



Telecommunications Authority of Trinidad and Tobago

**TATT's Position and Procedures in
respect of Non-Objections for
Applications to Town and Country
Planning Division for Site Approval of
Telecommunications Structures**

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Maintenance History		
Date	Change Details	Version
13-Jan-2006	Version 1	1.0
01-Feb-2006	Revisions made to Section 3.8	1.1
24-Feb-2006	Further Revisions made to Sections 3.8 and 3.9	1.2
23-Aug-2006	Revisions made to Procedures in respect of Non-Objections for Applications to TCPD for Approval of Telecommunications Structures (Section 3)	1.3
2-Nov-2006	Revisions made to Section 3.1 and insertion of a collocation distance criteria for rooftop sites in the table in Section 3.4	1.4
11-Jul-2007	Removal of a collocation distance criteria for rooftop sites in the table in Section 3.4 Addition of Section 3.2 Paragraphs 4 and 5. Revision of the timeframe for processing an application from 21 days to six (6) weeks in Section 3 and Section 3.2 Paragraph 6.	1.5

1. Background

The Government of Trinidad and Tobago, through the Telecommunications Authority of Trinidad and Tobago (TATT), has embarked on the liberalisation of the Public Domestic Mobile Telecommunications Sector. The Government granted two (2) additional public mobile (cellular) concessions to introduce competition in the sector currently monopolised by the Telecommunications Services of Trinidad and Tobago (TSTT).

Fundamental to the operation of cellular networks is the construction of tower facilities for the mounting of base station antennae at various locations throughout the country to ensure there is adequate coverage for the provision of quality services to subscribers.

1.1 *The Role of the Town and Country Planning Division*

The construction of tower facilities for base stations requires the permission of the Town and Country Planning Division (TCPD) in the Ministry of Planning and Development. In July 2004, the TCPD developed a draft *Planning Policy for Personal Wireless Service Facilities*, which established guidelines for the submission and evaluation of applications for planning permission to the Minister responsible for town and country planning, for the construction of cellular tower facilities.

Under the provisions of the Town and Country Planning Act (chapter 35:01), TCPD is responsible for granting planning permissions for:

1. the development of sites involving the erection of towers or ancillary buildings for the housing of related equipment;
2. the placement or affixing of antennae onto buildings; and
3. the subdivision of lands, where necessary for the creation of smaller parcels for locating base stations.

In order to ensure that the necessary safety, environmental and structural obligations are met by applicants, before applications are approved/ rejected; the TCPD requires that the applicant obtains the relevant permissions from other authorities such as:

- The Environmental Management Agency (EMA),

- The Trinidad and Tobago Civil Aviation Authority,
- The Telecommunications Authority of Trinidad and Tobago,
- The relevant Municipal Authority, and
- The Tobago House of Assembly (for towers in Tobago).

In its policy document¹, the TCPD identified its major objectives as follows:

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1. *To balance the needs of the telecommunications industry with the need to promote the health, safety and general welfare of the citizens of Trinidad and Tobago by regulating the siting of base stations;*
2. *To provide a consistent and coherent policy for the design and establishment of sites for base stations that can be utilized in the development planning and development control aspects of the functions of the Town and Country planning Division;*
3. *To provide for the appropriate location and development of sites for base stations across the country, within the context of available telecommunications technology;*
4. *To minimize the adverse visual effects of telecommunications towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;*
5. *To avoid potential damage to adjacent properties through appropriate engineering design and the careful siting of tower structures; and*
6. *To protect residential and other sensitive land use activities from potential adverse impacts of base station installations, towers and antennae by maximizing the use of any new or existing towers through shared use to reduce the number of towers needed.”*

The TCPD’s planning policy promotes collocation of service providers to reduce the adverse environmental impact of multiple towers by the existing and potential new service providers in the sector.

