

Development Control Advice Note 14: Siting and Design of Radio Telecommunications Equipment

SUMMARY OF CONSULTATION RESPONSES

Introduction

1. On 4th July 2003, the Department issued for consultation a draft Development Control Advice Note (DCAN) 14 Siting and Design of Telecommunications Equipment. The draft DCAN provides supplementary planning guidance to complement policy on telecommunications as set out in Planning Policy Statement 10. It provides guidance on the process of site selection and design and illustrates how equipment can be sensitively installed. The DCAN is relevant to the full range of radio telecommunications equipment including mobile, fixed radio access, microwave link and television and radio broadcasting.
2. The Department sent out copies of the Draft DCAN to approximately 350 interested parties, including district councils, a wide range of public bodies, MPs, MLAs, non-governmental organisations, professional bodies, and business interests. Notices advertising consultation and inviting responses were posted in the Belfast Telegraph, the Irish News and the Newsletter, on 4th and 11th of July 2003. The document was also made available on the Planning Service website. Consultation responses were requested by 31st October 2003, but a number of responses were received after the closing date. All the responses received were taken into account in reviewing the draft DCAN.
3. This report provides an overview of the findings of the consultation process. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. A copy of the responses can be viewed on the Planning Service website www.planningni.gov.uk

Overview of Consultation

4. The Department received a total of 39 responses to the draft DCAN from a wide range of interests which can be broken down into the following categories:

District Councils	13
Industry Representatives	3
Voluntary Organisations, Professional Bodies and Individual Responses	7
Government Departments and other Statutory Agencies	16

5. Most of the responses covered a number of issues and several were detailed, particularly those from the telecommunications industry and several of the district councils. Some of the comments referred to matters outside the scope of the consultation exercise, for example, suggesting changes to legislation, Planning Policy Statement 10 'Telecommunications' and other PPSs. One response registered support for the document but contained no additional comment. A full list of the respondents is provided in Annex A.

General Issues Emerging from Responses

6. The Planning Service has analysed and considered all the responses received. Almost all respondents welcomed the guidance as an elaboration of the Department's policy on telecommunications. In particular respondents commended the advice given in the Development Control Advice Note and its clear presentation. However a general issue that was raised in a number of responses was the view that more information should be provided on health issues associated with telecommunications development.

Response: The Department welcomes the general positive response to the DCAN. In relation to the comments raised on health issues it should be noted that the main purpose of the DCAN is to provide supplementary guidance to complement published policy for telecommunications development as set out in Planning Policy Statement 10 'Telecommunications' (April 2002). The Department considers that as the PPS addresses health issues associated with telecommunications development there is no need to replicate information on this matter in the DCAN.

Please note a fuller response to a number of detailed points relating to health issues is set out under paragraph 25.

7. General concern was raised that each proposal for telecommunications development is dealt with on its merits. Some respondents felt that such an approach left sensitive areas vulnerable, as most other types of development would only be allowed in sensitive areas in extremely demanding circumstances.

Response: The Department would advise that while all proposals for telecommunications development are assessed on their merits, this takes place within the policy context provided by PPS 10 'Telecommunications' and the Department's other published policy provisions where relevant. PPS 10 indicates that, wherever possible, telecommunications development should avoid environmentally sensitive features and locations of archaeological, built or natural heritage value. However due to increasing demands on network coverage the PPS acknowledges that this may on occasion be unavoidable. In such cases applicants need to submit suitable evidence to show that alternative locations in less sensitive areas have

been investigated and cannot be used. Where such locations cannot be avoided extra care is required to ensure that the visual and environmental impact of telecommunications apparatus and any ancillary works, such as an access track or power line, is minimised. The advice and guidance contained in the DCAN seeks to assist this process and thereby help ensure better siting and design in sensitive locations.

Specific Issues Emerging from Responses

Telecommunications Systems

8. Respondents found the provision of an overview of the main telecommunications services currently in use or being developed very helpful. Some technical errors and omissions were indicated and suggestions for additional illustrations requested. It was also suggested that the difference between the various types of base station could be better illustrated.

