Rollout of New Overground Telecommunications Infrastructure for the National Broadband Project

Guidance on the Process of Engagement between NBI and Local Authorities on the Application for Section 254 Licences.

Údaráis Áitiúla Éireann
Local Authorities Ireland

Contents

1 Introduction

Local Authorities, in their capacity as planning authorities, are the responsible regulator for the placement of electronic communications infrastructure on or over or along Public Roads by telecommunications providers. This has recently been reiterated in Circular Letter PL 11/2020 (Department of Housing, Local Government and Planning, 2020). That circular also sets out requirements for planning authorities in assessing applications.

The implementation of the National Broadband Plan by National Broadband Ireland, NBI, requires a consistent approach from the local authority sector. NBI has arranged for use of existing ducting and telecommunications poles where possible but new poles will be required to deploy the NBP fibre network in areas and to connect properties that are currently not serviced. NBI expects that these locations are predominantly rural. The scale of the project includes 90,000 km of overhead cable to be installed across 1.2 million existing poles and the installation of c. 100,000 new poles during the deployment phase (years 1-7) and a further c. 142,000 poles during the connections phase (years 1-25)[1].

As part of its support to the National Broadband Plan, the CCMA have asked the LGMA to prepare the attached guidelines in consultation with NBI, TII, the RMO and staff in local authorities.

2 Scope:

- This document relates solely to the licensing for installation of new poles and associated overhead cables on Public Roads for National Broadband Ireland. Overground assets such as cabinets and masts[2] are not included in this process.
- This document does not consider placement of poles where the requirements of Part III of the 2000 Planning and Development Act must be met.

3 Briefing

It is recommended that NBI provides a briefing document or presentation to the Senior Management Team of the relevant local authority as part of its pre-works engagement and in advance of its initial application for licences from the local authority during the deployment phase of the project. The purpose of the briefing is to overview the scope of works and highlight the need for cross directorate / service coordination.

4 Roles

4.1 Broadband Officer

Broadband Officers are based in each local authority. The role of the Broadband Officer includes being the point of contact for telecoms operators, playing a leading role in their local authority as the National Broadband Plan is rolled out. They will be the coordinating contact between NBI, Roads and Planning departments and, where necessary, support agencies, including the LGMA and RMO.

[1] Details of the NBI rollout plan are available at https://nbi.ie/rollout-plan/

[2] For the purposes of wireless communications

This coordination role is necessary to ensure that the licensing process operates efficiently by ensuring pre-application reviews of licences and effective information flow between the Local Authority Stakeholders and NBI.

Due to the scale and complexity of the National Broadband Plan, the time sensitive nature of its requirement for licences and consents and its reliance on cross directorate coordination within the local authority, the Broadband Officer should be given sufficient authority to facilitate the processes set out here.

4.2 Planning Department

Once the application has been made to the local authority, the Planning & Roads departments review the application. The Planning department reviews the application in the context of its validity to proceed as a development exempt from planning in line with the requirements of Section 254 of the 2000 Planning & Development Act or whether the application (or part of it) requires consent under another part of the Act.

The Section 254 application is determined by the Planning Department following consideration of recommendations made by Roads Department.

4.3 Roads Department

The Roads Department reviews the application and consider road safety and planning considerations having regard to the nature of road. They can make recommendations in relation to conditions that should apply to the licence if granted.

4.3.1 Road Safety

It is expected that the majority of the new poles to be installed by NBI will be on legacy roads with poor geometric quality. These roads are generally narrow, low traffic volume (< 1000 AADT) with a lower 85th percentile speeds.

NBI have prepared a design document 'Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas'[3] which sets out their design criteria for pole location design on rural roads. This document has been developed in consultation with the sector and is appropriate for use on legacy regional and local roads.
This document refers to typical examples for placement of poles on non-national roads which are generally rural lower volume legacy roads[4].

National Roads

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[3] NBI's Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas is available to download from RMO website.