1.2 Problems Encountered by the TCPD and Limitations of the Planning Policy

Over the past few years, the TCPD has been flooded with applications from TSTT and an infrastructure provider for approvals to erect tower facilities on existing buildings or parcels of land throughout the country. TSTT is in the process of expanding its GSM network in anticipation of competition. The infrastructure provider’s business plan is to

¹ Town and Country Planning Division. 2004. Draft Planning Policy for Personal Wireless Service Facilities

lease collocation facilities to existing and potential service providers, but is not seeking to provide cellular services to the public.

The TCPD and TATT were also approached by two other potential infrastructure providers during the latter half of 2004, who expressed an interest in entering the business of constructing tower facilities for existing and potential cellular providers.

In seeking to deal with the various applications received and potential new applications, TCPD realised that its governing legislation does not give them the authority to deal with the following issues that may lead to a tower proliferation problem in Trinidad and Tobago:

A1. The TCPD has no basis for refusing to treat with an application submitted for planning permission once it satisfies the requirements prescribed in the policy. The policy's tower separation distance requirements are with reference to existing and proposed towers, however this parameter can only be measured with reference to towers that have actually been established. There is therefore the possibility that two or more applications can be approved for sites in close proximity to one another.

A2. TCPD does not have the resources to monitor the sites of every approved application to determine when and if construction occurs.

A3. TCPD does not provide time limited permissions.

A4. An independent infrastructure provider may not be able to justify that the towers to be erected will actually be used for the purposes of telecommunications, in particular, the provision of mobile telecommunications services. Even if this information is available to TCPD at the time the application is being processed, TCPD currently does not have the authority to approve or reject an application on this basis.

A5. Even though collocation is mandated by TATT and encouraged by TCPD's policy to minimise adverse environmental impacts, TCPD does not have the authority to mandate that operators seek collocation facilities on existing towers as opposed to seeking approvals for new sites.

Therefore, the TCPD made amendments to their *Planning Policy for Personal Wireless Service Facilities* to require that one of the criteria for an approval of an application for planning permission would be that the applicant obtains a non-objection from TATT certifying that the telecommunications structure is required in order to achieve the coverage requirements of concessionaires and licensees for the provision of telecommunications and broadcasting services. TCPD's revised policy *Planning Policy for Public Mobile Telecommunication Services (May 2006)* currently governs the process for the relevant planning permissions.

2. TATT's Position

Considering that:

- B1. The TCPD, under its governing legislation, cannot approve or reject an application to build structures dedicated to the provision of telecommunications ('telecommunications structures') on the basis of whether or not an 'independent' infrastructure provider will attract the business of a telecommunications provider to lease facilities for installation of telecommunications equipment;
- B2. The TCPD, under its governing legislation, cannot mandate collocation and the conditions of establishing a collocation agreement to discourage the construction of more telecommunications structures than required in a given area;
- B3. It is possible to develop a Transmitter Site Inventory for Trinidad and Tobago that takes into consideration the site and coverage requirements of all telecommunications providers regardless of the technology employed. Implementing such a system will significantly reduce the possibility of more telecommunications structures than required being erected in a given area;
- B4. TATT has the authority to mandate a concessionaire to provide access to facilities that it *'owns or controls'* for collocation or otherwise, upon the request of another concessionaire, in accordance with Section 26 of the Act.
- B5. Pursuant to Section 18 (1) (p) of the Act, TATT's functions include ensuring the orderly and systematic development of telecommunications in Trinidad and Tobago. This responsibility would seem to include ensuring that the construction and use of telecommunications structures occur in an orderly and beneficial manner. The prevention of the proliferation of telecommunications structures is in keeping with this country's ideals on environment preservation and the orderly development of telecommunications;

B6. Despite the above, TATT has no clear authority, under the Act, to ensure or to regulate the manner in which collocation is agreed between a concessionaire and an infrastructure provider who is not a concessionaire if a dispute arises. This can result in anti-competitive practices by ‘independent’ infrastructure providers who may have specific business interests with particular concessionaires;

B7. TATT’s involvement in the site application approval process of the TCPD will be limited to the extent that the Act does not give TATT any directly enforceable power over the installation of telecommunications structures;

