COMMUNICATIONS TOWER AND ANTENNA POLICY (POLICY GUIDELINES) 2018

Seychelles Planning Authority

REPUBLIC OF SEYCHELLES

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1. CITATION AND COMMENCEMENT

These policy guidelines shall be cited as the Communications Tower and Antenna Policy (Policy Guidelines) made under the Town and Country Planning Act, 1972 (as amended) and shall come into force on the …… 2018.

2. DEFINITIONS AND INTERPRETATION

In this document, the terms shall have the same meaning as in the Licences Act, 2010; Broadcasting and Telecommunication Act, 2000; Civil Aviation Act, 2005; Town and Country Planning Act, 1972; Local Government Act, 2015 unless the context requires otherwise.

"Active Infrastructure Sharing" means the sharing of electronic infrastructure elements including, but not limited to, antennas, backbone transmission network, Base transceiver station (BTS), Base Station Controller (BSC), bit stream, databases, Radio Access Network (RAN), Radio Network Controller (RNC), feeder cables, microwave radio equipment, Mobile Switching Centre (MSC), registers, spectrum, optical fibre and wired access;

"Antenna" means any apparatus that is designed and used for radio communications in sending and / or receiving of signals by electromagnetic waves;

"Co-location" means the provision of physical space and communications facilities necessary to reasonably accommodate and connect the relevant equipment of a requesting operator;

"Communications facilities" means passive and active infrastructure used for the operation of communications network;

"Operator" means any person to whom a licence has been granted under the Licences Act, 2010 to construct, deploy, maintain, own and operate a communications network or to offer or provide or authorised to provide a telecommunications service or broadcasting service;

"Passive Infrastructure Sharing" means the sharing of non-electronic infrastructure elements which include, but are not limited to, air conditioning, buildings, distribution frames/points, ducts, electric power supply and battery backup, physical sites, poles, right of ways, shelters, towers/masts, security arrangement, trenches and way leaves;

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, classified as monopole or self-supporting or guyed mast based on the structural action.

"Tower-farm" means a geographical location with a collection of 3 or more towers, masts, equipment shelters and associated facilities;

3. BACKGROUND

Communications facilities referred below come in many forms (shapes and sizes) with the most common being the familiar tall towers and antenna set up. Such system would normally have an antenna and some type of supporting structure, often called a tower. Most have their own integral mast so that they can be fastened directly to a building or a tower. There is normally a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, the authority believes that it is important that antenna systems to be deployed in a manner that considers the local surroundings but will not create bad visual impact on the immediate surroundings.

With more people than ever using wireless devices such as mobile phones, smartphones and tablet PCs demanding more services and faster data, we need increasingly more towers to meet the demand. But agreeably the demand for service has to be balanced with the other needs of the communities. Therefore, it is paramount that companies wanting to build towers to first look at sharing existing structures or infrastructure.

Since mobile cellular systems can handle a limited number of calls or data traffic at once, there are more towers and antenna structures in high population areas. In some areas, towers are located farther apart but in dense urban areas, they will be closer together. This calls for steps to be taken to balance the increasing demand for mobile communication services with the other needs of the communities across the country.

Our citizens want faster and more accessible service so they can reliably use their mobile cellular devices to keep in touch with loved ones and stay informed. Businesses, emergency services and air navigation systems also depend on radio communications systems. This requires towers located in the right places.

Seychelles' economy is highly dependent on the tourism industry and in return we rely heavily on the untouched and natural beauty of our islands to attract visitors to our shores. It is therefore paramount to strike a balance between the benefits of the communications facilities and the preservation of the beautiful natural landscape of the country.

4. OBJECTIVES

The objectives of these Policy Guidelines are as follows:

(i). To protect the environment by reducing the land use, tower and antenna installations;

(ii). To encourage owners of towers and antenna to locate them, as far as practicable, in areas where adverse impact on the community is minimal;

(iii). To encourage owners of towers and antenna to configure them in a way that minimizes the adverse visual impact of towers and antennas;

(iv). To encourage co-location to reduce the proliferation of towers in achieving the most efficient use of communications facilities; and

(v). To enhance the ability of operators to provide their services to the public more effectively and efficiently.

5. LEGAL EFFECT

The policy should be read in conjunction with related laws, including:
Licences Act, 2010; Broadcasting and Telecommunication Act, 2000, Civil Aviation Act, 2005; Civil Aviation Authority Act, 2005; Civil Aviation (Control of Obstructions) Act; Town and Country Planning Act, 1972 (Consolidated to June 2012); Environment Protection Act, 1994; Local Government Act, 2015.

6. APPLICABILITY AND SCOPE

(i). The policy shall apply to all operators holding a valid licence issued by the Licensing Authority to install, operate and supply broadcasting and/or telecommunication services.

