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**An Bille um Pleanáil agus Forbairt (Mear-Leathanbhanda), 2017**  
**Planning and Development (Rapid Broadband) Bill 2017**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM PLEANÁIL AGUS FORBAIRT (MEAR-LEATHANBHANDA), 2017  
PLANNING AND DEVELOPMENT (RAPID BROADBAND) BILL 2017**

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ACT REFERRED TO

Freedom of Information Act 1997 (No. 13)



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**AN BILLE UM PLEANÁIL AGUS FORBAIRT (MEAR-LEATHANBHANDA), 2017  
PLANNING AND DEVELOPMENT (RAPID BROADBAND) BILL 2017**

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# Bill

*entitled*

An Act to provide for the rapid installation of broadband infrastructure; to improve availability of broadband and telecoms services nationally; to provide for the sharing of broadband and telecoms services infrastructure by state agencies (including Transport Infrastructure Ireland) to telecoms and broadband providers; to provide for planning permission to require ducting laid within curtilage of home in new applications; to create a central public register of telecoms infrastructure including ownership; to provide for future cost-effective installation of infrastructure to accommodate future national broadband and telecom connectivity requirements and to provide for related matters. 5 10

**Be it enacted by the Oireachtas as follows:**

## **Interpretation** 15

1. In this Act, save where otherwise applies—

“ducting” in the case of *section 5(1)* includes an underground pipe for the provision of high-speed broadband, telecommunications/mobile phone infrastructure;

“entity” in the case of *section 5(1)* includes:

(a) local authority, 20

(b) a private body engaged by a local authority or public body,

“network operator” includes undertakings engaged in the provision of:

(a) broadband providers,

(b) mobile phone/telecommunications providers;

“Minister” means the Minister for Communications, Climate Action and Environment; 25

“Public body” has the same meaning as that in the Freedom of Information Act 1997 (as amended) and includes Transport Infrastructure Ireland;

“road” includes roads in public and private housing estates;

“curtilage” in the case of *section 5(1)* includes that portion of the property running from the public road to the door or access point of the dwelling. 30

## Installation of ducting in roads infrastructure

2. (1) The Minister shall, within 3 months of the passing of this Act, prepare and lay before Dáil Éireann a report on the possibility of requiring any entity engaged in the provision of a new road, carriageway or motorway infrastructure, the construction, or reconstruction, of which begins on or following the enactment of this Act, to, as part of any such construction, or reconstruction, ensure that “ducting” (for the provision of high-speed broadband, telecommunications (including mobile phone infrastructure) be installed under or as part of any such road, carriageway or motorway. The report shall include the following features within its remit that an entity that provides ducting, further to a report under this subsection, shall be obliged, upon a request to it by:
- (a) a network provider, or
- (b) an undertaking providing electronic communications networks
- for access to such ducting, to provide such access, (under fair and reasonable conditions, including price), with a view to deploying high-speed electronic communications networks.
- (2) A request under *subsection (1)* shall specify the elements of the project for which the access is requested, including a specific time frame.
- (3) Reasons for refusal of access sought under *subsection (1)* may include the following—
- (a) the technical suitability of the physical infrastructure to which access has been requested to host any of the elements of high-speed electronic communications networks,
- (b) availability of space to host the elements of high-speed electronic communications networks,
- (c) safety and public health concerns,
- (d) integrity and security of any network, in particular of critical national infrastructure,
- (e) the risk of serious interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure.
- (4) The entity shall state the reason(s) for any refusal of a request under *subsection (1)* within two months from the date of such entity receives the request for access.
- (5) Where access is refused or agreement on specific terms and conditions, including price, has not been reached within two months from the date of receipt of the request for access, either party shall be entitled to refer the issue to the Commission for Communications Regulation for resolution.
- (6) The Commission shall, taking full account of the principle of proportionality, issue a binding decision to resolve the dispute initiated pursuant to *subsection (3)*, including the setting of fair and reasonable terms and conditions, including price where appropriate.