Response: The Department would advise that the purpose of this section is to provide a general overview of the main telecommunications systems currently in operation and therefore considers that it would be inappropriate to include the level of technical detail requested by some respondents. The Department has however amended the document to remove a number of technical errors and incorporate some additional illustrations.

Siting and Design - General Principles

9. There was a general welcome for the emphasis in the DCAN that telecommunications development should be undertaken in a manner that minimises environmental impact and visual intrusion. However some respondents criticised the Department for not providing more information on the inherent dangers associated with such electrical equipment, and health and safety issues beyond the major concern of exposure to radiofrequency emissions.

Response: The Department would point out that PPS 10 'Telecommunications' already provides information on the role of the Health and Safety Executive for Northern Ireland. This advises that it is not for the planning system to replicate controls which exist under the health and safety regime. Accordingly the Department considers there is no need to replicate information on this matter in the DCAN.

10. A concern was raised that poor siting of masts could potentially compromise road safety by being placed alongside major transport routes or at transport intersections, such as a roundabout.

Response: The Department would advise that DRD Roads Service is consulted on all planning applications for telecommunications development affecting the public highway and provides advice on the road safety implications of such proposals. The Department has however amended the DCAN to take account of the concerns raised.

Small Scale Equipment and Antennas

11. Some respondents raised concerns over the cumulative effect of granting permission for a number of pieces of equipment. They felt there was the potential for the incremental erosion of the character of important streetscapes through the erection of small-scale telecommunications equipment such as satellite dishes, aerials or antennas.

Response: The Department would advise that each planning application for telecommunications equipment is assessed on its individual merits taking account of relevant policies and the particular context of its surroundings. Such consideration includes the cumulative impact of proposals and indeed paragraph 6.17 of PPS 10 'Telecommunications' acknowledges that the cumulative visual impact of antenna development on masts needs to be kept an acceptable level.

Siting and Design – Blending in and Disguising Equipment

12. There was a general positive response to the idea of blending in and disguising equipment. The operators of the various telecommunications systems stated that they already seek to minimise environmental impact through innovative solutions using street furniture. Other respondents suggested that with ongoing developments in aesthetics and design 'camouflaged' masts should become the norm. Furthermore it was suggested that this should be formalised in planning guidelines and legislation so that any adverse visual impact of a mast on an area is minimised. The Arts Council stated it, "would be happy to conduct a feasibility exercise with the arts sector", into the provision by the telecommunications companies of sponsorship of public art to house equipment.
13. Some concern was raised that better guidance was needed on what constituted areas of architectural value and it was suggested that accompanying illustrations should be captioned in the interests of clarity.

Response: The Department acknowledges the positive responses to this section. The blending in and disguising of telecommunications equipment is an important element of meeting the Department's

objective of ensuring that the visual and environmental impact of such development is kept to a minimum.

The Department would advise that areas of architectural value normally comprise designated conservation areas and areas of townscape character. In addition to the guidance in the DCAN all proposals are also assessed against the provisions of PPS 6 'Planning, Archaeology and the Built Heritage.

Furthermore the Department would advise that the impact of all telecommunications development on townscape, designated or otherwise, is a material consideration. The Department has amended the DCAN to reflect the concerns raised on this point and has also re-captioned a number of illustrations.

Installations on Existing Buildings and Other Structures

14. The advice on the siting of installations on existing structures was welcomed, however concern was raised that the consultation document is silent on the subject of building regulations. It was suggested that reference should be made to this matter to indicate that it would be prudent for suppliers/installers to ascertain if building control approval is required.

Response: The Department would point out that PPS 10 'Telecommunications' already provides information on the matter of building control. Accordingly the Department considers there is no need to replicate information on this matter in the DCAN.

Siting and Design – Sharing Existing Sites, Masts and Other Infrastructure.

15. Respondents pointed out that references to the Operators' licences under the Telecommunications Act 1984 are no longer accurate as they were abolished by the Communications Act 2003. Certain conditions and restrictions previously contained in the licence are now contained within the Electronic Communications Code (Conditions and Restrictions) Regulations 2003.

Response: The Department has updated the DCAN to reflect the changes introduced by the Communications Act 2003.