[4] "Legacy" roads are roads that have evolved over time through successive and gradual widening and improvements for pavement quality, road markings and traffic signs. They do not have a geometric design and are of variable and often poor quality in terms of their geometry, sometimes with very severe bends that are highly inconsistent with the preceding alignment. The road width is usually quite narrow 6m or less, without hard shoulders and with narrow verges that restrict forward visibility. 85th percentile speed is often lower than the posted speed limit.

The placement of infrastructure on National roads will be by reference to the appropriate TII standards.

Rural Roads with designed geometry

When considering the placement of poles on non-national roads with a designed geometry and a designed clear zone[5], the examples referenced in this document should not be used. Placement of infrastructure outside the clear zone or undergrounding of services should be the preferred option.

4.4 Local Government Management Agency, LGMA

The LGMA's role is to facilitate the process by identifying issues that need to be tabled at any of the committee meetings of the CCMA. The LGMA will facilitate the dissemination of information on guidance procedures to local authorities through the communication channels of the CCMA.

The LGMA will further facilitate the Broadband Officers network as is required in collaboration with government departments.

4.5 Road Management Office, RMO

MRL[6] has been used by Road Authorities as the National Road Licensing system since 2014 and the RMO has worked with Road Authorities and NBI to extend MRL's use as the software platform for the processing of S. 254 licences for the National Broadband Project.

The RMO's role is to support local authorities and applicants in the use of MRL and to assist the LGMA and other stakeholders in the implementation and updating of procedures and processes that support efficient rollout of S. 254 licences.

Support for users of the MRL system is provided through support@mrl.jitbit.com and should be used as the point of contact for setting up new users including applicants, LA staff from Road and Planning departments.

[5] See DN-GEO-03036 Cross Sections and Headroom for (Transport Infrastructure Ireland, 2019) for definition.
[6] http://www.rmo.ie/road-licensing.html

5 Application Submission

5.1 Application Types

Primary applications are envisaged as follows:

1. New network pole and associated cable infrastructure on public roads
    a. Applications for pole and associated cable infrastructure required to construct the network over the course of the Deployment Phase. These works will be completed within approx. 18 months of the application.
2. New connection pole and associated cable infrastructure on public roads
    a. Application for pole and associated cable infrastructure required to construct individual customer connections to the network over the life of the project. The timing of the works is subject to the receipt of a customer order.

Typically, applications shall be at Municipal District level or as agreed with the Planning Authority at the pre-submission meeting.

Supplemental Applications may be required during the course of the network deployment and customer connection phases of the National Broadband Project. NBI may submit additional small volume or single pole applications to accommodate changes, new construction or other requirements.

5.2 MapRoad Licensing

Local Authorities and NBI have recognised the unprecedented scale of the National Broadband Project and the need to achieve a streamlined, consistent, national approach. To support the process, the Local Authorities and NBI have agreed that they shall use the MapRoad Roadworks Licensing (MRL) system to record each application for a Section 254 licence for new poles. The process shall be completed using a process akin to the T1 process described below. It is intended that the detail provided in the application should allow the planning and roads departments to carry out their assessment of the application without a necessity to visit all site locations.

An application is made by the applicant notifying the Planning Authority by issuing a copy of the cover letter described at 5.4 by post to the Planning Department.

5.3 Pre-Submission Review

Prior to submission of an application, NBI shall arrange a meeting through the Broadband Officer with the planning and roads staff within the relevant Local Authority with the primary purpose of:

- Giving NBI an opportunity to set out the scope and locations of proposed works.
- Giving the local authority's staff an opportunity to advise NBI regarding any known specific requirements in relation to the proposed application(s).

In advance of this meeting, NBI should provide details of the proposed works to the Broadband Officer who should circulate the details of the proposed works to the Roads and Planning Departments in advance of the meeting.

