintain its decision making prerogatives in accordance with the subsidiarity principle, all relevant information on the procedures and general conditions applicable to civil works should be available ... ',

and under Recital 28 concerning,

'in order to ensure that such permits granting procedures are completed within reasonable deadlines, Member States could consider establishing several safeguards, such as tacit approval, or take measures to simplify granting procedures by, inter alia, reducing the number of permits needed to deploy electronic communications networks or by exempting certain categories of small or standardised civil works from permit granting. Authorities, at national, regional or local level, should justify any refusal to grant such permits within their competence, on the basis of objective, transparent, non-discriminatory and proportionate criteria and conditions. That should be without prejudice to any measure adopted by the Member States exempting certain elements of electronic communications networks, whether passive or active, from permit granting (28)'.

3.12 Under Recital 34,

'in line with the principle of subsidiarity ... (the Directive) ... should be without prejudice to the possibility of Member States to allocate the regulatory tasks provided for to the authorities best suited to fulfil them in accordance with the domestic constitutional system of attribution of competences and powers and with the requirements set forth ... (in the) ... Directive'.

3.13 Under Article 2(10),

'permit' means an explicit or implicit decision of a competent authority following any procedure under which an undertaking is required to take steps in order to legally carry out building or civil engineering works'.

3.14 Under Article 7.3 the UK was obliged to,

'take the necessary measures, in order to ensure that the competent authorities grant or refuse permits within four months from the date of the receipt of a complete permit request, without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure which are applicable to the permit granting procedure in accordance with national or Union law or of appeal proceedings ... (it) ... may provide that, exceptionally, in duly justified cases, that deadline may be extended. Any extension shall be the shortest possible in order to grant or refuse the permit. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria'.

3.15 In a Parliamentary written question Wera Hobhouse MP for Bath asked,

'the Secretary of State for Digital, Culture, Media and Sport, with reference to the Answer of 17 November 2020 to Question 114987, whether local planning authorities that were made competent authorities under EU Directive 2014/61/EC (Directive 2014) retain that status under EU Directive 2018/1972/EC (the EECC)'.
<https://www.theyworkforyou.com/wrans/?id=2021-06-14.15347.h>

3.16 Matt Warman, then DDCMS Parliamentary Under Secretary of State, 22 June 2021 response read, 'the European Electronic Communications Code Directive updated the EU telecommunications regulatory framework, and was transposed into UK law via the Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020. Whilst the Directive gave member states flexibility to assign certain functions to competent authorities, under prior EU and domestic law, Ofcom is retained as the designated telecoms national regulatory authority in the UK. Local planning authorities were not made competent authorities through EU Directive 2014/61/EC, as the government was already content that the functions in question relating to planned civil works were already in place. The transposition of the EECC would have no effect on the status of local planning authorities where they are considered competent authorities under EU Directive 2014/61/EC'.

3.17 This originating LA/LPA competent authority status is confirmed through tracing of the life span of the Directive 2009/140/EC which was,

'deleted by Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)',

see: <https://www.legislation.gov.uk/eudr/2009/140/introduction>

3.18 EECC Recital 22,

'the tasks assigned to competent authorities by this Directive contribute to the fulfilment of broader policies in the areas of culture, employment, the environment, social cohesion and town and country planning', demonstrates the direct assignment of LA/LPA competent authority status for the enactment of Recitals 105 and 106 concerning the granting or refusal of general authorisations for civil works (small cell deployment) and planned civil works (mast siting), through administrative procedures initially, followed if and as necessary through legislation, regulations or through other provisions made during the period 11 December 2018 upto 21 December 2020 or subsequently, should the UK Government so choose.

3.19 Therefore, Matt Warman's,

'the transposition of the EECC would have no effect on the status of local planning authorities where they are considered competent authorities under EU Directive 2014/61/EC', as demonstrated at 3.16 above, is accurate as a consequence of LAs/LPAs competent authority status being derived directly from Directive 2009/140/EC, and the systems of general authorisation procedures it imposed for civil works and planned civil works which remain in effect through assimilated law post-Brexit.

3.20 The continued effect of Directive 2009/140/EC is achieved through 'infraction' as described in EECC Recital 325, which reads,

'the obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the repealed Directives. The obligation to transpose the provisions which are unchanged arises under the repealed Directives'.

4. Consequent expectations placed on Bath&NES Council as an European Electronic Communications Code (EECC) competent authority.

4.1 On receipt of this urgent public interest notice concerning its deficient management of the ONE WORD 5G Mobile Network Pilot project, Bath&NES Council is expected to bring into the effect the following managerial obligations through the on-going 'statutory considerations' phase of the project:

- i) its enactment of public consultation concerning the public health/environmental consequences of the project made subject to objective, transparent, non-discriminatory and proportionate criteria,
 - ii) its acceptance that it is an EECC competent authority for the purposes of its management of the ONE WORD 5G Mobile Network Pilot project,
 - iii) the Department of Levelling Up, Housing and Communities, and the Department of Science, Innovation and Technology, should be asked to confirm Bath&NES Council's status as an EECC competent authority formally and conclusively,
- and,

iv) public consultations on public health/environmental considerations relating to the ONE WORD 5G Mobile Network Pilot project should be conducted by the Bath&NES Planning Policy Team working in conjunction the Council's Environmental Services, Sustainability, Health and Wellbeing Teams.