16. The requirement for applicants to have demonstrated that they have explored the option of site sharing was welcomed by respondents. The telecommunication operators stated that although sharing infrastructure allows costs to be shared between operators, the mast sharing process is complex and will not be quicker than erecting a new installation.

17. In rural areas some respondents favoured mast sharing whenever possible, even if it does require a larger structure. One larger mast is mostly preferred to the erection of additional masts. Site sharing in rural areas and especially in upland areas, will mainly be preferable to locating a number of separate masts within the same landscape.

Response: As stated in PPS 10 'Telecommunications' the Department attaches considerable importance to keeping the numbers of radio and telecommunications masts, and the sites for such installations to a minimum, consistent with the efficient operation of the network. The sharing of masts is therefore strongly encouraged where it represents the best environmental option in a particular case. Depending upon the characteristics of the location, site sharing (both rooftop and ground based sites) as opposed to mast sharing may however represent a more appropriate solution. A second installation located alongside or behind the principal installation may, for example, provide a more beneficial solution in environmental and planning terms.

The Department therefore considers it would be inappropriate to remove the potential option of another mast being erected if it was considered to have the least environmental impact.

New Ground Based Masts

18. Some respondents considered this section to contrast with an environmental viewpoint in that telecommunication systems which depend on line of sight may have to break the skyline. Other respondents considered the associated illustration to be misleading suggesting that line of sight is not clearly illustrated.

Response: The Department would advise that consideration of the environmental and visual impact of telecommunications equipment needs to be balanced with the technical constraints of the particular technologies in question – in particular where line of sight is necessary. Notwithstanding this it should often be possible to facilitate such development without creating a break in the skyline. Proposals will be treated on their individual merits within the context of the Department's objective that the visual and environmental impacts should be kept to a minimum. In relation to the aforementioned illustration the Department has amended the illustration in the DCAN to take account of the comments made.

Base Station Components

19. Comments were made over the feasibility of some forms of equipment housing. The Mobile Operators Association for example stated they knew of no mobile operator who had been able to incorporate equipment into the base of a lamppost.

Response: The DCAN covers many electronic communications systems and what is feasible for one system is not always possible for another. However, the Department has amended the document to remove the reference to incorporating equipment within the base of a lamppost as there are no actual cases exemplifying this.

20. One respondent indicated that the use of on-site generators should be viewed as a last resort and advised that fuel spillage into watercourses was a major concern.

Response: The Department accepts that there may be specific environmental concerns associated with the provision of on-site generating facilities. They are however only likely to be used when it is not reasonably feasible to provide power through grid connection. In such cases issues such as fuel supply and storage will be important considerations.

21. Several respondents favoured remote installations to be sited near an existing track or road in sensitive areas. They suggested that it should be made a requirement of the DCAN that only a temporary access can be provided to facilitate construction. Furthermore they recommended that this track should be removed after construction is complete unless it can be demonstrated that a permanent track would have no adverse effect on the landscape.

Response: The Department considers that the advice contained within the DCAN and PPS 10 'Telecommunications' adequately addresses this matter. The overall aim in assessing proposals is to ensure that the visual and environmental impact of telecommunications apparatus and ancillary works, such as access tracks, is minimised. The Department has however amended the DCAN to indicate a preference for installations to be sited near to an existing track or road wherever possible.

Siting and Design – Area Guidance

22. Many respondents welcomed the advice on the siting and design of telecommunications equipment – particularly in relation to masts affecting environmentally and visually sensitive features and locations. However some respondents questioned visually sensitive locations being considered in the first place and indicated that the text inferred an assumption in favour of development affecting environmentally sensitive features and locations. Some suggestions for textual amendments were submitted also.

Response: The Department would advise that it may be necessary for additional telecommunications equipment to infill gaps in network coverage within visually sensitive locations. Within PPS 10

'Telecommunications' it is however acknowledged that telecommunications development, wherever possible, should seek to avoid environmentally sensitive features and locations and advises that applicants should submit suitable evidence to show that alternative locations in less sensitive areas have been investigated and cannot be used. The DCAN seeks to ensure that where proposals are required that may affect environmentally sensitive features or locations these are not considered without the need to minimise their environmental / visual impact. The DCAN highlights that there are particular requirements for taking positive steps to blend or disguise equipment in such cases. The Department has also amended the DCAN to take account of some of the textual amendments suggested.