This meeting may cover as required:

- review of how the application is to be made to the local authority[7] to facilitate the review process and co-ordination of works. NBI and the Local Authorities should note that the MRL system supports a process where each application is the responsibility of one planner and one roads engineer.
- Contact details for assigned planning and road resources assigned to the application review if necessary.
- quantity of poles and associated cables per application,
- indicative duration of works
- Areas of conservation or areas of special protection where poles and associated cables are to be erected,
- Poles on Regional Roads. The authority may highlight roads that are strategic in nature or may be subject to future improvement works that may affect pole placement,
- Poles on Local Roads with additional complexities for example higher traffic volumes / larger HGV traffic or traffic speed or combinations of these,
- Urban areas with a speed limit less than or equal to 60km/h,
- NBI queries relating to public/private boundaries.
- Ensuring that the required information is provided to ensure that the local authority can efficiently review the application.
- Identify if the application covers any location on or over a national road, in which case the TII will need to be consulted.

5.4 The Application format and contents:

The application shall comprise the following as a minimum:

- Cover letter with the format and content shown in Appendix 1.1. This cover letter shall be:
    - submitted by post to the Planning Authority
    - copied to the Broadband Officer
    - uploaded to the MRL system as part of the T1
- T1 Notification in MRL in the format shown in Appendix 1.2
- Details of the pole locations in a format similar to that set out in Appendix 1.3.

Application(s) will be as agreed at the pre-submission review meeting.

5.5 Additional road opening licences or consents

A road opening licence is not required for a pole installation once a section 254 licence is granted. A road opening licence is required, pursuant to S.53 of the 2002 Communications Regulation Act, if underground ducting is required to feed a pole location but not for the pole itself.

Chapters six and seven of the Guidelines for Managing Openings in Public Roads 'Purple Book' apply to reinstatement of the road for both pole erecting and road opening works.

[7]Local Authorities should contact the MRL support office support@mrl.jitbit.com with any queries.

5.6 Poles located in private property.

Section 254 licences do not apply to the erection of poles on private property that are not part of the public road. Pole locations clearly not part of the public road network should not be included in section 254 applications.

Poles that are deemed not to be on the Public Road during pre-submission review shall not be included in applications.

6 Road Considerations:

NBI propose to place poles in accordance with their Guidelines for Assessing Locations for New Roadside Utility Poles (Reference: MSD_BLD_007). This document provides a standard for the assessment of pole position on lower traffic legacy roads from a Road Safety perspective.

6.1 Standard Conditions

Standard Conditions for Roads Conditioning are shown in Appendix Two.

7 Determination of a Licence

The licence is granted by the Planning Authority. Normally this is the relevant planner for the area. It may also be delegated to other staff. This should be clarified as part of the Pre-Submission Review meeting.

7.1 Licence Turnaround

The statutory maximum turnaround time for a S254 licence is four months. It is expected that NBI and Local Authorities will achieve significantly shorter turnaround times through:

- Effective consultation
- Submission of high-quality applications from NBI
- Clarity on the licensing process and a consistent national approach.

It should be noted that the required rollout pace of the National Broadband Programme and the NBI customer charter for new connections will often require significantly shorter licence turnaround times which will be communicated by NBI to the authorities.

7.2 Format of the Licence

During the licence application review process, there may be a requirement to reposition or remove poles. In such instances, NBI shall provide the authority with revised details of the pole locations in a format similar to that set out in Appendix 1.3. This document shall be referenced as part of the licence. Any finalised conditions for Roads shall be included.

The licence is only granted when it is issued by the planning authority to the applicant.

Approval of a T1 on the MRL system does not constitute a licence for the works. Staff in the LA Roads and Planning department should communicate prior to pushing the application to the Approved status. It is recommended that NBI do not progress past "agreement stage" and roads staff do not approve a licence on MRL unless a licence has issued.

7.3 Fees & Duration of licence.

The CCMA have previously agreed that the rollout of the national broadband project should not cause any undue cost increase to the exchequer from license fees and that engagement with the relevant government departments can be undertaken where necessary to mitigate against this. To this end, a recommendation was made to DHLGH on large infrastructural projects. Further guidance on the matter of fees under the regulations is under consideration.

The term of the licence is intended to be 25 years subject to compliance with appropriate conditions such as changes to the built environment.

8 Minor Amendments

Following the granting of a licence and during the course of construction, minor positional changes for poles may be required due to local conditions, (for example unexpected ground conditions). Any amendments will be in accordance with the Guidelines for Assessing Locations for New Roadside Utility Poles.

