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.



Version 1.1	August 2022
By	LGMA

Údaráis Áitiúla Éireann
Local Authorities Ireland

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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). This circular provides clarification in relation to the planning exemptions applicable to telecommunications works undertaken by statutory undertakers authorised to provide telecommunications services, particularly in the context of the roll-out of overground cables along national, regional and local roads as part of the National Broadband Plan which is currently ongoing throughout many parts of the country. 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 licensing, under Section 254 of the Planning and Development Act 2000 (as amended), for the installation of new poles and associated overhead cables on, over or along public roads for National Broadband Ireland. Overground assets such as cabinets and masts[2] are not included in this process.
- This document does not deal with the installation of poles where the requirements of Part III of the Planning and Development Act 2000 must be complied with.

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.

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

[2] For the purposes of wireless communications

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.

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 and Roads departments review the application. The Planning Department reviews the application in the context of its validity to proceed as an application in line with the requirements of Section 254 of the Planning & Development Act 2000 (as amended) or whether the application (or part of it) requires consent under another part of the Act. The Planning Department also considers an application in the context of S.254(5) of the Act e.g., the proper planning and sustainable development of the area and the development plan and local area plans.

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

4.3 Roads Department

The Roads Department reviews the application and considers road safety and other possible impacts e.g., the number and location of existing structures along a road. It 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[3] with poor geometric quality. These roads are generally narrow, low traffic volume (< 1000 AADT) with a lower 85th percentile speeds.

[3] While not a legal definition, “legacy” roads tend to be 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

NBI have prepared a design document 'Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas' which sets out NBI's design process giving descriptive detail of their procedures and rationale for determining appropriate locations for new poles.

The current version of the document is available from NBI and is to be provided as an attachment to each S254 application.

It is recommended that authorities review the proposed pole locations on a case by case basis and satisfy themselves that the proposed locations are suitable from a road safety perspective.

National Roads

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

Non-National Rural Roads with designed geometry

NBI's design document does not apply to roads with a design geometry and clear zone[4]. Placement of infrastructure outside the clear zone or undergrounding of services should be the preferred options.

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

Maproad Roadworks Licensing[5] ("MRL") 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.

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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.

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

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 Application Submission

5.1 Application Types

Two types of applications for Section 254 licenses 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 review 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 each 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[6] 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 Department resources assigned to the application review if necessary.
- Quantity of poles and associated cables per application.
- Indicative duration of works.
- Built and natural heritage areas/features 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,
- Erecting of Poles within 10 metres of any special engineering difficulty including bridges, retaining walls, quay walls, piers, pylons, cellars, railway crossings or light railways, unstable embankments or cuttings.
- Urban areas with a speed limit less than or equal to 60km/h
- 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 including:
    - Details of the pole locations in a format similar to that set out in Appendix 1.3.
    - Location maps indicating the cable route(s)
    - Specialist reports where appropriate, including Appropriate Assessment Screening

Application documentation will be as agreed at the pre-submission review meeting.

5.5 Acknowledgement of Section 254 Application:

The planning authority, on receipt of an application from NBI, should acknowledge receipt of same in line with their procedures for Section 254 application processes. Where appropriate, the planning authority should include a planning reference number.

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

5.6 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.

5.7 Which poles and cables require a licence?

The license, if granted, can only be for overground electronic communications infrastructure and any associated physical infrastructure (i.e., for installation of overhead cables and associated poles) on, over or along public roads only.

An application for a section 254 license may include:

- poles on roadside of a hedge, fence, ditch or other thing that identifies the limit of the public road and public right of way unless there is evidence that the landowner has not dedicated the land for use by the public.

The same application should include any cables that are to be installed. An application is also required for cables only.

If the authority is not satisfied that pole locations are along the road they should not grant the licence

A Section 254 licence is a form of planning consent and does not excuse the holder from the requirement to secure any other necessary consents (see S. 254 (8)). of the Planning and Development Act 2000 (as amended)).

5.8 Invasive Species[7] (inc. Japanese Knotweed).

NBI should ensure that staff surveying possible pole position are trained to identify Japanese Knotweed. NBI must engage with the area engineers in local authorities to identify known locations of growing or treated Japanese knotweed and ensure that placement of poles or carrying out of any works in or adjacent to known areas of Japanese Knotweed is subject to an agreed management process with the area engineer. If at any point NBI are uncertain around the identification of Japanese Knotweed, NBI's ecological team will verify same.

