

LICENCE APPLICATION

SIGNS, APPLIANCES, STRUCTURES & STREET FURNITURE



Planning & Development Act, 2000 (as amended) - section 254
Planning & Development Regulations 2001 (as amended) - article 201

APPLICANT DETAILS (applicant to be principle licensee and not agent on behalf of applicant)

Name SIGNAL INFRASTRUCTURE LTD.	Email LAURENCE.STRATTON@CELLNEXTELECOM.IE
Phone 01 482 5890	Mobile
Address SUITE 311, Q HOUSE, 76 FURZE RD. SANDYFORD INDUSTRIAL ESTATE, DUBLIN 18	
Company Registration Number (where appropriate)	

PERONS(S) SUBMITTING DRAWINGS & APPLICATION DETAILS (if different from above)

Name JASON REDMOND & ASSOCIATES (AGENT)	Email RJOHNSON@JRASSC.IE
Phone 05786 81155	Mobile
Address 5 LISMARD COURT PORTLAOISE CO. LAOISE R32 NH2H	

PROPERTY LOCATION

Address Public grass verge at the R430 junction, Garrintaggart, Co. Laois,
Eircode

PROPOSED LICENCED AREA

General Description of Proposed Development

PROPOSED 18M ALPHA 2.0 STREETPOLE SOLUTION WITH AW3871 MULTI-OPERATOR ALPHA ANTENNA AND GROUND EQUIPMENT CABINET.

- ☐ Scaffolding / Hoarding / Fence
- ☐ Fingerpost Sign (not exceeding 1 metre in length)
- ☐ Advertising Structure
- ☐ Tables & Chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises
- ☒ Any other appliance, apparatus or structure (*provide details*)

Length (m) CABINET: 1.898M / POLE: 0.360M (DIA)

Area (m²) CABINET: 1.51M² / POLE: 0.10M²

Width (m) CABINET: 0.798M / POLE: 0.360M (DIA)

Height (m) CABINET 1.652M / POLE: 18M

No. Of Chairs N/A

No. Of Tables N/A

Table Dimensions (*where applicable*) N/A

Description of any screen(s) to be used (height, materials, colours, supports, etc.)

N/A

Proposed Hours of Operation (*where applicable*) N/A

Proposals for storage, securing, covering of street furniture outside of stated hours of operation

N/A

Applicant's legal interest in premises (or adjacent commercial premises)

(i.e. freehold, leasehold etc.) PROPOSED DEVELOPMENT IS LOCATED WITHIN THE PUBLIC REALM

Planning Department, Aras an Chontae, JFL Avenue, Portlaoise, Co. Laois

Tel : 057 8664000

Email: planning@laoiscoco.ie

Website: www.laois.ie

PUBLIC INDEMNITY INSURANCE

Name of Insurance Company

MARSH IRELAND BROKERS LTD

Public Indemnity Insurance Policy Number IE00023013LI20A

Policy Expiry Date

31.12.21

ENCLOSURES

All applications must be accompanied by:

Four copies of a site location map to scale of not less than 1:1,000 in built up areas and 1:2,500 in all other areas clearly outlining the area to be licensed in red with the area of any associated business premises outlined in blue.

Yes ☒ No ☐

Four copies of plans (scale 1:500 or 1:200 as appropriate) and elevations (Scales 1:50, 1:20, 1:10 as appropriate) and sections as are necessary to describe the proposed development

Yes ☒ No ☐

Drawings, photographs or specifications of proposed furniture/equipment

Yes ☒ No ☐

Any application submitted must be accompanied by Public & Products Liability insurance (and Employers Liability insurance) with indemnity limit(s) of not less than €6.5million (and €13million) respectively covering any liability, loss, claim or proceedings in respect of loss, claim or proceedings whatsoever arising out of or in connection with the death and/or bodily injury to any persons whomsoever and/or loss or damage to any property whatsoever which arises directly or indirectly out of the granting of the Licence.

☒

Such insurance(s) shall contain a notation of an indemnity to Laois County Council.

FREQUENTLY ASKED QUESTIONS

Q1. What appliances, apparatus and structures are subject to licensing under Section 254 of the Planning & Development Acts 2000-2015, as amended?

A person shall not erect, construct, place or maintain, along a public road, save in accordance with a licence granted by the Planning Authority, any of the following:-

- (a) a vending machine
- (b) a town or landscape map for indicating directions or places
- (c) a hoarding, fence or scaffold
- (d) an advertisement structure
- (e) a cable, wire or pipeline
- (f) a telephone kiosk or pedestal
- (g) a case, rack, shelf or other appliance, apparatus or structure for displaying articles for the purposes of advertisement or of sale in, or in connection with, any adjacent business premises.
- (h) tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises
- (i) a coin-operated machine other than a vending machine
- (j) an advertisement consisting of any text, symbol, emblem, model, device or logo
- (k) a pipe or appliance with a pipe attachment for dispensing air or water not being a pipe of appliance attached to a petrol or oil pump
- (l) a weighing machine
- (m) a bring facility
- (n) a cabinet used as part of a wired broadcast relay service by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay License) Regulations 1974 (S.I. No. 67 of 1974)
- (o) a lamp post
- (p) a bridge, arch, tunnel, passage or other similar structure which is used or intended for use other than by the public and was constructed on or after 1st October 1964
- (q) a cellar or other underground structure constructed on or after the 1st October 1964
- (r) a cable for conducting electricity for domestic or agricultural purposes.