(ii). The operators shall be solely responsible for the compliance with the policy by any contractor, agent or person working on behalf of the operator for the purpose of:

(a) Planning, designing and installing;

(b) Operating; and

(c) Contracting or arranging for the deployment of communications facilities used, intended to be used, or capable of being used to supply broadcasting and/or telecommunication services.

7. GENERAL GUIDELINES AND REQUIREMENTS

7.1. Conducting an assessment to explore the viability for co-location and sharing

(i). Tower sharing is mandatory and any licensed operator in possession of any installed towers is compelled to abide to the tower sharing policy.

(ii). A requesting operator/new licensed operator operating under this policy shall inform an operator of its intention to share the existing tower (the location to be specified)

(iii). Upon the coming into force of the policy all existing licensed operators who have existing tower infrastructures shall provide the Planning Authority and DICT, the following information:

(a) All tower locations; including the GPS coordinates;

(b) Height of each tower;

(c) Total load capacity of each tower accompanied by certification proof of a licensed Engineer;

(d) Existing load capacity of each tower;

(e) Longevity/life span of each tower with estimated years left;

(iv). In the event that the tower cannot be shared (including extending the tower) to accommodate the request:

(a) the requesting operator and the owner of the tower shall make an attempt to consider the possibility of sharing active network components where it is technically feasible; or

(b) if the existing tower is located on Government land, the Government may consider the land to be designated as a potential tower farm.

7.2. Preliminary Consultations

(i). Prior to the submission of an application to the Planning Authority to erect a tower (including replacement of an existing tower), the potential applicant has to circulate in writing through electronic mail its intention to erect a tower to all parties and clearly indicate the:

(a) height of tower;

(b) type of tower;

(c) location (including parcel number and coordinates); and

(d) range of height available for sharing.

(ii). Within two weeks of receipt of the intent to erect a tower, any operator willing to share the tower must inform the potential applicant of its intention to share the tower with its requirement.

(iii). The potential applicant and the operators willing to share the tower shall negotiate in good faith to conclude the agreement to share the tower.

7.3. Application and Evaluation procedures

(i). When lodging an application to the Planning Authority for approval all of the following information must be submitted otherwise the application shall be deemed incomplete:

(a) Documentary evidence to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna systems;

(b) Documentary proof related to the results of the preliminary consultations;

(c) Scaled site plan, scaled location plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by a licensed professional engineer;

(d) Graphic illustrations (including photographs of similar communications facilities and/or computer-generated simulations) showing the type of tower and its relationship with adjacent development;

(e) Evidence of ownership of the property or written consent of the owner of the property on which the communications facilities are to be installed;

(f) Proposed type, materials and colour of the tower and associated equipment;

(g) Proposed tower should be of a tree like structure

(h) Any screening or fencing proposed in conjunction with the tower;

(i) Any external lighting arrangement of the proposed tower and associated equipment;

(j) Details of any existing vegetation to be removed and any proposals for landscaping and/or restoration of any disturbed land;

(k) Details of any significant adverse impact that the communications facilities can have on the natural beauty of Seychelles or world heritage site, historical monument, archaeological site and, where relevant, commitments stating how to mitigate such impact;

(l) Details of the estimated timing of works involved in erecting the tower;

(m) Certification from the operator that he would comply with local safety and urban development requirements and adhere to the policy guidelines suggested in this document; and

(n) Any other relevant document that Planning Authority may require that will assist in the smooth determination of the application;

(ii). The Planning Authority will not process an incomplete application and will return the same to the applicant.

(iii). The Planning Authority shall consult relevant stakeholders in evaluating a duly completed application.

(iv). The Planning Authority shall, on completion of the evaluation process with the stakeholders, notify within the time frame as provided for under the Physical Planning Act in force inform the applicant of;

(a) its decision to grant or refuse the application for the erection of tower; and

(b) the reasons for its decision in the case of refusal.

(v). Any person aggrieved by a decision of the Planning Authority may make an appeal in accordance with the Planning Physical Planning Act in force.

7.4. Approval criteria

In processing an application for planning permission the following factors will be considered:

(i). Height of the proposed tower;

(ii). Proximity of the tower to residential settings;

(iii). Nature of uses on adjacent and nearby properties;

(iv). Surrounding topography;

(v). Surrounding tree coverage and foliage;

(vi). Submissions should be of tree like structure unless the operator can justify reasons why not;

(vii). Design of tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(viii). Availability of suitable existing towers and other structures for co-location and sharing purposes;

(ix). Engineering and technical requirements to provide a reliable service; and

(x). Any other matters the Planning Authority considers relevant.

8. POLICY GUIDELINES

8.1. Inventory of Existing Towers

(i). All operators are required to provide the Planning Authority with an inventory of its existing towers (including on roof tops) and masts and other information such as the district, parcel number and coordinates, heights and design of each tower.

(ii). All operators shall submit such data in an electronic format in a manner as determined by the Planning Authority.