6 Road and Planning Considerations:

NBI propose to place poles in accordance with their design document 'Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas'. The current design document should be attached to each application on the MRL system.

[7] The Management of Invasive Alien Plant Species on National Roads – Technical Guidance, GE-ENV-01105 https://www.tiipublications.ie/library/GE-ENV-01105-01.pdf

NBI should ensure their Section 254 applications are in accordance with the proper planning and sustainable development of the area.

6.1 Recommended Conditions

Recommended draft conditions for roads requirements are shown in Appendix Two.

7 Determination of a Licence

The licence is granted by the Planning Authority. Generally, this function is delegated to a staff member in a Planning Department. This should be clarified as part of the Pre-Submission Review meeting in order to identify a clear communications channel between NBI and the local authority

7.1 Fees & Duration of licence.

Licence fees are set out in S.I. No. 422 of 2021 Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021. The fee is €125 per licence application Payment of the licence fee is not a pre-condition to the processing of the licence but must be paid prior to the granting of the licence.

The term of the licence is recommended to be 25 years.

7.2 Licence Turnaround

The statutory maximum turnaround time for a S.254 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
- Prioritisation of licence applications in accordance with circular PL 07/2021 issued to local authorities on 18th August 2021[8]

Local Authorities should note the importance of avoiding a 'deemed decision to grant a licence' to ensure they can condition the licence.

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 and this should be communicated by NBI to planning authorities.

7.3 Format of the Licence

During the processing of the licence application, there may be a requirement to reposition or remove poles. In such instances, NBI shall provide the local authority with revised details of the pole locations

[8] Circular PL 07/2021 - Planning and Development Act 2000 (Section 254 - Overground Telecommunication Cables) Regulations 2021 - S.I. 422 of 2021 (www.gov.ie)

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 an application on MRL unless a licence has been issued.

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 *immaterial deviations* with the Planning Authority and updated changes recorded the on the MRL system.

9 Notification of License

The planning authority shall notify NBI of its decision on a licence by post and the authority 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 Planning and Development Act, 2000, as amended (the "Act"), 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 submit 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;
- Reviewed the City/County Development Plan (and ### Local Area Plan) (the **"Plan(s)"**) and submits that the proposed development is in accordance with the provisions of the Plan(s) and the proper planning and sustainable development of the area;
- Located poles in accordance with its design Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas, as published by NBI;
- 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;
- Submitted/will submit the appropriate fee; and
- 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

