

**Joint Oireachtas Committee on Housing, Local Government and Heritage**

**14 July 2021**

**Planning and Development Act 2000  
(Section 254 – Overground Telecommunication Cables) Regulations 2021**

**Opening Statement by Mr Peter Burke, T. D., Minister of State for Housing, Local  
Government and Heritage**

Cathaoirleach, thank you for affording me the opportunity to present to you and the Committee today this set of proposed Planning Regulations.

The regulations consist of the Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021. Section 254 licences are required for the laying of overground electronic communications infrastructure and any associated physical infrastructure along public roads, in accordance with Section 254(1) of the Act. These regulations specifically address the section 254 licence application fee payable to local authorities for "overground cable which is part of an electronic communications network".

The Planning Regulations that I am presenting to you today are a practical measure within my remit. The Covid Pandemic has highlighted the need to accelerate the rollout of Communications infrastructure and certainty on costs involved in facilitating this rollout is a key issue in this regard.

My Department has worked with Officials at the Department of Environment, Climate and Communications (DECC) and the Local Government Managers Association representing the local authority sector, to agree the proposed fee with a view to providing necessary certainty to the communications sector on the cost of rolling out overground telecommunication cables at both National and Local Levels.

## **Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021**

The draft Regulations that I have laid before the Oireachtas are entitled the Planning and Development Act 2000 (Section 254 - Overground Telecommunication Cables) Regulations 2021. These draft Regulations propose to prescribe the Section 254 licence fee for "overground cable which is part of an electronic communications network".

The draft Regulations amend Part 1 of Schedule 12 to the Principal Planning Regulations to exclude "An overground cable for the carrying of telecommunications signals" from paragraph (e) regarding cables, wires and pipelines. This will mean that the present licence fee of €25 per 100 meters payable in respect of the laying of cables, wires and pipelines - as specified in Part 1 of Schedule 12 - will not be payable in respect of the laying of broadband and telecommunications cables.

The Regulations further amend Part 2 of Schedule 12 to the Principal Planning Regulations by inserting a new paragraph (f) which prescribes a new fixed fee of €125 per section 254 licence application for "An overground cable for the carrying of telecommunications signals". The exclusion of the cable related text from Part 1 of Schedule 12 ensures that double charging for section 254 licences will not take place.

While these new flat fee arrangements will represent a reduction in revenue for local authorities in processing and determining section 254 licences as against the current fee arrangements for the laying of cable, the local government sector is supportive of these new fee arrangements given the social and economic benefits to citizens and local communities attached to the rollout of broadband throughout the country.

The level of fee is being kept reasonably low to promote and support the rollout of high speed broadband. This is a priority commitment in the Programme for Government. In addition, it recognises the need for a quick rollout of broadband to meet increased home usage for both work and leisure arising from the impacts of the ongoing Covid 19 pandemic, and to facilitate the provision of high speed broadband to rural areas into the future. One of

the drivers for this draft regulation is the rolling out of the National Broadband Plan (NBP). The continued rollout of the NBP is expected to require the laying of an additional 140,000km of cable. This one project alone will lead to approximately:

- 900 section 254 licence applications to local authorities for the network build, and
- A further 900 licence applications for customer connections over the course of the project.

This represents the processing and determining of a minimum of 1800 Section 254 licences by local authorities in the roll out of this one project. As outlined, the fee proposed provides certainty on costs for both the rollout of the broadband network and for individual connections.

## **Conclusion**

To conclude Chair, I commend this set of draft Regulations to the Committee. Having regard to the impacts of the Covid-19 pandemic, the Regulations will support the Minister for Environment, Climate and Communications in the further roll out of much needed communications infrastructure – which will support both individuals and businesses accessing high speed broadband into the future.

Finally Chair, if – further to today’s presentation to the Committee - these draft Regulations are subsequently approved by positive resolution of both Houses of the Oireachtas as required under section 262(4) of the Planning Act, they will come into force as soon as they are signed by me. If approved by the Oireachtas, it would be my intention to sign the regulations into law at the earliest opportunity.

Thank you for your attention.