23. One respondent highlighted sections within the DCAN which they consider to be contrary to PPS 6 'Planning, Archaeology and Built Heritage.'

Response: The Department does not accept that the DCAN is contrary to PPS 6. All proposals, including telecommunications development, that would affect the archaeological or built heritage are assessed against its policy provisions. However the Department has made some amendments to the DCAN in the interests of consistency between the two documents.

24. Many respondents criticised the Department for not providing more information on health concerns among the public. One response indicated that the DCAN failed to satisfactorily apply a precautionary approach to telecommunications development. Together with several others it suggested that radio masts should not be sited near schools, play areas, on land or premises used for healthcare or in residential areas, as they consider there is no clear scientific evidence that electromagnetic radiation from telecommunications equipment is not detrimental to the health and well being of people.

25. A response from the Chief Environmental Health Officers Group (CEHOG) recommended that the DCAN should incorporate the recommendation contained in the Stewart report relating to the siting of base stations close to schools where the beam of greatest RF intensity falls within school grounds. They advised that such development should be prohibited unless consultation with the school in question indicates there is no objection and considered this would be in keeping with the general 'precautionary' approach espoused by the Stewart Report.

Response: The Department would point out that the main purpose of the DCAN is to provide supplementary guidance to complement the Department's published policy for telecommunications development as set out in Planning Policy Statement 10 'Telecommunications' (April 2002).

The PPS addresses health issues associated with telecommunications development and takes full account of the precautionary approach advocated in the Stewart Report 'Mobile Phones and Health' (May 2000), which concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations". The Report did however recognise that the possibility of harm could not be ruled out with confidence and that gaps in knowledge were sufficient to justify a precautionary approach.

The principal element of the recommended approach advised "that, as a precautionary approach, the International Commission on Non-Ionising Radiation (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the National Radiological Protection Board (NRPB) guidelines."

Use of the much stricter ICNIRP public exposure guidelines in lieu of the guidelines of the NRPB has now been adopted throughout the UK. For its part the Department now requires all planning proposals for mobile phone base stations to be accompanied by a declaration confirming that the apparatus when operational will meet the ICNIRP guidelines. This is explicitly set out in PPS 10.

The Stewart Report also contained a series of other recommendations about mobile phone technology. In relation to planning controls Stewart recommended the abolition of the Prior Approval system. The Department placed legislation giving effect to that recommendation before the Assembly and it came into operation on 21 June 2002. Indeed Northern Ireland is the only part of the UK that has fully implemented this recommendation. Other measures recommended by Stewart to help address public concern included further research and the provision of fuller information about base stations and their emissions.

Many of the measures recommended in the Stewart Report are not, however, matters for action by the planning system. This includes the recommendation referred to by CEHOG in their response. It is set out in paragraph 1.42 of the Stewart Report and reads as follows: "We recommend, in relation to macrocell base stations sited within school grounds, that the beam of greatest intensity should not fall on any part of a school's grounds or buildings without agreement from the school and parents. Similar considerations should apply to macrocell base stations sited near school grounds."

The Department would advise that this recommendation should be read in conjunction with paragraphs 4.32-4.35 and 6.63-6.69 of the Report, which recommends a procedure by which schools, parents and the network operator should consider, discuss and deal with this issue, where it arises. In particular, paragraph 6.68 of the Stewart Report states, in relation to a macrocell base station sited near to school grounds, that: "In this case, if requested by the school or parents, the

network operator should be required to inform the school whether the beam of greatest intensity falls on the school grounds or buildings. If it does, the operator should tell them where it falls and the nearest distance from the antenna to these points. It should also provide them with adequate information to make an informed consideration of the level of intensity of radiation falls off with distance from the antenna. If there is major concern about the situation from the school and parents, it may be necessary for the network operator to make adjustments to the antennas.” As stated above this is a matter for consideration by schools, parents and network operators, rather than the planning system.