Schedule One: Description of the Development

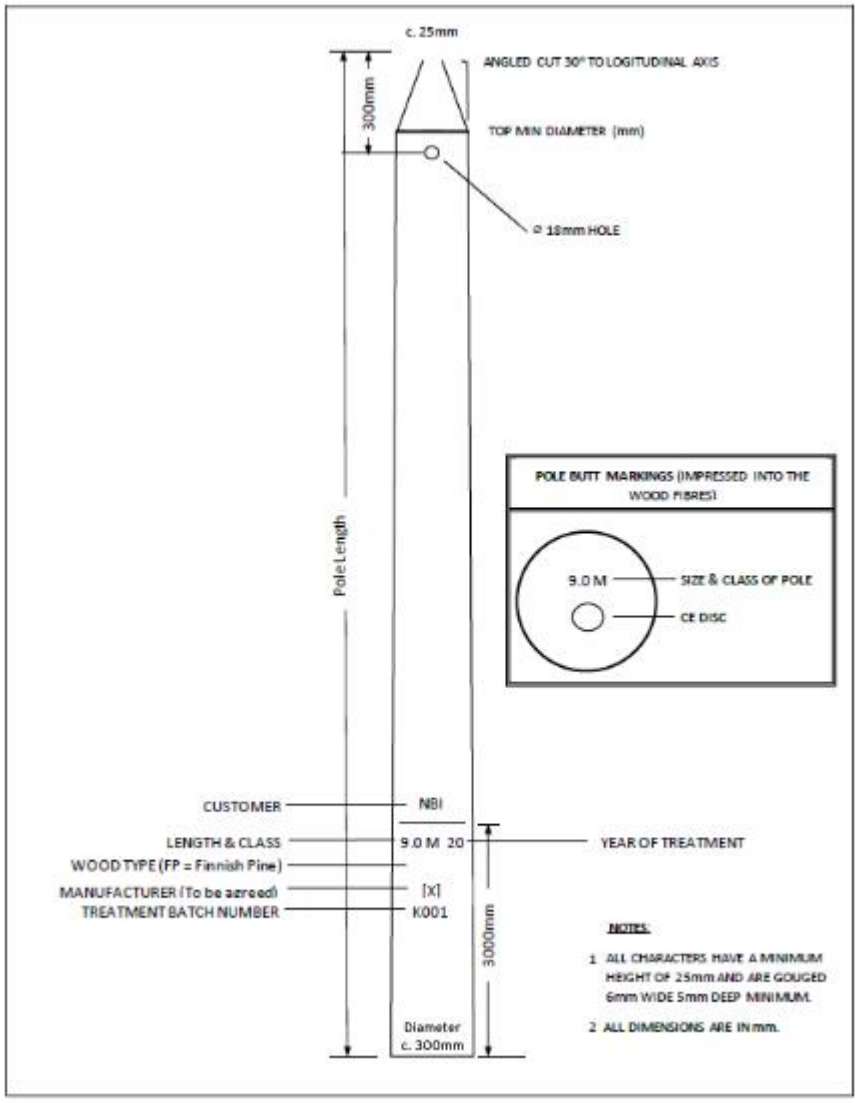
The erection of overground electronic communications infrastructure and any associated physical infrastructure along public roads comprising:

Description	**Tick as appropriate**
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 Parameters

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 electronic PDF booklet provided via the MRL system with a cover sheet referencing the pole design information. Pole location and design details provided in the pdf booklet one page per pole with - unique reference number, - Photograph, - Location map, - design information For ease of reference the application may also be viewed at maps.arcgis.com (reference to location) (url link included in the T1 application detail on the MRL system)
Cable routes:	As described in the following drawings provided on the MRL system and relating to this application[9].

[9] 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.

	XXXX
'ArcGIS 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 Street view link to the pole location* - *2 Photograph(s) of the pole location to define the proposed pole location using 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.
NBI Design Document	A copy of the current version of the NBI design document 'Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas' used to design the pole locations in this application
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.* The excel document is provided via the MRL system.
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 via the MRL system*
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 via the MRL system*
NBI Internal Reference Number:	XXXXXX
NBI Contact details in relation to this application.	Name Telephone e-mail Address

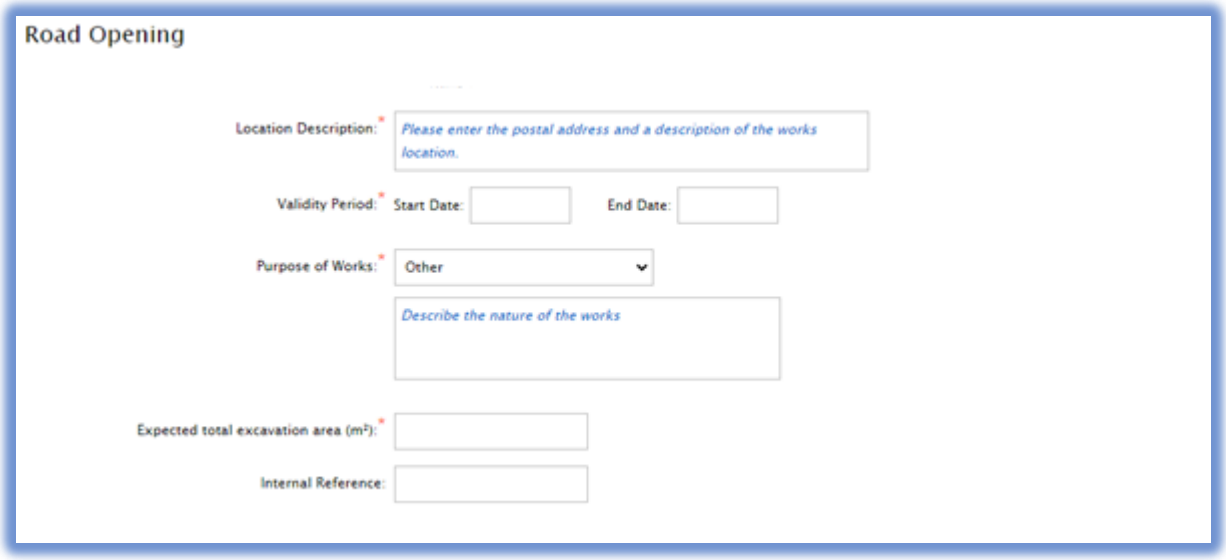
APPENDIX 1.2 – Application Format in MRL