These amendments should be confirmed as *de minimis* with the Planning Authority and updated changes recorded the on the MRL system.

9 Notification of License

The authority shall notify NBI of consent by post and the Planner shall record this consent on the MRL system.

APPENDIX 1.1 – Application Format

TO: Planning Authority

XYZ County Council,

Address

Date of Application: XX/YY/ZZZZ

RE: Licence Application under S. 254 of the 2000 Planning and Development Act, 2000, for overground electronic communications infrastructure and associated physical infrastructure.

Further to our pre-application review held on the XXXXXXX, NBI Infrastructure DAC ("NBI") applies for a licence under Section 254 of the Act for overground electronic communications infrastructure and associated physical infrastructure as described in Schedule One (the "**Development**") at the location(s) described in Schedule Two (the "**Works Parameters**").

NBI confirms that it has:

- Consulted with the Local Authority in relation to the locations within the scope of this application
- Reviewed the Development and have concluded that the Development is "exempted development" within the meaning of the Act and the Regulations.
- Ensured that the proposed Development and associated works will not cause any issue that would endanger public safety by reason of traffic hazard or obstruction to road users.
- Located poles in accordance with its design Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas
- Ensured the development does not consist of works along, adjoining, in, on, under or over any land comprised in a motorway, busway or protected road.
- A T1 has been created in the MRL system as set out in Appendix 1.2 of 'Guidance on the Process of Engagement between NBI and Local Authorities on the Application for Section 254 Licences.'