## Site Sharing

3. (1) Providers shall be encouraged to co-locate equipment by sharing infrastructure where possible. When considering a planning application for new infrastructure the relevant planning authority shall have regard to the existence of any previous infrastructure in the vicinity and look favourably on proposals to minimise duplicate installations by re-use and site-sharing of previously installed equipment, sites and assets where possible, regardless of which provider first installed the existing infrastructure. Furthermore Providers are required to furnish the relevant planning authority information indicating that they have requested use of existing infrastructure and in the event that the existing infrastructure is not suitable the Provider should provide evidence of this to the planning authority. Operators are encouraged to develop site-sharing arrangements on reasonable and fair market terms. 5 10
- (2) From the commencement of this Act all new planning permissions granted by the planning authorities for such infrastructure shall include as a condition of planning that the operators of this infrastructure cannot unreasonably refuse a request for infrastructure sharing from another provider. 15

## Planning requirement for ducting laid to door of new dwellings

4. From the date of commencement of this Act, all new planning applications for new commercial buildings or homes shall be required to include ducting or relevant network infrastructure laid from the public road to the access point of the building running across the curtilage of the property to enable rapid deployment of broadband connectivity as soon as the occupants choose to. 20

## Central Register of Infrastructure

5. (1) A register shall be created and maintained by the relevant state body, namely the Commission for Communications Regulation, to maintain an inventory of qualifying infrastructure including location, ownership, specification, usage and any other relevant parameters as the register owner shall require. A general inventory of existing infrastructure should be initially prepared within twelve months of this section coming into force, with new infrastructure to be added to register as planning granted and installations completed later. 25 30
- (2) Each public body shall maintain its own register listing the physical infrastructure owned by such public body that may be used for the purposes of deploying high-speed electronic communications networks. This register shall be prepared by each public body within twelve months of the commencement of this Act. Furthermore that this register be reviewed annually with any additional items of physical infrastructure acquired or developed by that public body inserted into the register. 35
- (3) Each public body provide the aforementioned register to the Commission for Communications Regulation who will maintain a central directory of these registers that shall be made available to each network operator.
- (4) Each public body shall designate a member of staff of such public body to be the staff member of contact of that public body to whom network operators or undertakings can apply for access to public infrastructure or otherwise assist with network rollouts. 40

## **Regulations**

6. (1) The Minister may make regulations prescribing anything referred to in this Act as prescribed or to be prescribed.
- (2) Every regulation made by the Minister under this Act or order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House has sat after the regulation or order is laid before it, the regulation or order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

## **Short title and commencement**

7. (1) This Act may be cited as the Planning and Development (Rapid Broadband) Act 2017.
- (2) This Act shall come into operation on such day or days as may be fixed by order or orders of the Minister for Communications, Climate Action and Environment.



An Bille um Pleanáil agus Forbairt (Mear-Leathanbhanda), 2017

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir le bonneagar leathanbhanda a shuiteáil go mear; d'fheabhsú infhaighteacht seirbhísí leathanbhanda agus teileachumarsáide ar bhonn náisiúnta; do dhéanamh socrú maidir le gníomhaireachtaí stáit (lena n-áirítear Bonneagar Iompair Éireann) do chomhroinnt bonneagar seirbhísí leathanbhanda agus teileachumarsáide le soláthraithe teileachumarsáide agus leathanbhanda; do dhéanamh socrú go n-áireofar i gcead pleanála ceanglas maidir le duchtra a leagan laistigh de chúirtealáiste teaghaisí in iarratais nua; do chruthú príomhchlár poiblí bonneagair teileachumarsáide, lena n-áirítear úinéireacht; do dhéanamh socrú maidir le bonneagar a shuiteáil go costéifeachtach sa todhchaí chun freastal ar riachtanais nascachta leathanbhanda agus teileachumarsáide náisiúnta a bheidh ann sa todhchaí agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*An Teachta Séamas Laighléis a thug isteach,*

*29 Meitheamh, 2017*

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Planning and Development (Rapid Broadband) Bill 2017

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# BILL

*(as initiated)*

*entitled*

An Act to provide for the rapid installation of broadband infrastructure; to improve availability of broadband and telecoms services nationally; to provide for the sharing of broadband and telecoms services infrastructure by state agencies (including Transport Infrastructure Ireland) to telecoms and broadband providers; to provide for planning permission to include requirement for ducting to be laid within curtilage of home in new applications; to create a central public register of telecoms infrastructure including ownership; to provide for future cost-effective installation of infrastructure to accommodate future national broadband and telecom connectivity requirements and to provide for related matters.

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*Introduced by Deputy James Lawless,*

*29th June, 2017*

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