



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



**Circular Letter: PL 07/12**

19 October 2012

To: Directors of Planning  
Borough and Town Clerks  
An Bord Pleanála

CC: City and County Managers

**Telecommunications Antennae and Support Structures Guidelines**

This circular is issued by the Minister under section 28 of the Planning and Development Acts 2000-2012 to update certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996).

**1. Policy Background**

In May 2010, the EU Commission published its **Digital Agenda for Europe** (DAE), the main objective of which is *“to deliver sustainable economic and social benefits from a digital single market based on fast and ultrafast internet and interoperable applications”*.

The Programme for Government commits to *“an ambitious rollout of next generation or high speed broadband to every business and home in the country”*. The Next Generation Broadband Taskforce (NGBT) was established by the Minister for Communications, Energy and Natural Resources to *“create a forum at which key industry stakeholders could highlight the legislative, policy and regulatory levers that will facilitate greater investment in high speed broadband services across Ireland”*. It was also designed to identify where gaps in commercial service provision are likely to occur between now and 2020. The Taskforce had five working groups reporting to it, including *“The Identification and Removal of Barriers Working Group”*.

The NGBT published its report in May 2012 for public consultation in June. The report and consultation then served as the basis for preparation of the National Broadband Plan which was published in August.

The National Broadband Plan identifies a number of potential barriers to efficient Next Generation Broadband (NGB) rollout and the necessary actions required to address these barriers. A number of potential barriers in the planning area have been identified. These are now to be addressed by way of this update of elements of Telecommunications Antennae and Support Structures Guidelines published in 1996.

## **2. Revision of Telecommunications Antennae and Support Structures Guidelines (1996)**

### **2.1 Background**

These guidelines were published in 1996 to support Government policy on the roll out of a high quality telecommunications service. The Guidelines established a policy framework for planning authorities in dealing with the telecoms sector in their forward planning and development management functions, as well as general guidance on relevant planning issues for both telecoms companies and the general public.

An overarching aim of the guidelines was and continues to be to ensure a consistent approach by the various planning authorities in the preparation of their development plans and in determining applications for planning permission. In the intervening years the planning system has facilitated significant development in telecommunications networks in a manner consistent with proper planning and sustainable development to such an extent that by 2012 approximately 78% of households in Ireland had access to the internet. It is anticipated that the updates to the Guidelines now being introduced will support the planning system in facilitating the objectives set out under the National Broadband Plan.

2.2 to 2.7 set out the elements of the 1996 Guidelines that are now being revised.

### **2.2 Temporary Permissions**

The 1996 guidelines anticipated rapid changes in technology and therefore early obsolescence of antennae and their support structures. Accordingly, the Guidelines advised that permissions for mobile telecommunications infrastructure should normally be granted for only five years.

However the experience has been that masts and antennae tend to remain in place for many years, while repeat planning applications have been required to renew the relevant temporary permissions.

Mobile telephony, with associated ground based antennae and support structures, will remain a key feature of telecommunications infrastructure for the foreseeable future. Moreover, the roll-out of NGB will tend to increase the importance of the infrastructure.

Planning authorities are therefore advised that from the date of this Circular Letter, attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease. Where a renewal of a previously temporary permission

is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission.

Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.

### **2.3 The Development Plan and Separation Distances**

The 1996 Guidelines advised that planning authorities should indicate in their development plans any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply, and suggested that such locations might include lands whose high amenity value is already recognised in a development plan, protected structures, or sites beside schools.

While the policies above are reasonable, there has, however, been a growing trend for the insertion of development plan policies and objectives specifying minimum distances between telecommunications structures from houses and schools, e.g. up to 1km.

Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

### **2.4 Bonds for Removal of Redundant Structures**

The 1996 Guidelines also advised that when antennae and their support structures are no longer being used by the original operator, and no new user has been identified, they should be removed and the site re-instated at the operators' expense. The Guidelines furthermore recommended that in order to facilitate the above, a condition should be attached to the planning permission providing for removal in the case of obsolescence, with provision for the lodging of an appropriate security (e.g. bond or cash deposit), with the relevant local authority: such security could be applied by the planning authority to effect removal where the site owner/operator has not complied with the relevant condition.

Having reviewed experience since 1996 and the limited number of sites that have become obsolescent in that time, it is considered that the lodgement of a bond or cash deposit is no longer appropriate. It is therefore advised that, in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.

### **2.5 Register or Database**

It is recommended that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators. Such a register would provide a useful input to the assessment of future telecommunications developments and would also be useful from the point of view of maximising the potential for future mast sharing and co-location. It is suggested that the

register should at least contain coordinates indicating the location, structure(s) height and the planning file reference number.

## **2.6 Health and Safety Aspects**

The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.

This Circular Letter reiterates that advice to local planning authorities. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

## **3. Draft Guidelines on Contribution Conditions**

The 1996 Guidelines pre-dated the introduction of Development Contribution Schemes under sections 48 and 49 of the 2000–2012 Planning and Development Acts. Since that time most planning authorities have prepared Development Contribution Schemes which often include a levy of varying amounts for telecommunications infrastructure depending on the authority concerned.

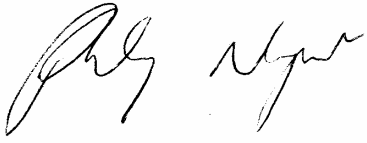
The Department published Draft Guidelines on Development Contributions under section 28 of the Planning Act in June 2012 with a view to introducing final Guidelines by the end of this year. The principal aim of the Guidelines is to provide updated guidance on the preparation of development contributions to reflect changed economic circumstances since guidance was last issued in 2007, and also to reflect the Government's focus on job creation and investment in infrastructure for the future.

The Draft Guidelines recognise that the adoption of Development Contribution Schemes is a reserved function of the elected members of each planning authority, but indicate that there is a requirement for greater consistency in Development Contribution Schemes on a national basis.

Moreover, the Draft Guidelines require that **all** future Development Contribution Schemes must include waivers for broadband infrastructure provision and these waivers are intended to be applied consistently across all local authority areas.

Any queries in relation to this Circular Letter should be addressed to Mr. Conor O' Sullivan, Planning Section, tel: (01) 888 2810, email: [conor.o'sullivan@environ.ie](mailto:conor.o'sullivan@environ.ie).

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A handwritten signature in black ink, appearing to read 'Philip Nugent', written in a cursive style.

Philip Nugent  
Principal Officer  
Planning Section