B8. Neither TATT nor TCPD has the authority, under their respective governing legislation, to mandate that only concessionaires should be allowed to erect telecommunications structures;

B9. The business model of providing telecommunications structures is an attractive and feasible one at this time, with the imminent entry of new service providers who require the facilities for installation of telecommunications equipment;

B10. The current business model of ‘independent’ infrastructure providers is also attractive to existing and potential concessionaires since it can be a more economic solution than internal management resources for telecommunications structures;

B11. TSTT already has telecommunications structures throughout the country, some of which cannot be modified to accommodate collocation of telecommunications equipment of additional service providers. More than likely, the new service providers will also require structural facilities in these areas;

B12. Existing legislation does not ensure that where ‘independent’ infrastructure provision is concerned, powers exist to prevent the proliferation of telecommunications structures; and

B13. Any further amendment to the Act to give TATT any reasonable power over ‘independent’ infrastructure providers with respect to collocation agreements, would require a significant amount of time that is not currently available to deal with the present issues. TATT will seek appropriate amendments to the Act to treat with these issues in due course.

In light of the considerations above, the Authority has:

C1. Developed ‘*Access to Facilities Regulations*’ under Section 78 of the Act to make provisions for concessionaires with respect to access to, and location of telecommunications structures to ensure the orderly and systematic erection of dedicated structures for telecommunications and broadcasting services; that collocation is mandatory where feasible and to prevent anti-competitive practices in collocation agreements.

C2. Consulted with existing and potential public service providers to determine the details of their proposed radio plans, and create a Transmitter Site Inventory (TSI) that will assist TATT in ensuring collocation by identifying existing sites that can be used for collocation with a view to prevent a proliferation of towers and to ensure the efficient use of telecommunications structures;

C3. Developed “*Procedures in respect of Non-objections for Applications to TCPD for the Approval of Telecommunications Structures*” (included at Section 3 of this document) to ensure that facilities built for the purposes of

installing any type of telecommunications equipment, are necessary to achieve coverage and quality of service obligations, and have sufficient capacity for collocation in accordance with the relevant regulations developed by the Authority;

C4. Included in the “*Procedures in respect of Non-objections for Applications to TCPD for the Approval of Telecommunications Structures*”, the requirement for concessionaires to notify the public of any new telecommunications structures to be built;

C5. Provided in the concessions for public telecommunications networks/ services and broadcast services, that concessionaires utilise dedicated telecommunications structures *owned or controlled* by other concessionaires, to ensure that negotiations with respect to collocation and other access services are conducted in accordance with Section 26 of the Act and any regulations under Section 78 regarding access to the facilities of concessionaires. TATT will however reserve the right to grant exemptions to the above requirement in specific circumstances which will be outlined in the procedures and/or the concession. These circumstances may extend to the availability of telecommunications structures that are privately owned that may be technically feasible alternatives to the construction of an additional structure.

The Authority will also:

D1. Accept and process applications made by concessionaires in accordance with the “*Procedures in respect of Non-objections for Applications to TCPD for the Approval of Telecommunications Structures*” and the TSI to satisfy the criteria of TCPD’s planning approval application process;

- D2. Require public domestic mobile concessionaires to seek collocation on any existing telecommunications structures of the Authority's TSI for cellular networks, unless reasonable justification is provided to, and accepted by, the Authority in accordance with the relevant regulations;
- D3. Require public domestic mobile concessionaires to erect towers with sufficient capacity to support the collocation of base station antennae for three (3) service providers. Where necessary and structurally feasible, the Authority will require concessionaires to modify their tower facilities to support collocation, upon the request by another concessionaire. The Authority reserves the right to grant exemptions to the above requirement where the radio frequency plans of existing operators do not warrant it;
- D4. Require that the cost of modification be borne by the party requesting collocation, where a tower has been erected *before* the coming into force of the relevant regulations or procedures, and modification to the facility is required to provide collocation to other concessionaires; and
- D5. Require that the cost of modification be borne solely by the owner of, or the concessionaire controlling, the tower, where a tower has been erected *after* the coming into force of the relevant regulations or procedures, where the tower was not constructed with the required capacity without exemptions granted by the Authority in respect of that tower pursuant to D3, and the modification to the facility is required in order to provide collocation to other concessionaires. Otherwise, such costs will be borne by the party requesting collocation.