Q2. If I obtain a permit for my proposed appliance etc. will I need planning permission for the same appliance?

No. Section 254(7) of the Planning & Development Act 2000-2015 provides that development on/along a public road carried out in accordance with a licence under Section 254 shall be exempted development for the purpose of the Act.

Q3. What matters will be considered by the Planning Authority?

In considering an application for a licence under this section a Planning Authority, or the Board on appeal, shall have regard to -

- (a) the proper planning and sustainable development of the area,
- (b) any relevant provisions of the development plan, or a local area plan,
- (c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- (d) the convenience and safety of road users including pedestrians.

Planning Department, Aras an Chontae, JFL Avenue, Portlaoise, Co. Laois

Tel : 057 8664000

Email: planning@laoiscoco.ie

Website: www.laois.ie

Q4. Can I appeal the decision of the Planning Authority?

- (a) Any person may, in relation to the granting, refusing withdrawing or continuing of a licence under this section or the conditions specified by the planning authority for such a licence, appeal to the Board
- (b) Where an appeal under this section is allowed, the Board shall give such directions with respect to the withdrawing, granting or altering of a licence under this section as may be appropriate, and the planning authority shall comply therewith.

Q5. What information does the Planning Authority need?

- 1. Completed application form
- 2. Plans and information as follows:-
 - o Four copies of Site Location Map to scale of not less than 1:1,000 in built up areas and 1:2,500 in all other areas are required, with the location of the proposed sign/appliance etc. marked in red thereon.
 - o Four copies of plans (scale 1:500 or 1:200 as appropriate) and elevations (Scales 1:50, 1:20, 1:10 as appropriate) and sections as are necessary to describe the design, capacity of the sign / appliance / apparatus / structure. If sign / appliance / apparatus / structure as proposed to be located in part of existing premises the front elevation showing the impact of the proposals on the existing premises is required.
 - o Details of advertisement display / text / logo to be used on sign
 - o Full details of colours to be used
 - o Full details of material to be used
 - o Full details of support structures
 - o Your proposals and commitment to ongoing maintenance
 - o Photographs of the apparatus, structure, appliance, sign post may additionally be furnished but cannot act as a substitute for these particulars
 - o Details of the public liability insurance indemnifying Laois County Council

Q6. If I proceed on carrying out my development and do not obtain a licence, what will happen?

- (a) Any person who – erects, constructs, places or maintains an appliance, apparatus or structure referred to in Question (1) on, under, over or along any public road without having a licence, or
- (b) Erects, constructs, places or maintains such an appliance, apparatus or structure on, over or along any public road otherwise than in accordance with a licence or
- (c) Contravenes any condition subject to which a licence has been granted to him or her – Shall be guilty of an offence.

It is the policy of Laois County Council to prosecute such offenders. Fines/penalties up to €1,500 / 6 months imprisonment or both may be imposed by the Court.

NOTES/GENERAL CONDITIONS

1. A copy of the licence, and any conditions attaching to that licence, shall be prominently displayed at the main entrance outside the premises, so as to be clearly visible by members of the public and officials of Laois County Council.
2. The Licensee shall be required to maintain a Public Liability Insurance policy, which provides cover to a minimum value of €6.5 million indemnifying Laois County Council against third party claims.
3. Only Laois County Council shall carry out work on the public road/footpath. Holes may not be made in the public road/footpath without the permission of Laois County Council.
4. All costs incurred by Laois County Council, including any repairs to the public road and services necessary arising as a result of the operation of the licence, shall be at the expense of the licensee.
5. Access for maintenance purposes to public lighting equipment and the associated under-ground or over-head services shall be available at all times.
6. All water main covers, sewer manholes and service access points for utilities shall be accessible at all times and no table or chair or other item of street furniture shall be positioned over a fire hydrant.
7. Laois County Council may reduce the licensed area in any particular case, where the occupied space is required in the interests of public safety to facilitate an event during the course of the licence period.
8. A person shall not be entitled solely by reason of a licence under this section to erect, construct, place or maintain on, under, over or along a public road any appliance, apparatus or structure.

LICENCE FEES IN RESPECT OF SPECIFIED APPLIANCES, APPARATUS AND STRUCTURES

Where a licence is granted for a period of one year or more for any of the categories of development set out in Table 1 below, the appropriate fee shall be paid to the planning authority for each year or part of a year for which the licence is granted:

Table 1: Use/Development Category	Annual Fee
A vending machine or coin operated machine (not being a weighing machine)	€125
A town or landscape map for indicating directions or places	€25
A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road)	€1,250
An advertisement structure (other than an advertisement structure specified below)	€630
An advertisement structure (being of a fingerpost type not exceeding 1 metre in length) consisting of a direction sign	€50
A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe)	€25 per 100 metres or part thereof
A telephone kiosk or pedestal	€630
A case, rack, shelf or other appliance, apparatus or structure for displaying articles, whether or not for the purpose of advertisement or sale in or in connection with any adjacent business premises	€125
Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises	€125 per table
An advertisement consisting of any text, symbol, emblem, model, device or logo	€630
A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe or appliance attached to a petrol or oil pump	€25
A weighing machine	€63
A bring facility	€25

Note: Where the licence is granted for a period of less than one year, the appropriate fee shall be equal to one tenth of the fee for one year for each month or part of a month for which the licence is granted.