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 as in the screenshot above. These are explained in the table below:

T1 Field	Information Required	Remarks
Location Description	Locations Description to set out the - Engineering Area - Number of Poles	Format for : [County]/[Eng Area]/[No of Poles]/[Cable Length in m]

T1 Field	Information Required	Remarks
	- Total length of overhead fibre cable to be installed on new poles.	Roads information will be via spreadsheet. Format for cable-only applications: County/ Eng Area/ Cable Length / Cable Only Application
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 overhead cable being applied for.
3. 'ArcGIS 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 Street view link to the pole location*
    c. *A minimum of 2 Photograph(s) of the pole location to define the proposed pole location using 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
- Location within 10m of a junction?

- Road name
- Road segment
- 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
- Location on a downgrade >5%
- Immediate lane drop / Narrowing
- Does the pole need a stay?
- Upper band of equivalent Operating speed based on measured offset
- 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).

7. A map file showing the location of cables and poles that form part of the application[10].

[10] The map file should be an electronic map file (e.g. shp/kml etc) in a format agreed with the local authority and will be uploaded as part of the T1 detail prior to the granting of a license.

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
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 – Recommended Conditions

1. This Licence is for a duration of 25 years from date of grant of the licence
2. It is a condition of the licence that in order to avail of same the holder indemnifies (INSERT NAME OF 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 directly or indirectly out of the holder's use of the licence including carrying out works and activities on foot of same

3. It is a further condition of this licence that in order to avail of the Licence that the holder at all times holds, maintains and (when called upon by (INSERT HERE NAME OF RELEVANT ROAD/PLANNING AUTHORITY) submits evidence of the following insurances which it has in place for roadworks in particular:-
   a. Employers liability insurance with indemnity limit of not less than €13 million for each and every claim and
   b. Public and products liability insurances with indemnity limits of not less than €6.5 million for each and every claim respectively

   The foregoing insurances must include an indemnity to (INSERT HERE NAME OF RELEVANT ROAD / PLANNING AUTHORITY)

4. The licence applies only to the parts of the public road specified in the application.
5. 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 Planning Authority and request approval to proceed.
6. The Licence Holder shall provide a point of contact (name / telephone number and email address) (the "LH Rep") who is directly involved with the management and control of the works. While works are being carried out, the LH Rep must be contactable, present on/in the proximity of the site and shall have control over the work site..
7. 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.
8. The Licence Holder shall co-ordinate all works with the _____ MD \`Area Engineer Tel _____ and works can only be carried out when in accordance with an agreed programme.
9. A detailed programme of works shall be discussed, submitted and agreed with the MD/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.
10. The Licence Holder shall consult with An Garda Síochána prior to the implementation of any traffic management using temporary traffic signals or Stop and Go boards.
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 shall be clearly displayed with a 24-hour contact number.
13. Geo-Referenced and dated photographic records shall 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. The Licence Holder shall ensure that when erecting poles same do not impact or damage underground or overground services such as existing drainage, infrastructure or other public or third party property. In the event of damage to any such property the holder shall notify the MD / Area Engineer of the Road Authority detailing the site location, pole reference number, the repairs required and must then complete those repairs.