3. Procedures in respect of Non-objections for Applications to TCPD for the Approval of Telecommunications Structures

The procedures for obtaining TATT's non-objection in respect of TCPD's approval of a telecommunications structure for the purposes of the provision of telecommunications or broadcasting services, and in accordance with the "*Planning Policy for Mobile Telecommunications Services*", require the applicant to submit an application form² containing all relevant information required by TATT.

Upon submission of an application for non-objection, the applicant will be informed by TATT as to the decision made on the application within six (6) weeks of receipt of the application. If TATT objects to the erection or the retention of the tower, TATT will inform the applicant of the reasons for the decision.

The timeframe for the decision may vary depending on, but not limited to, the following factors:

- Additional information required from the applicant.
- Audit field tests needed to verify the possibility of collocation.
- Technical discussions required between TATT and the applicant.

All applications for TATT's non-objection will be processed on a *first come first served* (FCFS) basis.

3.1 Application Submission

An applicant requesting approval from TATT must submit a completed application form with all relevant information and accompanying documentation.

² Application for Non-Objection in respect of the Town and Country Planning Division Tower Approval Process

A completed application submission shall contain the following:

1. A completed application form
2. Evidence of collocation feasibility where appropriate. See section 3.4
3. Geographic latitude and longitude coordinates of the tower using the WGS-84 datum in both “dd.mm.ss.s” and UTM (Universal Transverse Mercator - International Zone 20P) formats
4. Full postal address of tower in Trinidad and Tobago, which must include a lot number, light pole number or a cross street if applicable.
5. Location Plan clearly showing the site location in relation to major roads.
6. The name and telephone number of the landlord that resides on the property or is responsible for site access, if the tower is located on private property.
7. Height of tower above ground and above sea level
8. Height of platforms for placement of equipment
9. Purpose
10. Type and quantity of equipment to be placed on tower including timeframes
11. Related licence/concession for use of the equipment or evidence to show appropriate lease arrangement with a existing concessionaire/licensee
12. Capacity of tower : weight and quantity of equipment
13. RF Coverage Plan

In the event that any of the required information is not submitted, the Authority reserves the right to return the incomplete application, or consider the information submitted and any other relevant information in the Authority’s possession in order to make a determination.

3.2 Application Review Process

1. Upon receipt of a completed application, the Authority shall evaluate the application based on the criteria established by the TATT. See section 3.3.
2. Subject to the application meeting the Authority's criteria and if there are no existing towers in the area, a non-objection will be granted by TATT. See section 3.7.
3. Where there are existing structures in the area, a *Feasibility Analysis for Collocation* must be submitted. See section 3.4. The Authority's decision to approve an application in such a case shall be subject to the application meeting the Authority's criteria and dependent upon the feasibility for collocation which may involve an audit for verification of the evidence submitted and discussions with the applicant.
4. Where the Authority has determined that collocation on an existing tower in the area is feasible, the Authority shall submit this recommendation to the applicant. The applicant shall be required to enter into discussions on collocation with the owner of the existing tower and submit a decision to the Authority within four (4) weeks of the Authority's recommendation. The Authority is available to facilitate discussions between the parties.
5. Processing of an application may necessitate a field inspection of the location by the Authority. In the event that information gathered during the field inspection is not consistent with information given on the application, the Authority shall so inform the applicant and the applicant shall be required to resolve the differences within one (1) week. In the event that the applicant has not resolved the differences within the timeframe specified, the Authority will use the information gathered during the field inspection to process the application.
6. When the Authority has made a decision on an application, the applicant shall be informed in writing of the decision within six (6) weeks of the application and all supporting and relevant documents being received by

the Authority. When all relevant and supporting documentation is received by the Authority the six (6) week timeframe will begin.