4.2 These four elements should be completed within the 'statutory considerations' phase of the project before any final decision is made by the Council on the proposed installation of 5G apparatus on Council assets.

4.3 The Council's 'Local Plan Sustainability Appraisal Scoping Report' (March 2023), identifies its use of a Health Impact Assessment framework at paragraphs 2.29 to 2.31 (page 16) which is described as a, 'practical tool which is used to assess the potential impacts of a policy, programme or project on a population'.

4.4 A health impact assessment tool for this project should be developed to apply in relation to evidence generated from public consultations, and from other sources, organised in accordance with criteria that satisfy the requirements of element i) as described in paragraph 4.1, above.

4.5 This Public Health England 'Health Impact Assessment in Spatial Planning' Guidance (October 2020) might also prove helpful:

https://assets.publishing.service.gov.uk/media/5f93024ad3bf7f35f184eb24/HIA_in_Planning_Guide_Sept2020.pdf

4.6 Given that the ONE WORD 5G Mobile Network Pilot project is a part of a Department of Science, Innovation and Technology funded programme, it is justifiable for Bath&NES Council to operate a public consultation process that adheres closely to the national principles, as follows :

consultation procedures should be clear and concise;

should have a purpose;

should be informative;

are only part of the process of engagement;

should last for a proportionate amount of time;

should be targeted;

should take account of the groups being consulted;

should be agreed before publication

should facilitate scrutiny

should have government responses published in a timely fashion

should not generally be launched during local or national election periods

see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

4) JUNE 19TH REPLY FROM COUNCILLOR ROPER CONFIRMING THE NOTICE HAS BEEN FORWARDED TO LEGAL DEPT

Dear Mr McDougall,

Thank you for your email which has been passed to our monitoring officer and legal team.

I am unable to comment further at this stage.

Yours sincerely,

Paul Roper.

5) JUNE 27^H EMAIL TO WILL GODFREY and COUNCILLOR ROPER REQUESTING A COMMITMENT TO REPLY TO SPECIFIC REQUESTS.

Dear Mr Godfrey,

Could you please provide a substantive response to the email (as below), and the notice issued to Councillor Roper (as attached) copied to you on the 13th June 2024 justifying our expectation that the on-going 'statutory

considerations phase of this project is brought into effect, and to completion with the inclusion of the following obligations:

- i) the Council's enactment of public consultation concerning the public health/environmental consequences of the project made subject to objective, transparent, non-discriminatory and proportionate criteria,
 - ii) the Council's acceptance that it is a European Electronic Communications Code (EECC) competent authority for the purposes of its management of the ONE WORLD 5G Mobile Network Pilot project,
 - iii) the Department of Levelling Up, Housing and Communities, and the Department of Science, Innovation and Technology being asked by the Council to confirm Bath&NES Council's status as an EECC competent authority formally, and conclusively,
- and the completion of,
- iv) public consultations on public health/environmental considerations relating to the ONE WORLD 5G Mobile Network Pilot project should be conducted by the Bath&NES Planning Policy Team,
- before any final decision is made by the Council on the proposed installation of 5G apparatus on Council assets.

Could you please address each expectation separately, giving clarity on Bath&NES Council's commitment to bring into effect each of them in accordance with due processes and through effective action being taken by the Council in the public interest.

We have become aware of the significance of EC Regulation 2020/1070 'on specifying the characteristics of small-cell wireless access points pursuant to Article 57 paragraph 2 of Directive (EU) 2018/1972 (the European Electronic Communications Code)', in respect to public health protection concerning this type of development, published here:

<https://www.legislation.gov.uk/eur/2020/1070/introduction/data.xht?view=snippet&wrap=true>

and, raising this now might be helpful.

Further, concerning expectation iv) we are able to present our perspectives and those of already interested Bath residents on the types of issues that warrant inclusion and appraisal in pre-consultation public information that Bath&NES should issue prior to opening consultations on the 5G Mobile Network Pilot project which we could provide to involved officers in relation to our expectation iv).

We would be grateful for an early response to this request.

Thank you

Neil McDougall and Karen Churchill

1) JULY 4th EMAIL REPLY FROM CEO WILL GODFREY.

Dear Neil & Karen,

Apologies for the time this is taking me to respond.

I'm afraid the calling of the General Election has meant I haven't been able to prioritise other tasks.

I am working with colleagues to provide a comprehensive response and I expect to be able to do this by the end of next week.

Yours sincerely,

Will Godfrey