Where a licence is granted for any of the categories of development set out in Table 2 below, a one-off fee as set out shall be paid and no additional fees will be payable in respect of any renewal of a licence for such an appliance, apparatus or structure:

Table 2: Use/Development Category	Licence Fee
A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.	€125
A lamp-post.	€25
A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed on or after 1 October 1964.	€125
A cellar or other underground structure constructed on or after 1 October 1964.	€125
A cable for conducting electricity for domestic or agricultural purposes.	€125

Please note: Laois County Council may waive or reduce licence fees in certain circumstances (e.g. where applicant are considered eligible for a grant under the Street Furniture Grant Scheme 2021). Please see attached the Street Furniture Grant Scheme 2021.
All applicants are advised to check with the Planning Department to determine the applicability of waivers or reductions in licence fees.

To Whom It May Concern

11th of March 2021

Dear Sir/ Madam,

**Confirmation of Insurance – Cellnex Ireland Ltd, Signal Infrastructure Limited and/or
Cellcom Ireland Ltd and/or On Tower Ireland Ltd.**

As requested by you, we are writing to confirm that we act as your Insurance Broker and that we have arranged insurance(s) on your behalf as detailed below. A copy of this letter may be provided by you to third parties who have a legitimate need to receive confirmation of your insurance cover.

Business Description

Provides telecommunications infrastructure solutions

EMPLOYERS' LIABILITY

INSURER: XL Insurance Company SE
POLICY NUMBER: IE00023013LI20A
PERIOD OF INSURANCE: 1st January 2021 to 31st December 2021(both days inclusive)
LIMIT OF INDEMNITY: €13,500,000 (for each and every occurrence)

PUBLIC LIABILITY

INSURER: XL Insurance Company SE
POLICY NUMBER: IE00023013LI20A
PERIOD OF INSURANCE: 1st January 2021 to 31st December 2021(both days inclusive)
LIMIT OF INDEMNITY: €6,500,000 (any one event and in the aggregate during the period of insurance)

Marsh Ireland Brokers Limited is a private company limited by shares registered in Ireland under company number: 169458. VAT Number IE 6569458D. Registered Office: 25-28 Adelaide Road, Dublin 2, Ireland, D02 RY98
Directors: T Colraine (British), A J Croft (previously Kehoe), P G Dromgoole (British), J Flahive (British), J C Grogan, P R Howell, C J Lay (British), S P Roche, R I White (British)

Marsh Ireland Brokers Limited, trading as Marsh Ireland, Bowring Marsh, JLT Ireland, Marsh Claims Solutions, Echelon Claims Consultants, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh JLT Speciality, Marsh Reclaim, Marsh Risk Consulting, Guy Carpenter & Company, ILCS, Charity Insurance, is regulated by the Central Bank of Ireland.

PROPERTY DAMAGE

INSURER: XL Insurance Company SE
POLICY NUMBER: IE00022167PR20A
PERIOD OF INSURANCE: 1st January 2021 to 31st December 2021(both days inclusive)
LIMIT OF INDEMNITY: €1,000,000 (for towers at third party locations)

We have placed the insurance which is the subject of this letter after consultation with you and based upon your instructions only. Terms of coverage are based upon information furnished to us by you, which information we have not independently verified.

This letter is issued as a matter of information only and confers no right upon you or any third party to whom it is disclosed, other than those provided by the policy. This letter does not amend, extend or alter the coverage afforded by the policies described herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this letter may be issued or pertain, the insurance afforded by the policy (policies) described herein is subject to all terms, conditions, limitations, exclusions and cancellation provisions and may also be subject to warranties. Limits shown may have been reduced by paid claims.

We express no view and assume no liability with respect to the solvency or future ability to pay off any of the insurance companies which have issued the insurance(s).

Where a copy of this letter has been provided to a third party, we assume no obligation to advise that third party of any developments regarding your insurance(s) subsequent to the date hereof. Additionally this letter is given on the condition that we are not assuming any liability to any third party who receives a copy of this letter, based upon the placement of your insurance(s) and/or the statements made herein.

This letter shall be governed by and shall be construed in accordance with Irish law.

Yours sincerely,



Declan Colbert ACII
Client Advisor
Marsh Ireland Brokers Ltd
Direct Dial: 01 604 8444
E-mail: declan.o.colbert@marsh.com

Marsh Ireland Brokers Limited is a private company limited by shares registered in Ireland under company number: 169458. VAT Number IE 6569458D. Registered Office: 25-28 Adelaide Road, Dublin 2, Ireland, D02 RY98
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Ph: 05786 81155
Email: info@jrassc.ie
5 Lismard Court
Portlaoise,
Co. Laois



Rural Connectivity Project

LICENCE APPLICATION PURSUANT TO SECTION 254 (ee) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

Licence Application Under Section 254 (ee) of the Planning & Development Act 2000 (as amended) for Telecommunications Infrastructure at a **public grass verge at the R430 junction, Garrintaggart, Co. Laois**, whereby the said provision provides that a Local Authority can issue a licence for over ground electronic communications infrastructure and any associated physical infrastructure, subject to proper planning and development considerations.