8.2. Aesthetics

(i). Towers shall be painted in adherence to the International Regulations and Standards of Annex 14 of the ICAO Chicago Convention, which is also the accepted national standard.

(ii). At the tower site, the design of the buildings and related structures shall to the extent possible use materials, colours, textures, screening, innovative camouflaging techniques and landscaping that will blend the tower to the natural settings and built environment.

(iii). For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral colour that is identical to, or closely compatible with, the colour of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

8.3. Lighting and obstruction lights

(i). Towers shall not be artificially lighted unless required by the Seychelles Civil Aviation Authority (SCAA). If it is required, SCAA may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas.

(ii). Approval must be sought from SCAA to ensure compliance to the international standards on lighting and colour coding of towers.

(iii). Communications facilities over 10m high from ground level and those located close to the airport area or on the approach path must contain red obstruction lights as per ICAO regulations.

8.4. Landscaping

(i). Communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent public ways, public property and residential property. The standard buffer comprises of a landscaped strip of at least 1.5m wide outside the perimeter of the compound.

(ii). In locations where visual impact of the communications facilities would be minimal, the landscaping requirement may be reduced or waived altogether,

(iii). Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. At some large tower sites, the natural growth of large trees around the property perimeter may provide a sufficient buffer.

8.5. Requirements of the Government

(i). All communications facilities must meet or exceed current standards and regulations set by the relevant authorities that regulates erection of towers. If such standards and regulations are changed, then the owners of the towers governed by this policy shall bring such towers into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless the Planning Authority decides to extend the deadline based on reasonable justification provided as to why the tower owner cannot comply with this time frame. Failure to bring towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower at the owner's expense.

(ii). Communications facilities should be sited safely to avoid potential damage to persons or properties from its installation and maintenance.

(iii). All communications facilities must comply with the Town and Country Planning Act, 1972 and Regulations made thereunder.

(iv). On-premise storage of material or equipment shall not be allowed other than that used in the operation and maintenance of the communications facility site.

8.6. Installation of communications facilities on roof tops

(i). Self-supporting roof-mounted structures shall be located as far away as technically feasible from the edge of the building.

(ii). Antennas attached to the building should be painted to match the exterior of the building.

(iii). Communications facilities shall not extend more than 10m from the top of the building.

8.7. Building Codes and Safety Standards

(i). To ensure structural integrity of towers, the owner shall ensure it is maintained in compliance with the standards contained in applicable building regulations that govern physical development in the country.

(ii). If upon inspection, the Planning Authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance. If the owner fails to bring such tower into compliance within 30 days, the Planning Authority may remove such tower at the owner's expense.

8.8. Specific Permitted Uses

(i). Installing of an antenna on an existing structure other than a tower (such as a building sign, light pole, water tower, or other free standing non-residential structure) that is 15 metres in height or greater, so long as said additional antenna adds no more than 5 metres to the height of the said existing structure and must have minimal visual impact on surrounding environment.

(ii). Installing an antenna on an existing tower of any height, so long as the adding up of said antenna adds no more than 5m to the height of the said existing tower.

8.9. Co-location/shared opportunities

(i). No tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Authority that no existing tower or structure can accommodate the applicant's proposed antenna.

The following are evidence that may be acceptable to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna.

(a) No existing towers or structures are located within the geographical area required to meet the applicant's engineering requirements.

(b) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(ii). The operators shall be encouraged to explore the possibility of sharing active network components where it is technically feasible.

8.10. Extension of existing towers

(i). Where the capacity of the tower is already fully utilized and it is technically feasible, the owner of the tower shall take measures to extend the tower in order to allow tower sharing.

(ii). Any assessments shall be paid by the requesting operators.

(iii). The requesting operator shall pay the owner of the tower for all the costs associated with the extension of the tower.

8.11. Tower Separation

Towers shall not be located within 1km from any existing tower that adheres to this policy, unless one of the following applies:

(i). Technologically required.

(ii). Visually preferable.

(iii). One of the towers in question is located at the operator's main office premises.

(iv). The towers are located at a tower-farm.

8.12. Setback distance of tower

(i). The tower shall, as far as is practicable, be setback from any existing residential setting at a distance equal to the height of the tower.

(ii). The distance of the tower from electric line or pole thereof shall not be less than height of tower plus requisite distance from respective high tension or low tension line.

8.13. Security Fencing

Towers shall be enclosed by decay-resistant security fencing not less than 2m in height and shall be equipped with an appropriate anti-climbing device and warning signs.

8.14. Removal of Abandoned Antennas and Towers

Any tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner shall remove the same within 90 days or upon receipt of a notice from the Planning Authority, notifying the owner of such abandonment. If such tower is not removed within the said 90 days, the Planning Authority may, remove such tower at the owner's expense. .

9. REPEAL

The Communications Antenna Policy issued in year 1999 is hereby repealed without prejudice to any act done thereon.