Document Control Sheet

Title: 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.	**Version:** 1.0	**Date:** 30th April 2021
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Function	Name	Title	Organisation	Date
Prepared by:	PF/SF/JH		LGMA / RMO	March 2021
Approved by:	Committees of CCMA		CCMA	May 2022

Revision Number	By	Remarks	Date
0.0	PF/SF/JH	Initial Draft	January 2021
1.0		Final Draft for Approval of CCMA following consultation with NBI and CCMA.	April 2021
1.1	PF/SF/JH	Redraft following review. Updates include - Status of NBI Design Document - Poles requiring 254 license - Japanese Knotweed - Fees - Determination of Licence - Recommended LA considerations - Recommended Conditions - Clarifications on private land boundary matters - General text revisions	April 2022
Keywords: Section 254, Telecommunications, Broadband, Planning Exemptions, Regulations, NBI, Road Safety, Poles, Cable, Boundary			

August 2022

Update note on guidance for engagement of local authorities with NBI on overground broadband rollout

LGMA
Local Government Management Agency

CCMA
Cumann na mBainisteoirí Contae agus Cathrach
County and City Managers' Association

Rialtas Áitiúil Éireann
Local Government Ireland

Background

In May 2021, the CCMA circulated guidance to local authorities on the process of engagement between local authorities and National Broadband Ireland for the rollout of new overground telecommunications infrastructure for the national broadband project[1]. This document set out the parameters for how NBI should engage with and provide information to local authorities in advance or submitting a Section 254 application for the placement of poles along the public road network, in accordance with Circular Letter PL 11/2020[2].

The guidance outlined procedures to be followed, which included:

- Briefing meeting to SMT
- Application Submission detail including cover letter and publication on MapRoad Roadworks Licensing system (MRL)
- Format of the application including detail on pole locations and cable routes
- License Turnaround times
- Fees & Duration of license
- Conditions of License

Introduction

The guidance document has been reviewed over the 12 months and amendments have been made based on the experience of stakeholders.

Section 254 Rollout to date

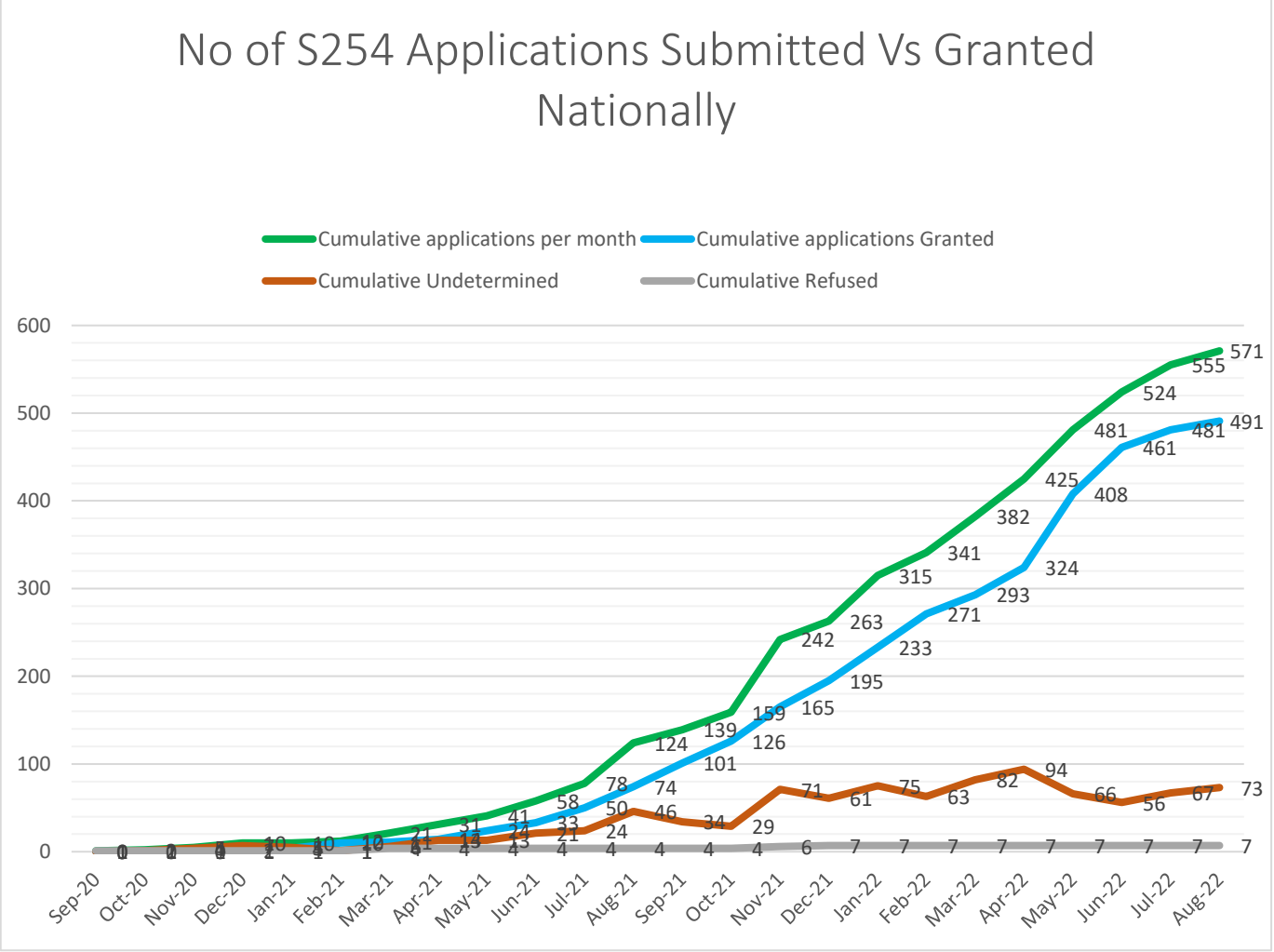
The first Section 254 applications for overground telecommunications infrastructure under the National Broadband Rollout were applied for by NBI in October 2020 as part of a pilot implementation. Since then, up until August 2022 there have been 416 licenses granted by local authorities. This covered applications to erect 9,185 new poles and resulted in 8,792 pole locations being granted under license. This amounted to 19,892 km of cable being hung.