Applicant Name: Signal Infrastructure Ltd.,

Applicant Address: Suite 311, Q House, 76 Furze Road, Sandyford Industrial Estate, Dublin 18, D18 YV50.

Agent Address: Jason Redmond Associates, 5 Lismard, Portlaoise, Co. Laois, R32 NH2H.

Date of Licence Application: 3rd June 2021

(Please address all correspondence to Agent as per above address)



1. Introduction to Signal

The applicant, Signal Infrastructure Ltd. is a company of Cellnex, which is a European Telecommunications infrastructure provider, which specifically facilitates co-location to the communications sector in Ireland and Europe. Signal was purchased by Cellnex in September 2019. Signal Infrastructure Ltd remains the legal entity or trading name for the organisation in Ireland. The organisation has significant commercial relationships with each mobile network operator in the State namely Three, Vodafone and Meteor/eir in addition to radio, broadband and emergency communication service providers. Whilst managing their existing portfolio of 300 former Coillte sites, in addition to over 250 new sites, the applicant plans to add new developments to support the ongoing infrastructural requirements of the telecommunications industry and to facilitate the provision of broadband in current "black spot" areas and to also facilitate higher data transmission speeds in urban areas through various initiatives. It is submitted that the intervention of private sector firms such as Signal Infrastructure Ltd. (and its parent company Cellnex), in the roll-out of telecommunications infrastructure, is a significant and fundamental pillar in the Governments telecommunications policy and its future plans.

2. The Proposal

The relatively low population density and low vehicle traffic in the area means that the business case for mobile operators to build their own dedicated sites in this area is marginal.

Cellnex propose to erect a low-impact monopole with integrated equipment cabinet which can accommodate up to two mobile operators and additional Internet of Things (IoT) services. This solution is specifically designed for marginal cases, to reduce set up and operating costs for mobile network operators and support infrastructure sharing. Cellnex, as an independent provider of telecoms infrastructure, is uniquely positioned to initiate this project and work with the mobile operators to support

the improvement of coverage and roll-out of new services in this area in an energy efficient and with minimal impact on the environment.

It is proposed to erect an 18-metre high slim line pole as part of 'street works' along with associated cabinet within the area defined as the public road at the above location. Please refer to the attached plans and drawings of proposal under Appendix A.

3. Taskforce: Backdrop to Process

The Section 254 Telecommunications Licence Process has evolved as a direct outcome of the Government's Programme for Government, which gave a commitment to establish a *Mobile Phone and Broadband Task Force* to identify immediate solutions to broadband/mobile phone coverage deficits and to investigate how better services could be provided to consumers.

The Taskforce made a number of key recommendations and set out clear actions, which have evolved with reference to the Implementation Report, *inter alia*.

Chapter 2, *Planning and Licencing*, of the Taskforce Report recommended that:

'Provisions relating to planning exemptions for telecommunications infrastructure should be amended to facilitate its smoother deployment and the removal of barriers to investment'.

The Task Force also recommended the following:

'That a review of the relevant statutory Planning Guidelines should be undertaken, in conjunction with telecoms industry representatives and other relevant stakeholders, with the aim of evaluating and updating key aspects of the Guidelines to provide clarity and consistency in their interpretation and implementation'.
[Underline for writer's emphasis]

3.1 Distinction between Section 254 and Class 31

As a direct result of this *Government Task Force Report* and addendum *Implementation Report*, two crucial yet mutually exclusive instruments of Irish Planning Law were enacted by resolution of the Oireachtas in order to facilitate the Government's aim; *'To identify immediate solutions to broadband/mobile phone coverage deficits and to investigate how better services could be provided to consumers'*. These two legislative instruments were also supported under European Law by the *European Union (Reduction of Cost of Deploying High-Speed Public Communications Networks) Regulations 2016*.

Putting it simply, the key differentiating element of the Section 254 legislation is that it refers to Public Roads whilst the Class 31 exemptions refer to Private Lands and associated 'Exemptions'.

Section 254 requires the applicant to acquire a Licence for the construction of such Telecommunications Infrastructure adjunct to Public Roads. This licence application must demonstrate how the proposal conforms to the proper planning and sustainable development of the area. Under Section 254, an Appeal of a decision to *An Bord Pleanála* is provided for. There are no height stipulations provided for therein, however Cignal is committed to the highest standards of proper planning and sustainable development and aims to achieve highest possible environmental assimilation standards. One such example of this aim is portrayed in the pursuit of slim line design prototypes, which have evolved since the enactment of the legislation, such as the Alpha 2 model (*inter alia*), which has combined highly technical specifications with a slim line aesthetically attractive construct with credit afforded to the Cignal Design Team in conjunction with JRA (Jason Redmond Associates).

4. Spirit of the Legislation

Planning Authorities, *An Bord Pleanála* and the Judiciary invariably refer to the '*Spirit of the Legislation*', under their respective reports/summations, in drawing conclusions and in issuing Judgements. It is therefore respectfully submitted that the spirit of the Section 254 Licence process is to '*remove barriers*' to the roll out and deployment of Telecommunications Infrastructure nationally in order '*to provide immediate solutions to mobile voice and broadband deficits in Ireland*'¹. However, it is noted that regard must be had to the proper planning and sustainable development of an area and be in accordance with respective Development Plans.