The Report by the Stewart Group does not provide any basis for precautionary actions beyond those already proposed. For example, it did not call for the imposition of a ban or moratorium on new telecommunications development or insist on minimum distances between new telecommunications development and existing development. Indeed, in a published clarification of issues discussed in the Report published on 13 June 2001, the Stewart Group recorded that it did not wish to recommend that there should be a particular minimum distance between a mobile phone base station and a school as there were no scientific grounds to support this approach.

Following publication of the Stewart Report the Department took advice from the Department of Health, Social Services and Public Safety (DHSSPS) in relation to public concerns about possible health effects associated with mobile base stations, as it is for that Department to determine what measures are necessary to protect public health in Northern Ireland.

The advice provided by DHSSPS was incorporated into PPS 10 and states that where emissions meet the ICNIRP guidelines for public exposure to electromagnetic fields in all respects, then it should not be necessary for the Department to consider this aspect further. It is in the context of this advice that the Department considers health concerns raised about such development. The Department has continued to liaise closely with DHSSPS on this matter since that time.

A joint Government/industry research programme, the Link Mobile Telecommunications and Health Research Programme (MTHR), was set up during 2001. The Programme has an independent programme management committee led by Professor Lawrie Challis and a budget of some £7 million. It has an ongoing research programme into the effects of mobile phone technology on health.

The MTHR forms a key part of the precautionary approach recommended by the Stewart Report and it will ensure that this area is kept under review and that Government and the public are kept up to date with new research findings. Further information on its work can be accessed at www.mthr.org.uk

While the MTHR research seeks to fill gaps in current knowledge about the effects of mobile phone technology and consider what, if any, impact these may have on health, the Committee has not advised that any additional precautionary measures beyond those recommended in the Stewart Report are necessary at this time.

In addition the independent Advisory Group on Non-ionising Radiation published its review of the evidence on health effects from radiofrequency transmissions in January 2004. It examined recent experimental and epidemiological evidence for health effects due to exposure to radiofrequency transmissions, including those associated with mobile telephone handsets and base stations. The group concluded that exposure levels in the vicinity of mobile phone base stations are extremely low and the evidence indicates that they are unlikely to pose a health risk.

In conclusion the Department is content that it is following the precautionary approach in line with the recommendations contained in the Stewart Report and this is fully reflected in the policy guidelines of PPS 10.

In addition the Department maintains close liaison with DHSSPS on this matter. Given that the PPS addresses health issues associated with telecommunications development the Department considers there is no need to replicate information on this matter in the DCAN.

Contents of a Planning Application

26. The requirement that a 'Declaration of Conformity with ICNIRP Public Exposure Guidelines (ICNIRP Certificate)' should accompany a planning application was welcomed. It was considered crucial that the Planning Service takes steps to ensure that this is not breached. Respondents also sought clarification of the range of ICNIRP electromagnetic emissions, as this would be helpful in allaying public fears.

Response: The Department has amended the glossary definition of ICNIRP to provide the actual frequencies within which mobile phone transmitters need to operate. At present a standardised template for certifying conformity with ICNIRP Public Exposure Guidelines is used by the telecommunications industry in Northern Ireland. This states a "limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz). When determining compliance the emissions from all cellular operators on the site are taken into account". It is a policy requirement of PPS 10 'Telecommunications' that such a certificate accompanies all proposals for the development of a mobile telecommunications base station.

During 2001 - 2003 the Radiocommunications Agency undertook a random audit programme of mobile telecommunication base stations to ensure that emissions did not exceed the ICNIRP public exposure guidelines. This was in response to a specific recommendation made in the Stewart Report. Reflecting public concern, the initial 2001 audit focused on schools with base stations on their premises. Through 2002 and 2003 the audit programme expanded to include other types of sensitive site such as hospitals and residential areas. All audit results showed that emission levels were considerably below the ICNIRP guidelines. In December 2003 Ofcom (the Office of Communications) inherited the Radiocommunications Agency's responsibility in this matter and it has continued to undertake annual audits of base station emissions.

27. Respondents warned of the potential for creating energy hot spots through the cumulative effect of more than one radio mast on a site. This it was felt could lead to a breach of the ICNIRP standard.