It is clear from the data complied on the MRL system that there has been a significant increase in the activity on Section 254 licensing for local authorities over the last 12 months with additional burdens on resources to turn around these license applications in a timely manner to facilitate the national rollout of broadband to the intervention areas.

1 "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"

2 https://www.opr.ie/wp-content/uploads/2020/12/PL-11-2020-Telecoms-Exemptions-17-Dec-2020-Final-Headed.pdf

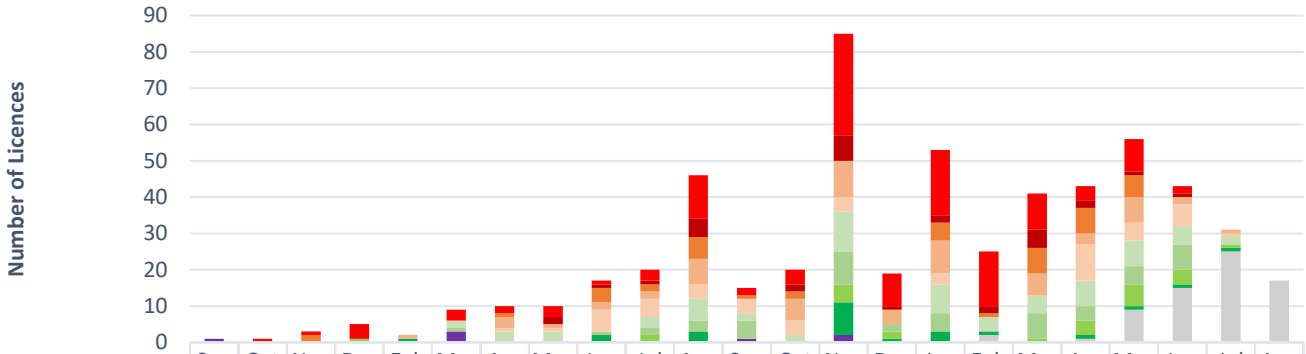
This chart demonstrates the increase in activity for local authority planning and road sections over the course of the last 18 months in respect of NBI applications under Section 254 legislation.



The expectation is that the number of S 254 application from NBI to local authorities will increased over the coming few years as the rollout of broadband infrastructure to the interventions areas is expanded.