5. Provisions of Section 254, Planning and Development Act 2000 (as amended)

The salient provisions of Section 254 legislation under the Planning and Development Act 2000 (as amended) are as follows:

254. — (1) Subject to subsection (2), a person shall not erect, construct, place or maintain —

F924 [(ee) overground electronic communications infrastructure and any associated physical infrastructure,]

on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

(5) In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to —

(a) the proper planning and sustainable development of the area,

(b) any relevant provisions of the development plan, or a local area plan,

(c) the number and location of existing appliances, apparatuses, or structures on, under, over or along the public road, and

(d) the convenience and safety of road users including pedestrians.

6. Licence History & Precedent

6.1 Previous Licence Application on Subject Site

There have been no previous Section 254 Licence Applications by the applicant in the subject local area.

6.2 Previous Licence Applications in the Jurisdiction

The reception of Licence Applications has been very positive for the most part. Numerous Licence Applications have already been approved by various planning authorities throughout the Jurisdiction.

¹ *Report of the Mobile Phone and Broadband Taskforce, Terms of Reference*, Pg. 60.

Such a positive reception of this new Statutory Instrument reflects innovative, proactive and positive engagement between Local Authorities and Telecommunications Infrastructure providers, which is a significant and dynamic step forward for the Telecommunications Sector, which was clearly espoused under the Taskforce Report and accords with *'the spirit of the legislation'*.

The following Section 254 Licence Applications have been granted by An Bord Pleanála in recent times:

ABP: PL 305114-19,

ABP: PL 306440-20,

And,

ABP: PL 306033 – 05E.

The above Section 254 LAs have similar characteristics to the subject area in terms of receiving environment.

Please refer to Appendix B, which includes details of a sample of Licence Application grants, by a sample of Local Authorities to date. Accordingly, as *'Consistency'* is a stated principle of Public Sector Governance and was also deemed to be essential under the Taskforce Report, it is respectfully requested that this precedent be considered.

6.3 Street Works in Northern Ireland, the UK and US.

It is very important to convey that this type of Telecommunications solution is extremely commonplace in Northern Ireland, the UK, Europe and in the US. Please see attached images of Street Work solutions on Malone Rd., Belfast and recently constructed solution at Bagenalstown, Co. Carlow and Mountrath, Co. Laois under Appendix C. Furthermore, *'The Greenbook', 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads'* (April 2015), published by the Dept of DCCAE (see www.dccae.ie) demonstrates various examples of such structures similar to the structure proposed herewith.

7. Proper Planning and Sustainable Development Considerations

This section sets out the Planning Considerations relevant to the subject licence application.

Cignal Infrastructure Ltd. has given due regard to the following policy documents in selecting the subject site.

7.1 National Telecommunications Policy

- *Planning Guidelines for Telecommunications Antennae and Support Structures' (1996).*
- *Circular Letter PL 07/12 issued by the Department of the Environment and Local Government.*
- *Circular Letter PL 11/2020 issued by the Department of Housing, Local Government and Heritage (copy attached)*
- *The 'Green Book': Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads* (April 2015), Published by The Dept of DCCAE (Product of Collaboration with Department of Communications Energy and Natural Resources, Department of Transport Tourism and Sport, County and City Management Association, Office for Local Authority Management, National Roads Authority (TII)).
- The National Broadband Plan 2012 (and updated under Project Ireland 2040).

7.2 Planning Policy

Project Ireland 2040 – The National Planning Framework

The National Planning Framework, which is the Country's penultimate, high level planning steering document at national level, stresses the importance of island wide telecoms connectivity. It refers that in the information age, telecommunications networks play a crucial role in enabling social and economic activity.

East and Midlands RSES (Regional Spatial Economic Strategy)

This strategic policy document refers under Chapter 11 that; *'In the information age, telecommunications networks play a crucial role in enabling social and economic activity. This RSES supports actions to strengthen communications links to develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis'*.

Section 6.4: The Region's Economic Engines and their Sectoral Opportunities

In alignment with the Growth Strategy for the Region in Chapter 3, and in conjunction with the Settlement Strategy expressed in Chapter 4, it is an aim of the RSES that there is a convergence between where people live and work and that settlements improve the quality of life of their people.

The pervasiveness of digitisation across all sectors compounds the complexity of sector development, and it provides for constant and rapid evolution of emerging technologies including artificial intelligence, machine learning, robotics and virtual reality.

Underline: For writer's emphasis

Section 8.6 Communications Network and Digital Infrastructure

Access to broadband in the Region is improving but remains incomplete. Many rural and peripheral areas of the Region are poorly served by broadband and there is a need to increase the rate of investment in broadband, in particular in rural areas.

The increasing use of digital technologies is impacting on every aspect of our lives: from transport, to education, leisure and entertainment and health services. Infrastructure to deliver better connected services is vital to our continued growth, supporting businesses and enhancing our communities. As the digital economy grows, we must ensure that the business opportunities and benefits are felt throughout the Region from our capital city to every town, village and outlying rural area.

The provision of next generation broadband services to rural areas is a key enabling support to ensure smaller urban areas and rural areas are not at a disadvantage in attracting and retaining enterprise and employment compared to larger urban centres. The National Broadband Plan will play an integral role in delivering this infrastructure and revitalising businesses and communities across rural Ireland. This is a fast moving and evolving infrastructure and the region will need to be able to respond and adapt to future communications networks and technology along with changing work practices and emerging economic models.