Response: The Department would advise that arising from the random audits of mobile base stations undertaken initially by the RA and subsequently Ofcom there is no evidence to suggest that energy hot spots in breach of the ICNIRP guidelines have occurred. Furthermore the Department would advise that in line with the policy provisions of PPS 10 'Telecommunications' that the declaration of conformity with ICNIRP that is required to be submitted with a planning application for telecommunications equipment needs to confirm that cumulative exposure will not exceed the ICNIRP guidelines.

28. A number of responses from district councils stated that the DCAN advocates enhancement of the public consultation requirement placed upon applicants where community concerns have historically been of a higher profile and more 'vocal' in the proposed development location. Conversely they considered the consultation burden is lessened under the proposed 'traffic light rating model' if this is not the case. Concern was expressed that this did not appear to be wholly fair or equitable and in locations where there have been a lesser number of installations of radio telecommunications equipment in the past there will arguably be less likelihood of a history of high profile community interest.
29. The responses also indicated that the DCAN does not go into detail about what minimum levels of consultation are required under the 'green', 'amber' or 'red' classifications, nor indeed what is considered to be a 'good practice' standard of consultation within each of the 3 classifications. Furthermore concern was raised that the DCAN does not indicate how the outcome of public consultation exercises undertaken by applicants will be verified by Planning Service, nor indeed how an adverse stance by local communities will affect the planning decision.

Response: The Department would point out that most of the above concerns relate to the Ten Commitments and the Traffic Light Model developed by the Mobile Operators Association on behalf of the main mobile telecommunications operators. These have been included as annexes in the DCAN for information to alert the general public to the standards of consultation the telecommunications industry has adopted in terms of self regulation. As such the DCAN does not set out requirements for increased consultation of local communities affected by telecommunications development as the Department already has extensive consultative mechanisms in place for all planning applications for such development.

The Traffic Light Model is a voluntary commitment of consultation undertaken by the 5 main mobile operators prior to the submission of a planning application and is in addition to consultation undertaken by the Department when it receives the application. The amount of consultation the Department undertakes does not alter with the findings of the operators consultation prior to submitting any planning application. The Department does not believe that it would be beneficial for it to rely on the findings of the applicant for gauging the level of concern regarding any proposal.

In the DCAN paragraph 5.2 states that, "Annexes D and E set out the operators Ten Commitments and the Traffic Light Model, which operators use to calculate the level of consultation they will undertake on individual proposals". The Department has revised the DCAN to clarify that this refers to consultation by the operators prior to any planning application being submitted. In addition the Department has passed the concerns raised over the Traffic Light Model to the Mobile Operators Association.

30. Some respondents thought that the Department should take the lead from the mobile telecommunications industry and develop its own version of the 'Traffic Light Rating Model' for public consultation. They suggested this should take the form of a scoring system for the assessment of a site, based on planning and environmental issues and community issues.

Response: The Department considers its present methods of public consultation to be satisfactory. This includes the neighbour notification system and the public advertisement of applications. It is considered that these procedures, together with the statutory requirement to consult with the local district council, provide sufficient opportunity for all interested parties to have their views taken on board prior to a decision being reached.

Emergency Development

31. One respondent indicated that it would be useful for the DCAN to clarify the meaning of 'Emergency' and pointed to the definition that exists within the Electronic Communications Code. Another respondent raised concern that moveable emergency equipment could be positioned on an offsite location and advised that such cases should be discussed with Planning Service to ensure that the site is appropriate.

Response: The Department does not concur with the suggestion that the DCAN should seek to clarify the meaning of emergency for the purposes of the Planning (General Development) (Amendment) Order (Northern Ireland) 2003 (SR 2003/98). This matter was considered when that legislation was being prepared. At that time, as now the Department considered that an emergency should be defined by its context. Any definition beyond that contained in the dictionary is considered too restrictive, given the difficulty in anticipating every type of potential emergency. In relation to the concern raised regarding the siting of moveable emergency equipment in an offsite location the Department would advise that the legislation requires an operator in these circumstances to provide written notification as soon as possible after the emergency begins and in any case no later than 3 days. In addition the emergency equipment must be located as close as operationally practicable to the existing unserviceable telecommunications apparatus. For its part the DCAN in paragraph 6.3 advises that an explanation for an offsite location must be submitted in writing with the notification of the requirement to use emergency equipment. The Department considers these controls to be adequate.