Yours faithfully

Signature

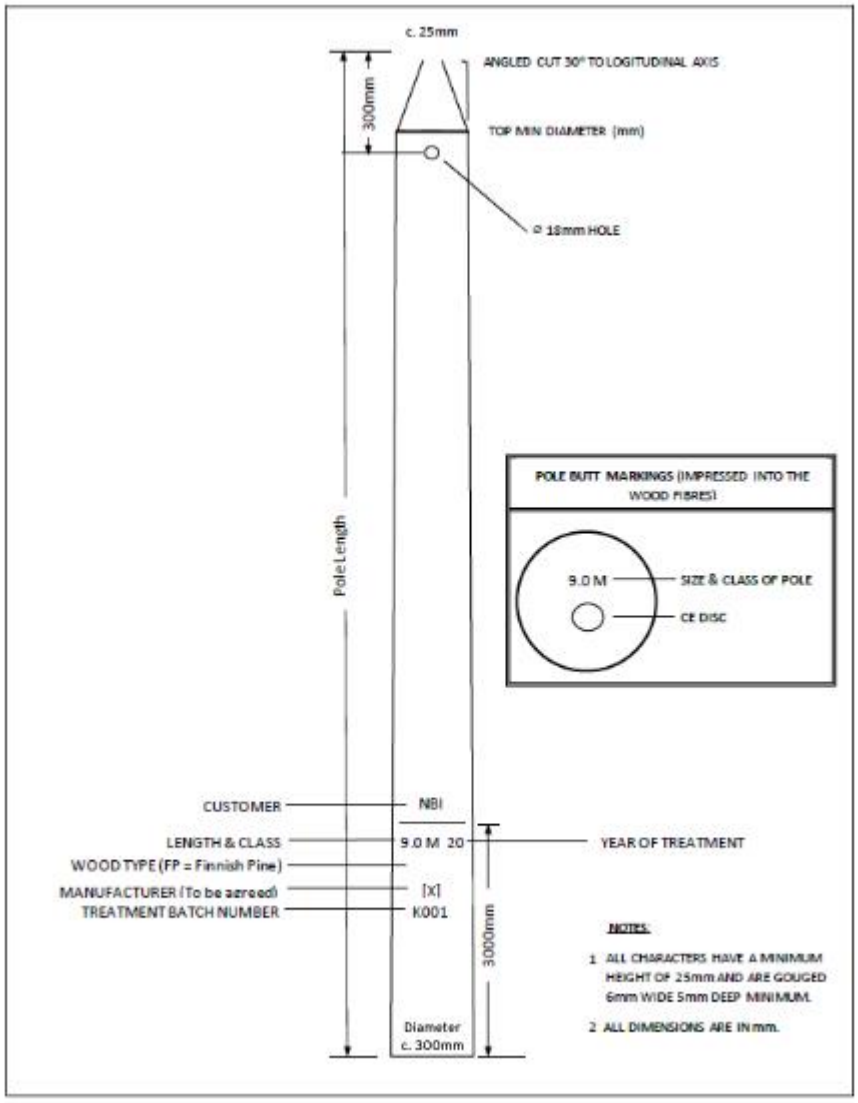
NBI Infrastructure DAC

Schedule One: Description of the Works

The erection of overground electronic communications infrastructure and any associated physical infrastructure along public roads including: 1. The erection of new overground fibre optic cables on existing timber poles 2. The erection of new poles and associated fibre optic cables Poles do not exceed 12 metres in height or approximately 0.3 metres in diameter and are manufactured to EN14229: 2010 and further described in Schedule Two.

Schedule Two: Works Information

Local Authority:	XYZ Council
Engineering Area/ Municipal District:	XYZ
MRL T1 Application reference number	
Number of new poles:	
Overall length of associated cable	(m)

Drawing of typical pole	
New Pole locations:	As described in the attached PDF booklet with a cover sheet referencing the pole design information. Pole location and design details provided one page per pole with - unique reference number, - Photograph, - Location map, - design information See SCHEDULE THREE For ease of reference the application may also be viewed at maps.arcgis.com (reference to location)
Cable routes:	As described in the following drawings attached to this application[8]. XXXX

[8] PDF files at a layout scale that clearly shows the extent of the NBI build in the deployment area with colour coded overground routes. Typically, 90% of the proposed build is achieved using existing poles and underground ducting, which do not require construction of new poles or underground ducting.

'Arc GIS Mapping Link'	The Arcgis link is provided in a dedicated Word Document *A link to an ArcGIS mapping file which shows the locations of all proposed poles and the route of the associated overground cables. Each pole is identifiable/ tagged with a pole reference number and has a popup to provide:* - *the survey information fields defining the pole design inputs and outputs (including distance of proposed pole from edge of road)* - *A Google Maps Streetview link to the pole location* - *2 Photograph(s) of the pole location to define the proposed pole location using a surveyor ranging rods to denote proposed location (vertical rod) and distance from the road edge (horizontal rod).* The ArcGIS link includes background mapping of SAC areas to facilitate review.
Spreadsheet reference detailing pole design parameters <u>submitted on MRL</u>	*Note:* *The Excel document lists all new poles and the survey information which defines the pole design inputs and outputs i.e. speed limit, road class, design offset etc.*
Screening Report Reference submitted on MRL.	*Note:* *A screening report may not be required in all circumstances. Where it is required it will be provided.*
Extract from AA Screening Report in relation to the specific works applied for in the application	*Note:* *A screening report may not be required in all circumstances. Where it is required it will be provided.*
NBI Internal Reference Number:	XXXXXX
NBI Contact details in relation to this application.	Name Telephone e-mail Address

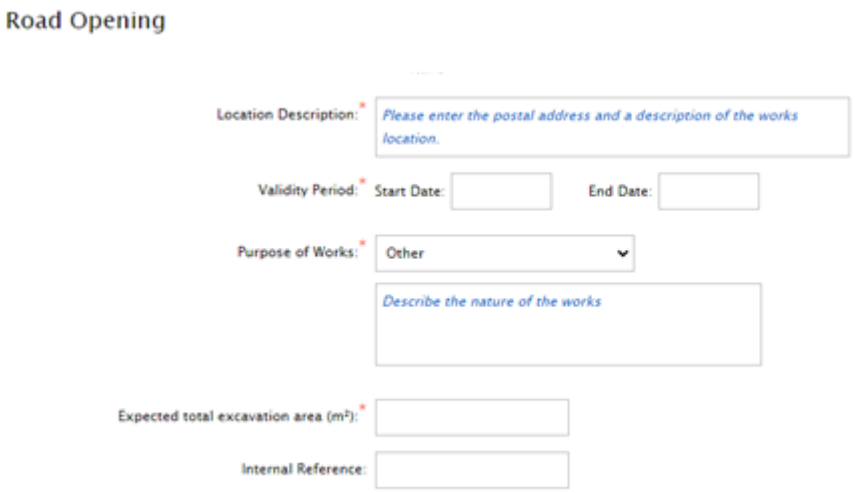
APPENDIX 1.2 – Application Format in MRL