Regional Policy Objective - RPO 8.25
<p>Local authorities shall:</p> <ul style="list-style-type: none"> • Support and facilitate delivery of the National Broadband Plan. • Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland. • Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas. • Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations. • Promote Dublin as a demonstrator of 5G information and communication technology.
Regional Policy Objective - RPO 8.26
<ul style="list-style-type: none"> • The EMRA supports the preparation of planning guidelines to facilitate the efficient roll out and delivery of national broadband.

Figure 1: EMRA (East & Midland Regional Authority) RSES: Communications Networks and Digital Infrastructure.

Laois County Development Plan 2017-2023

Section 2.1.2 Strategic Aims

Aim 12 Support the development of key infrastructure such as **telecommunications**, electricity, gas to enable economic development;

Section 6.6.5 Telecommunications

The development of **high-quality telecommunications infrastructure** is critical to advance the economic and social development of the county. The development of telecommunications infrastructure is essential to attracting investment and facilitating economic development. The Council is committed to enhancing the telecommunications network and infrastructure throughout the county. However, this must be managed to ensure a balance between the provision of telecommunications infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

6.6.5.2 Telecommunications Masts and Antennae

An efficient telecommunications system is important in the development of the economy of which the provision of masts and associated antennae are an essential element. The Council will have regard to the document titled Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (DoELG, 1996) when considering applications for masts and antennae.

The location of masts can be a contentious issue and one which will be carefully considered by the Planning Authority.

In general:

- It shall be the preferred approach that all new support structures meet fully the **co-location** or clustering policy of the guidelines and that shared use of existing structures will be required where there are a number of masts located in any single area.
- Due to the physical size of mast structures and the materials used to construct them, they can [especially latticework versions] severely impact on both rural and urban landscapes. When dealing with applications, great care will be taken to minimise damage through discreet siting and good design and access arrangements.
- The design of the mast structures **should be simple and well finished; monopoles are preferred** to latticework types. They **should employ the latest technology in order to minimise their size and visual impact**. Mast structures are most visible and exposed within open lowland terrain and in upland areas. Where practical, masts should be placed in forestry plantations provided that the antennae are clear of obstruction. The developer will be required to retain a cordon of trees around the site, which will not be felled during the lifetime of the mast. In un-forested areas, **softening of the visual impact can be achieved through judicious design**, and through the planting of trees and shrubs, **as a screen and backdrop**. Disguised masts e.g. as trees, will be encouraged in appropriate locations.

It is the policy of the Council to:

TELE5 Facilitate the delivery of high-capacity telecommunications infrastructure at appropriate locations throughout the county having regard to the guidelines for "Telecommunications Antennae and Support Structures" and any updated documents issued by the DoE CLG or relevant authority;

TELE7 Co-operate with telecommunications service providers in the development of infrastructure, having regard to the proper planning and sustainable development of the area, normal planning and environmental criteria and the development management standards contained in Section 8;

TELE8 Developers may be required to provide telecommunications structures with environmentally acceptable designs, including **camouflaging**/disguising techniques to integrate the structure into the surrounding landscape;

TELE 11 Promote and facilitate the sharing of facilities. **Co-location** and clustering of new masts and support structures on existing sites will normally be required.

7.3 Site Designations (Zoning, Scenic Routes, Landscape Sensitivity etc.)

The site has no specific amenity designation. There is no protected scenic route proximate to the site. It is not within an ACA or within a SAC/SPA. The site falls within the area defined as public road and therefore this proposal should be considered under the Section 254 legislation as outlined under Section 3.1 above.

7.4 Technical Justification

7.4.1 Objective of Search Ring Area

Cellnex have identified a need for mobile service improvement in Garrintaggart, Co. Laois area. This has been confirmed in discussions with the County Council Broadband Officer.

The Knock National School has been selected as a Broadband Connection Point (BCP) under the National Broadband Plan. This has recently been implemented in the school. This has provided a welcome facility in the area. The fact that there is poor mobile coverage in this area has been highlighted by the fact that people using the BCP often have poor mobile service. An improvement in mobile coverage in the area would complement and enhance this fixed broadband initiative. The existing coverage from each of the mobile operators is shown in the coverage maps on the Comreg website: <https://coveragemap.comreg.ie/map> sample maps for the Garrintaggart area are shown below.