Determination Time for Licenses

This chart indicates the number of weeks to make a determination on a license 254 application from NBI. These metrics come from the MapRoad Roadworks Licensing System which is used as a mechanism to make an application and submit the required information to the local authority. It is noted that the time to make a determination includes all time required to investigate the planning factors as well as all road safety matters considered in the placing of a pole on a public road.



	Sep	Oct	Nov	Dec	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
	2020				2021											2022							
>8		1	1	4		3	2	3	1	3	12	2	4	28	9	18	15	10	4	9	2		
8								2	1	1	5		2	7	1	2	2	5	2	1	1		
7			2				1		4	2	6	1	2			5	1	7	7	6			
6					1		3	1	2	2	7		6	10	4	9		6	3	7	2	1	
5							1	1	6	5	4	4	4	4		3			10	5	6	1	
4						2	3	3		3	6	2	2	11		8	4	5	7	7	5	2	
3						1			1	2	3	5		9	2	5		7	4	5	7		
2				1						2				5	2			1	4	6	4	1	
1					1				2		3			9	1	3	1		1	1	1	1	
Undetermined																	2		1	9	15	25	17
Refused	1					3						1		2									

Revisions

The key points to note for the changes made to the Guidance Document are:

4.2 Planning Department	The Planning Department also considers an application in the context of S.254(5) of the Act e.g., the proper planning and sustainable development of the area and the development plan and local area plans. Also, a clarification that while the Planning section generally determine the application following consideration by Roads department, it may be the case that the Roads department determine the approval or otherwise of the license.
4.3 Roads Department	Local authorities are expected to review the proposed pole locations on a case-by-case basis and satisfy themselves that the proposed locations are suitable from a road safety perspective. It is expected practice that the latest version of the NBI document "*Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas*" is included as an attachment to Section 254 application on MRL
	Non-National Rural Roads with designed geometry - NBI's design document does not apply to roads with a design geometry and clear zone[3]. Placement of infrastructure outside the clear zone or undergrounding of services should be the preferred options.
5.3 Pre-Submission Review	Discussion should include erecting of Poles within 10 metres of any special engineering difficulty including bridges, retaining walls, quay walls, piers, pylons, cellars, railway crossings or light railways, unstable embankments or cuttings.
	It is not expected that discussions on public/private boundaries would form part of the review
5.4 Application format & contents – Appendix 1.2	<u>T1 Notification on MRL</u> Location maps indicating the cable route(s) Specialist reports where appropriate, including Appropriate Assessment Screening
5.5 Acknowledgment of Application	The planning authority should acknowledge receipt of Section 254 application & include a planning reference number.
5.7 Poles & Cables requiring a license	Rewording to cover proposed pole locations on the roadside of a boundary Applications should also include cable Cable-only applications also require a license
5.8 Invasive Species	New section
6.1 Recommended Conditions	Reworded from *Standard*
7 Determination of license	Pre-submission review meeting should clearly identify who in the LA has responsibility for granting/refusing the license
7.1 Fees & Duration	Clarification on value of €125 and 25-year duration
7.2 License Turnaround	Prioritisation of licence applications in accordance with circular PL 07/2021 issued to local authorities on 18th August 2021. Also noted the necessity to avoid a deemed decision scenario
9 Minor Amendments	Communication and recording of
Appendix 1.1	Reference to County Development Plan in letter of application Reference to payment of fee Reference to T1 application being made on MRL

[3] See DN-GEO-03036 Cross Sections and Headroom for (Transport Infrastructure Ireland, 2019) for definition.

Schedule One – Description of Works	Format changes Include more detail on pole locations Include url for ArcGIS link on MRL application in a dedicated MS Word document Cable Routes to be included on MRL T1 application Include NBI Design Document on MRL application Clarification added to explicitly state all supplementary information and reports should be included as part of the T1 application on MRL
Appendix 1.2	Some clarifications on the information to be provided in the application
	Upper band of equivalent Operating speed based on measured offset is now referenced as opposed to 85th percentile speed
	Map File of cable routes to be included in application on MRL
	Is offset at least the distance stated in the NBI Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Area
Appendix 2	1. Duration of 25 years from date of grant of the licence
	2. Indemnification
	3. Insurances
	4. Location of license
	6. Contact Persons
	14. Other Underground Services