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



LGMA
Local Government
Management Agency



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



Rialtas Áitiúil Éireann
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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 project¹. This document set out the parameters for how NBI should engage with and provide information to local authorities in advance of submitting a Section 254 application for the placement of poles along the public road network, in accordance with Circular Letter PL 11/2020².

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

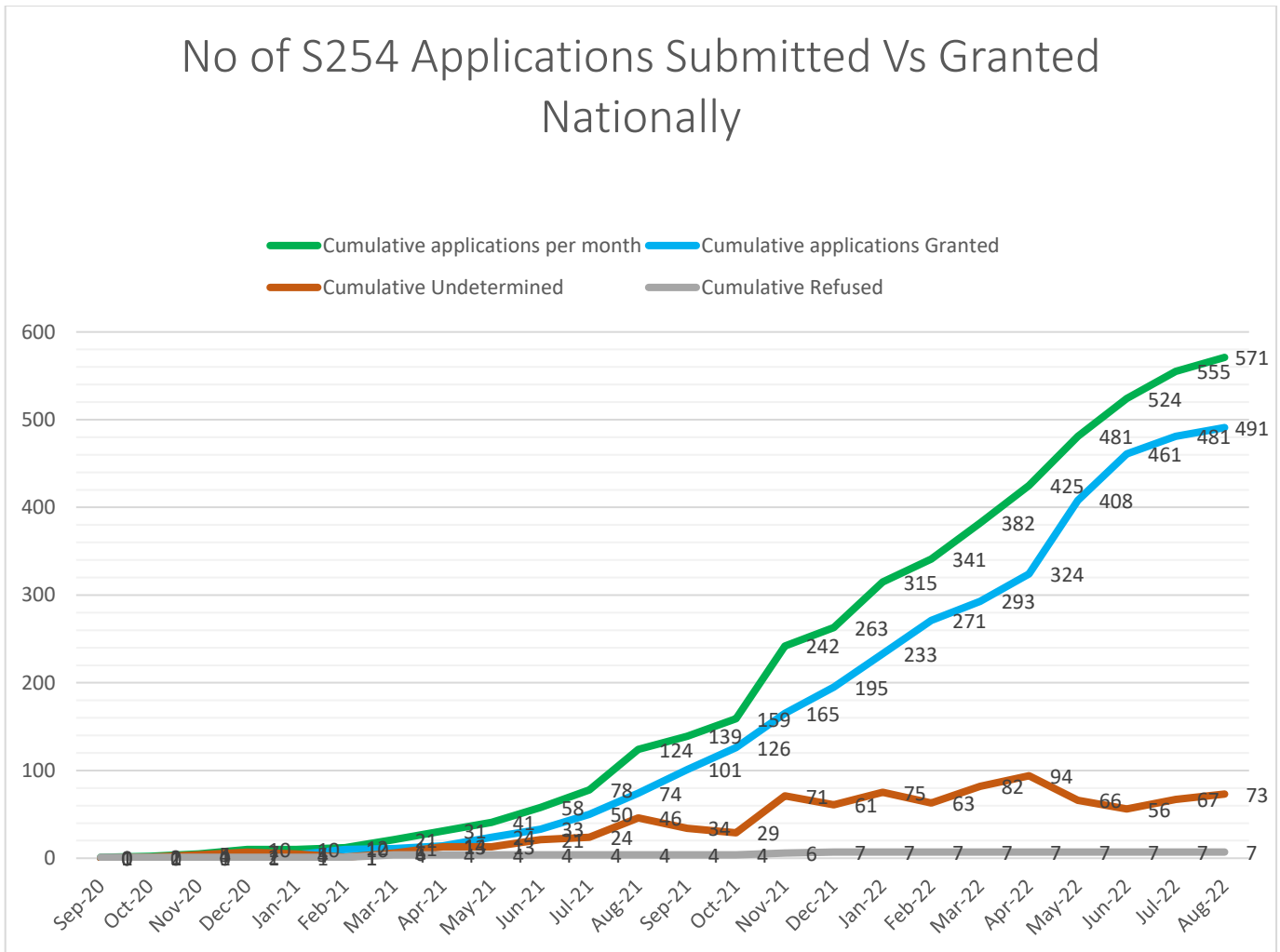
The first Section 254 applications for overground telecommunications infrastructure under the National Broadband Rollout were applied for by NBI in October 2020 as part of a pilot implementation. Since then, up until August 2022 there have been 416 licenses granted by local authorities. This covered 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 compiled 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>