Legend

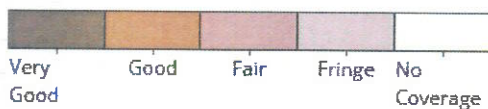


Figure 2. Vodafone 4G coverage – Outdoor

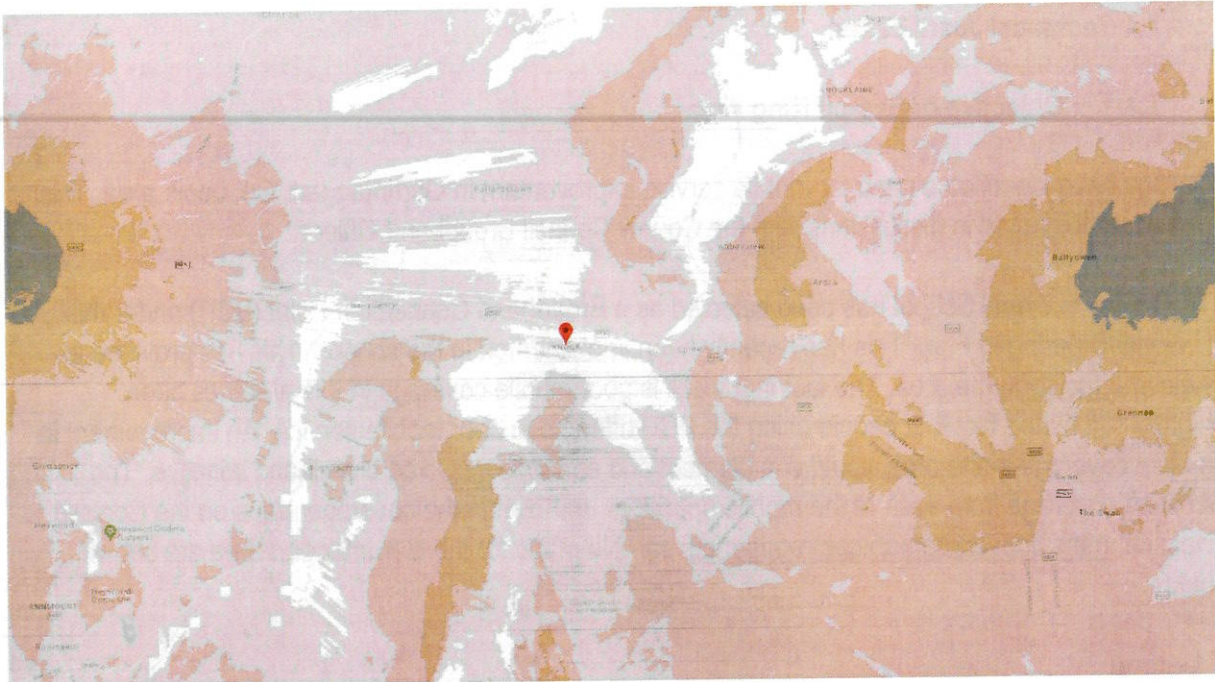


Figure 3. Eir 4G Coverage – Outdoor

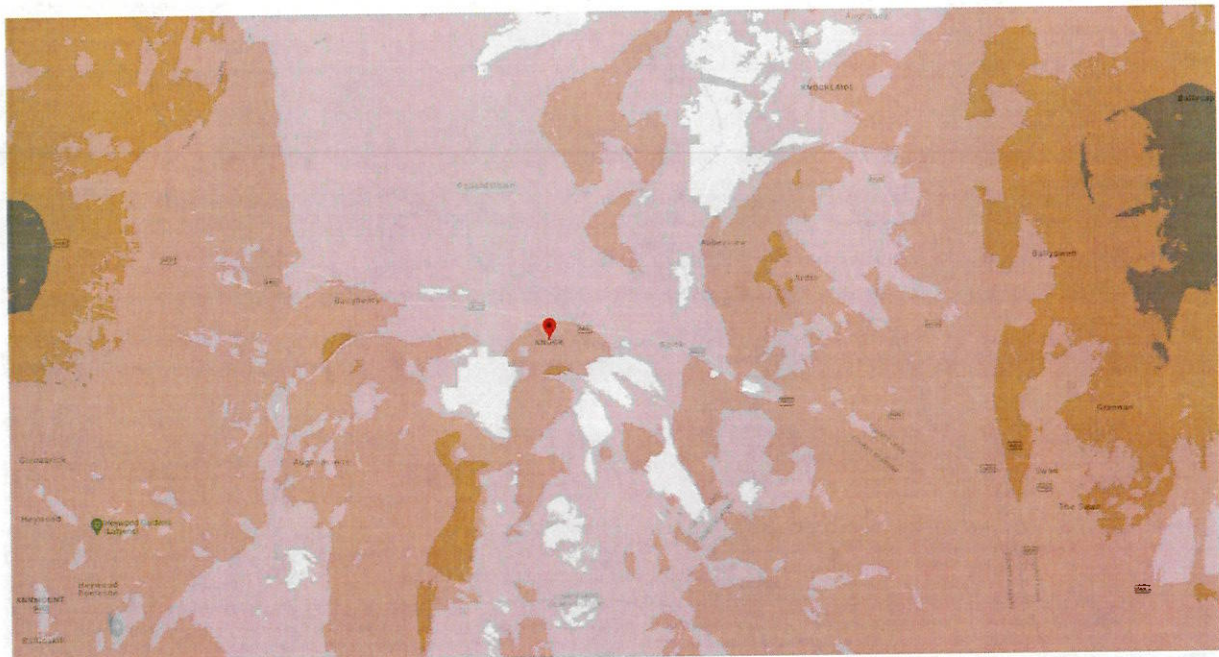


Figure 4. Three 4G coverage – Outdoor

Comreg's coverage maps show the outdoor coverage in the Garrintaggart area ranging from "fair" to "fringe". The indoor coverage is not mapped but based on outdoor signal strength this ranges from fringe to no coverage.

The relatively low population density and low vehicle traffic in the area means that the business case for mobile operators to build their own dedicated sites in this area is marginal.