Introduction

T1 notification process in MRL allows for:

- Access by specifically registered Applicant Organisations including National Broadband Ireland
- Access by all Roads Engineers involved in the existing process for Road Opening Licences
- Addition of other user groups including Planners
- Automatic assigning of a reference number to each application in the format Year/Local Authority/Number. e.g. 2020LS1247
- Submission of application information including attachment of files to a document folder relating to the application.
- Communication between the three stakeholders through the discussion functionality in the MRL system
- Uploading to the document folder of additional information by applicant or LA at post application stage with a recorded date/time
- Recording of the current status of an application.

Information to be populated:



There are seven fields of information required in the T1 application. These are set out below:

T1 Field	Information Required	Remarks
Location Description	Locations Description to set out the - Engineering Area - Number of Poles - Total length of overhead fibre	Format: [County]/[Eng Area]/[No of Poles]/[Cable Length in m] Roads information will be via spreadsheet.

T1 Field	Information Required	Remarks
	to be installed on new poles.	
Validity Period **(Start Date and End Date)**	Input the proposed duration of works Start Date / End Date	Work dates should not commence < 1 month from the date of application unless by previous agreement with the Local Authority point of Contact.
Purpose of Works	Select 'Other' with the following text description: S254 NBI New Poles & Name of LA point of contact for this application.	Format: S254 NBI New Poles/ James Morgan
Expected Total Excavation Area (m2)	Not Used	Not Used
Internal Reference	For NBI Use	Not relevant to the LA

Documents to be attached to application:

1. Minutes of Preapplication review (where required)
2. A document setting out the specification, dimensions and typical drawing of the poles and associated overhead cable being applied for.
3. 'Arc GIS Mapping Link' A link to an ArcGIS mapping file which shows the locations of all proposed poles and the route of the associated overground cables. Each pole to be identifiable/ tagged with a pole reference number and have a popup to provide:
    a. *the survey information fields defining the pole design inputs and outputs (including distance of proposed pole from edge of road)*
    b. *A Google Maps Streetview link to the pole location*
    c. *A minimum of 2 Photograph(s) of the pole location to define the proposed pole location using a surveyor's ranging rods to denote proposed location (vertical rod) and distance from the road edge (horizontal rod).*

4. An excel sheet showing the survey information fields defining the parameters for pole design inputs and outputs (including distance of proposed pole from edge of road).

- Barcode
- Road name
- Road segment
- Location within 10m of a junction?
- Location on a downgrade >5%
- Immediate lane drop / Narrowing

- Surface
- NBI Ribbon Ref
- Design X
- Design Y
- Is there an existing pole line?
- Is a collision recorded here?
- Location on the outside of a curve
- Does the pole need a stay?
- Operating Speed (Km/h)
- Road Category
- Offset Reference (m)
- Measured Offset (m)
- Reduced Offset due to Mitigation
- Is offset at least the distance stated in the NBI Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Area
- Is the pole location acceptable?