3.3 *Criteria for Evaluation*

The evaluation criteria are as follows:

1. Completeness of application
2. Evidence of existing towers in the proposed area
3. Tower saturation in the area
4. Feasibility Analysis for Collocation
5. Proposed transmitter specifications
6. Community non-objection
7. Health and safety considerations
8. Interference analysis
9. Appropriate authorisation for use of telecommunications or broadcasting equipment

3.4 *Feasibility Analysis for Collocation*

A potential applicant can, upon request, obtain a list of towers for a particular area from TATT's updated Transmitter Site Inventory in order to identify if any tower already exists, or has an application pending, in that particular area which is being considered for the erection or retention of a tower by the applicant.

The Authority considers that the following radii for search areas are appropriate for the applicant's determination of possible collocation opportunities:

Height of Tower for which approval is being sought	Radius of Search Ring for Co-locatable Towers
> 45 m	450 m
18 - 45 m	400 m
< 18 m	300 m

The feasibility evidence relating to collocation must be submitted with the application for tower approval and shall comply with the Authority's regulations in force at the time of the application.

Where the applicant is making claims that collocation is not feasible due to technical reasons including those related to RF planning, traffic patterns and interference, the applicant must present this evidence clearly, using RF patterns and maps where necessary to justify their claim. The evidence must cover scenarios whereby modification to existing towers may be able to accommodate the applicant's equipment.

3.5 Requirement to Notify the Public

For towers constructed, or to be constructed after February 2006, the applicant is required to publish a notification to the public, indicating that applications will be submitted to Town and Country Planning Division for the approval of the construction or the retention of the said tower. The notification should provide details of the tower, including a reference number, comprehensive address, the height and the tower's intended purpose. It would also be useful to include a brief description of the type of tower (e.g. lattice, monopole, stealth).

This notification should be placed no less than three (3) times per week in at least one (1) daily newspaper over a two-week period.

This notification may be placed in the newspapers any time before or after an application for TATT non-objection is submitted, but before the respective tower application is submitted to TCPD. The Authority's processing of non-objection applications is not dependent on the publication of this notification.

The Authority also strongly recommends that operators engage in discussions with stakeholders (community groups, associations e.g. PTAs³, village councils, etc.) prior to seeking TCPD approval and commencing construction, to inform them of the intent to build a tower in the respective area, and to alleviate any concerns that may be raised in relation to the tower being constructed.

3.6 TATT's Objection to Application

When it is determined that TATT objects to the construction or the retention of a tower, TATT will inform the applicant of the decision in writing stating the reasons for the objection. If the applicant is aggrieved by TATT's decision and wishes to appeal the decision, the applicant shall make such an appeal in writing to the Authority within thirty days of the date of TATT's letter indicating an objection. See section 3.9 for the appeal process.

3.7 TATT's Non-Objection to Application

If TATT does not object to the erection or the retention of a tower, then a letter of non-objection will be sent to the applicant and copied to TCPD. A non-objection granted by the Authority shall expire within six (6) months of the date it was granted, and will therefore no longer be valid.

3.8 Requirement of Applicant on Receipt of TCPD Approval

After an applicant has obtained non-objection from the Authority and is successful in obtaining final approvals from TCPD and the relevant Municipal Authority to construct or retain a tower, the applicant shall inform the Authority of those approvals in writing and provide a copy of the approval documents within seven days of receipt. The Applicant shall also provide to the Authority, within 14 days of the date of completion of

³ Parent Teachers Associations

the tower in the case of a new tower, or receiving the relevant approvals in the case of a retention application, information as prescribed by the Authority, which may include information on:

- Sign posting to provide warnings in relation to health and safety requirements;
- Labelling for tower identification;
- Adherence to requirements as stipulated by the relevant authorities.

3.9 Appeal Process

The appeal process will begin upon receipt of the applicant's letter requesting an appeal. The process may involve meeting with the applicant and further investigations given any new information the applicant may bring to the Authority's attention in the appeal. The appeal process is to allow the applicant the opportunity to justify their request given TATT's reasons for objecting to the erection or retention of the tower and any further information to support their case.