Glossary

32. Respondents welcomed the inclusion of a glossary that explained telecommunications terms. However some inaccuracies were pointed out and differences of opinion emerged as to how some terms should be explained. Respondents also pointed to some differences in the DCAN definitions to those used in other UK guidance documents. The specific matters and the Department's response are set out below:
33. The Code System Operator 'Telecommunications Code' is now the 'Electronic Communications Code'.

Response: The Department acknowledges that during July 2003 the Telecommunications Code contained within the Telecommunications Act 1984 was replaced by the Electronic Communications Code of the Communications Act 2003. The Department has amended the DCAN accordingly.

34. In addition different definitions of microcell antennas were put forward. It is generally recognised that use of microcell antennas implies a localised service area. However one respondent highlighted that such antennas may be directional. Accordingly they may on occasion be quite large when compared with other microcell antennas and have quite a high power output in a very specific direction.

Response: The Department acknowledges the differences in communications systems will be reflected in their infrastructure requirements and the specific technology employed. The glossary definition as employed in the DCAN is intended to assist the general public in understanding the various elements of telecommunication systems currently in use. The Department has amended the definition of microcell to that contained in the Code of Best Practice in England and Wales with a minor modification to remove reference to lamp posts.

35. Concern was raised by one respondent that the terms 'Mast' and 'Stub Mast' raise differing expectations within legislation. They highlighted that should differentiation be required between the two, 'Ground Based Mast' and 'Roof Based Mast' would be better. Further to this the respondent requested a clear differentiation between high impact roof based masts and low-impact antenna mounts (typically supporting just one or two antennas).

Response: The Department has amended the glossary definition in the interests of clarity and this now refers simply to 'Ground Based Mast' and 'Roof Based Mast'. The Department however does not concur with the suggestion that the glossary should seek to differentiate between high impact roof based masts and low impact antenna mounts as the degree of impact of a particular proposal is a matter for case by case assessment.

36. Some differences in the understanding of 'de minimis' emerged. One respondent suggested that the term discusses material *impact* rather than *effect* and putting this into context on a building or structure is too localised. They suggest it should refer to the wider location where the development takes place, for example, if an antenna is mounted at the rear of a building it could have a minimal building impact. However, it may have significant environmental impact if it was prominent to the everyday view from a neighbours' window.

Response: The Department would point out that the definition of 'de minimis' used in the DCAN replicates that set out in the glossary to PPS 10 'Telecommunications', which provides the policy framework for DCAN 14. The Department is content that this definition is a reasonable interpretation of what is a common legal principle and would point out that only the courts can definitively provide clarity on any de minimis issue.

Annex A List of Respondents to DCAN 14

Antrim Borough Council
Ballymena Borough Council
Banbridge District Council
Castlereagh Borough Council
Coleraine Borough Council
Cookstown District Council
Craigavon Borough Council
Derry City Council
Larne Borough Council
Lisburn City Council
Newry and Mourne District Council
Newtownabbey Council
North Down Borough Council
British Telecommunications
Crown Castle UK Ltd.
Mobile Operators Association
Chief Environmental Health Officers Group
Institute Electrical Engineers
Iris Robinson MP
National Trust
Rev. Martyn Smith MP
Ulster Society for the Protection of the Countryside
Civil Aviation Authority
Council for Nature Conservation and the Countryside
Department of Arts, Culture and Leisure
Dept of Enterprise, Trade and Investment
Dept of Finance and Personnel
Eastern Health and Social Services Board
EHS - Built Heritage
Historic Monuments Council
Historic Building Council
DSD Housing Branch
DRD Roads Service
Southern Health and Social Services Board
Translink
Northern Ireland Advisory Committee on Telecommunications
Northern Ireland Tourist Board
DRD Water Service
Westcare (Health Trust for Derry)