5. AA Screening Report Referenced in the cover letter (where applicable)

6. An extract from the screening report with the relevant information relating to poles applied for (where applicable).

APPENDIX 1.3 – Format of details of the pole locations

Barcode: N1003189
Road Name: L-8703-7
Road Segment:
Surface: Grass
Ribbon: BSE/D
Coordinates: provided in lat/long
Existing Pole Line: No
Collision Record: No
Operating speed : 50km
Is offset at least the distance stated in Table I ?: Yes
Measured Offset: 2m
Can mitigation by re-directional feature or existing hazard?: No
Does the pole need a stay: No
Municipal District: Loughrea

Location on the outside of a curve: No
Location within 10m of a junction: No
Location on a downgrade 5%: No
Is the pole location acceptable: Yes

NBI
T: 0818 624 624
E: contactus@nbi.ie
W: www.nbi.ie
3009 Lake Dr
Citywest
Dublin 24
D24 H6RR

Title:

OHT1 Pack
N1003189

Legend:

OHT1 Application

APPENDIX 2 – Standard Conditions

1. * The Licence Holder shall indemnify the relevant road authority in respect of legal liability, loss, claim or proceedings whatsoever arising out of or in connection with:

   a) death and/or bodily injury to any persons whomsoever; and
   b) loss or damage to any property whatsoever (arising from the negligent act, omission or breach of duty by the Licence Holder, its employees, servants or agents), which are caused by or arise from the carrying out of associated works or activities under the granted licence (including installation of property) by the Licence Holder, its employees, servants or agents save for where any loss, claim or proceedings arise out of the negligent act, omission, or any breach of duty whatsoever of the relevant road authority or their employees, servants, agents or otherwise.

2. * The Licence Holder shall hold, maintain and submit evidence of the following insurances:

   c) Employers liability insurance with an indemnity limit of not less than €13 million each and every claim; and
   d) public and products liability insurances with indemnity limits of not less than €6.5million each and every claim respectively

Such insurances shall be extended to include an indemnity to the relevant Local Authorities listed where applicable.

** Note: Conditions 1 & 2 are subject to ongoing discussions and clarification from IPB. Any changes will be notified once agreed.*

3. This licence only applies to locations in the charge of XYZ County Council. It does not permit any works on private property.
4. If during the works the Licence Holder becomes aware of information that would materially alter the details previously submitted in advance of the works, it shall immediately notify the Local Authority and request approval to proceed.
5. The Licence holder must provide a point of contact Name / Tel No and Email address who is directly involved with the management and control of the works. The point of contact must always be contactable, be present on site and shall have control over the work site.
6. All works shall have a temporary traffic management plan, which shall be available for inspection on site, and shall comply with the Traffic Signs Manual and health and safety requirements.

7. The licence holder must co-ordinate all works with the _____ MD Engineer Tel _____ and works can only be carried out when in accordance with an agreed programme.
8. A detailed programme of works shall be discussed, submitted and agreed with the Area Engineer a minimum of 5 days in advance of commencement. The programme of works shall provide detail of the impact on traffic and proposed traffic control at each site which shall conform with the licence holders' statutory obligations. The Road Authority may issue directions in relation to this submission in accordance with the Road Traffic Act.
9. The Licence Holder shall consult with an Garda Síochána prior to the implementation of any traffic management using temporary traffic signals or Stop & Go boards.
10. New poles or works are not permitted at or adjacent to areas of Japanese Knotweed.
11. Works shall not operate outside the hours of 8am to 8pm unless by prior agreement with the Area Engineer. All residential properties and businesses affected by out of hours works shall be notified at least 2 days in advance of the works commencement. The notice shall contain the Licence Holder's contact telephone number and the contact telephone number of the contractor's representative who can be contacted if residents have any queries in relation to the works or if problems arise.
12. On approach to the works site, the name of the contractor and the Licence Holder must be clearly displayed with a 24-hour contact number.
13. Geo-Referenced and dated photographic records must be maintained for a minimum of 7 years by the licence holder with the following minimum information:
    a. Pre Works
    b. Post Works
    c. Details of damaged and repaired underground or overground assets or property.
14. This licence does not permit the erecting of Poles within 10 metres of any special engineering difficulty which includes bridges, retaining walls, quay walls, piers, pylons, cellars, railway crossings or light railways, unstable embankments or cuttings.

15. The licence holder must ensure that pole erecting does not impact or damage underground services, existing drainage, public or third party property. In the event of damage to underground or overground property, the licence holder must notify the Area Engineer and detail the site location, pole reference number and completed repair.

Document Control Sheet

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