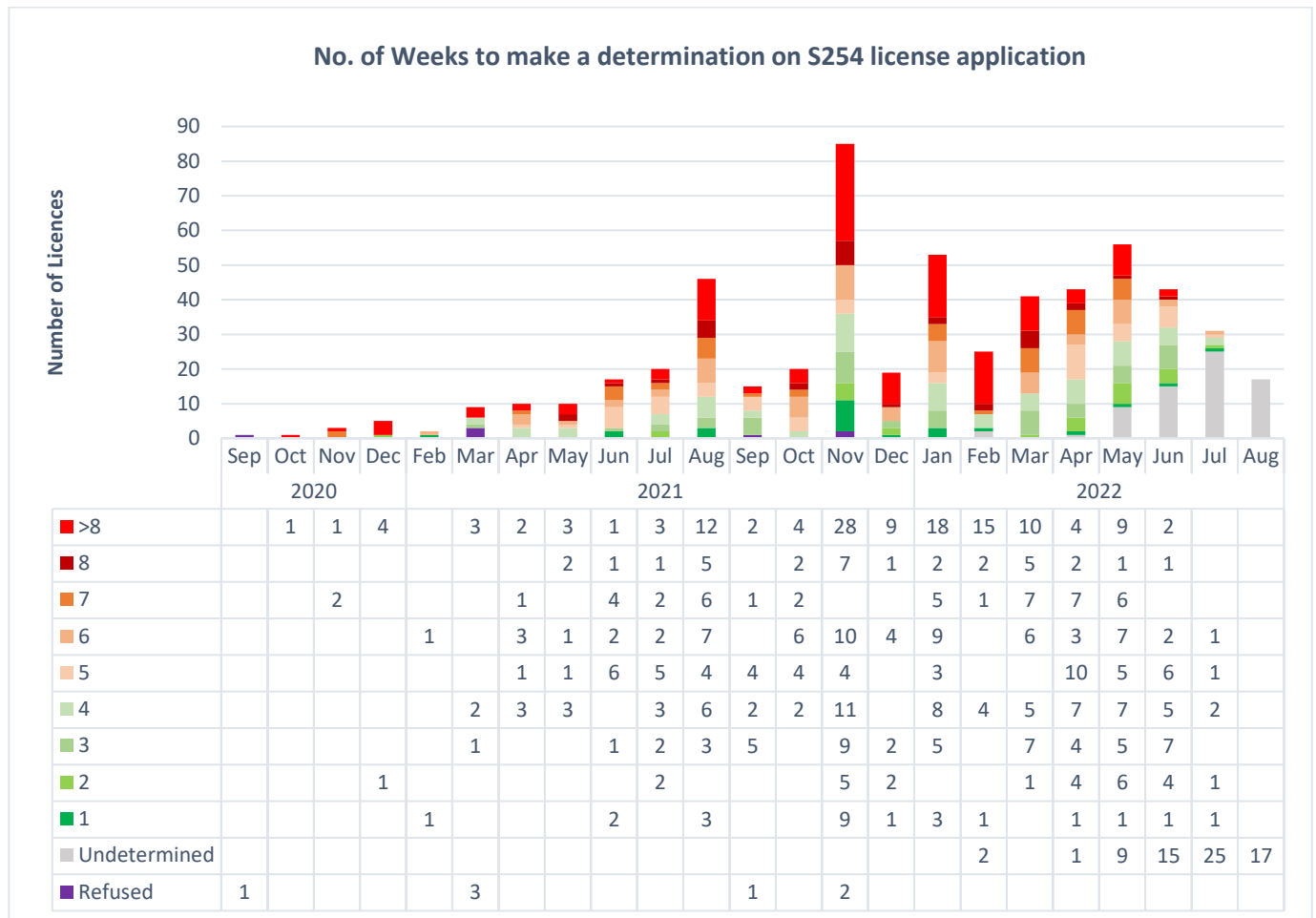
This chart demonstrates the increase in activity for local authority planning and road sections over the course of the last 18 months in respect of NBI applications under Section 254 legislation.



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.



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 “ <i>Guidelines for Assessing Locations for New Roadside Utility Poles in Rural Areas</i> ” 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 <i>Standard</i>
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	<p>Format changes</p> <p>Include more detail on pole locations</p> <p>Include url for ArcGIS link on MRL application in a dedicated MS Word document</p> <p>Cable Routes to be included on MRL T1 application</p> <p>Include NBI Design Document on MRL application</p> <p>Clarification added to explicitly state all supplementary information and reports should be included as part of the T1 application on MRL</p>
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 85 th 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