7.4.2 Comreg Map/Policy

The following map sets out the Comreg Sites in this area (Figure 5). Please refer to <https://siteviewer.comreg.ie/#explore> It will be noted that no other Telecommunications site is situated within the required search ring, which is currently not providing adequate service levels. Furthermore, it will also be noted that this area of Laois is significantly under serviced by Telecommunications Infrastructure.

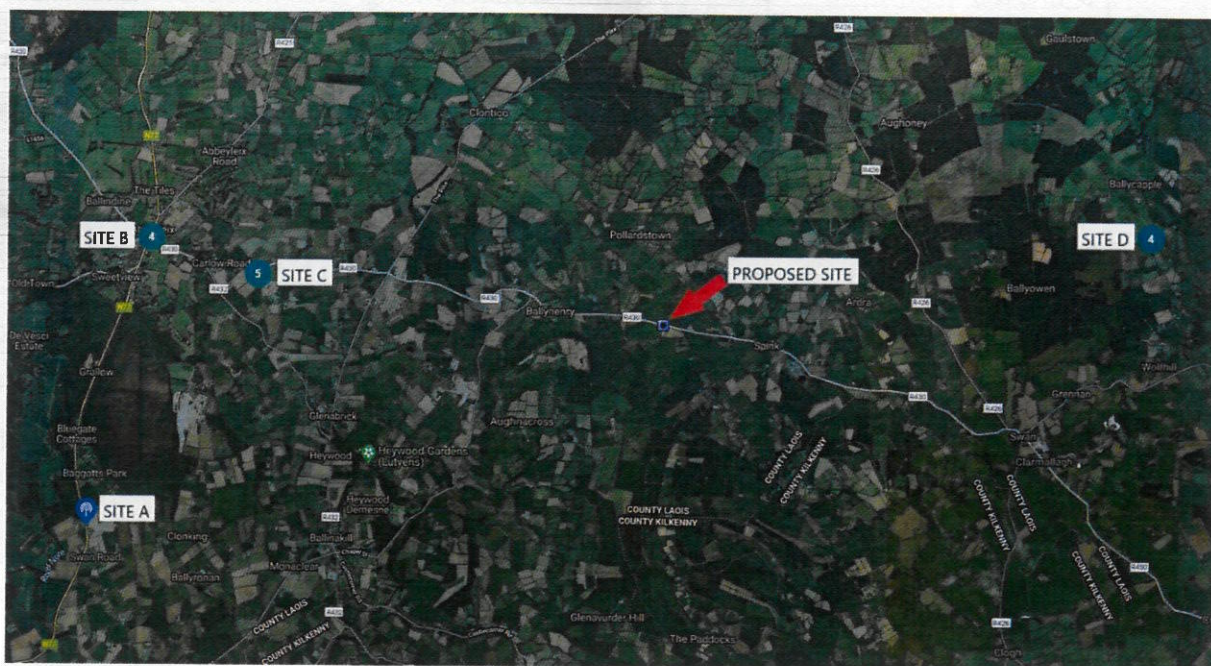


Figure 5: Comreg Map of Sites in General Area

7.4.3 Rationale for Sites Discounted in Area

Please refer to the above Comreg Maps shown in Figure 5 above in association with the following Table (Figure 6), which set out the other relevant Infrastructure in the subject general area of Garrintagart environs. It must be noted that none of the sites identified are situated within the required search ring, which has a diameter of 500 metres.

As the nearest sites are all well outside of the required search ring, sharing of facilities on other installations, outside of the required search ring will not address the coverage objectives of the subject search ring. However, in the interest of demonstrating other sites in the broader area for assessment purposes by the planning authority and with specific regard to the Development Plan, which requires that co-location be assessed, the following table indicates the nearest established sites in a north south east and west direction and also presents associated 'Discounted Reasons':

Site:	Name of Site (Comreg):	Distance from Site:	Details/Discounted Reason(s):
A	Vodafone LSGFW	3.54 Km	<ul style="list-style-type: none"> Site is significantly outside of the required search ring, therefore there is no benefit in adding equipment at this location towards the end of achieving current required search ring objectives.
B	THREE_LX0108 3_LX0108 Meteor 1586	4.65 Km	<ul style="list-style-type: none"> Site is significantly outside of the required search ring, therefore there is no benefit in adding equipment at this location towards the end of achieving current required search ring objectives.
C	THREE_LX0097 3_LX0097 Vodafone LSAXR Meteor 3018	3.42 Km	<ul style="list-style-type: none"> Site is significantly outside of the required search ring, therefore there is no benefit in adding equipment at this location towards the end of achieving current required search ring objectives.
D	THREE_LX0100 3_LX0100 Vodafone LSCSD Meteor 4475	7.14 Km	<ul style="list-style-type: none"> Site is significantly outside of the required search ring, therefore there is no benefit in adding equipment at this location towards the end of achieving current required search ring objectives.

Figure 6: Comreg Sites and Discount Reasons

7.4.4. Study of Alternative Sites in the area

In the search for an appropriate telecommunications site, which would satisfy proper planning and sustainable development criteria, in addition to meeting radio engineering parameters, and which would achieve the search ring objectives, a number of alternatives were considered and are listed below as Alternatives = ALT. (Please refer to Figure 7).

ALT 1: Grass Verge.

Discount Reason. Proximity to school

ALT 2: Grass Verge

Discount reason: Grass verge narrow

ALT 3: Grass Verge.

Discount Reason. Grass verge narrow

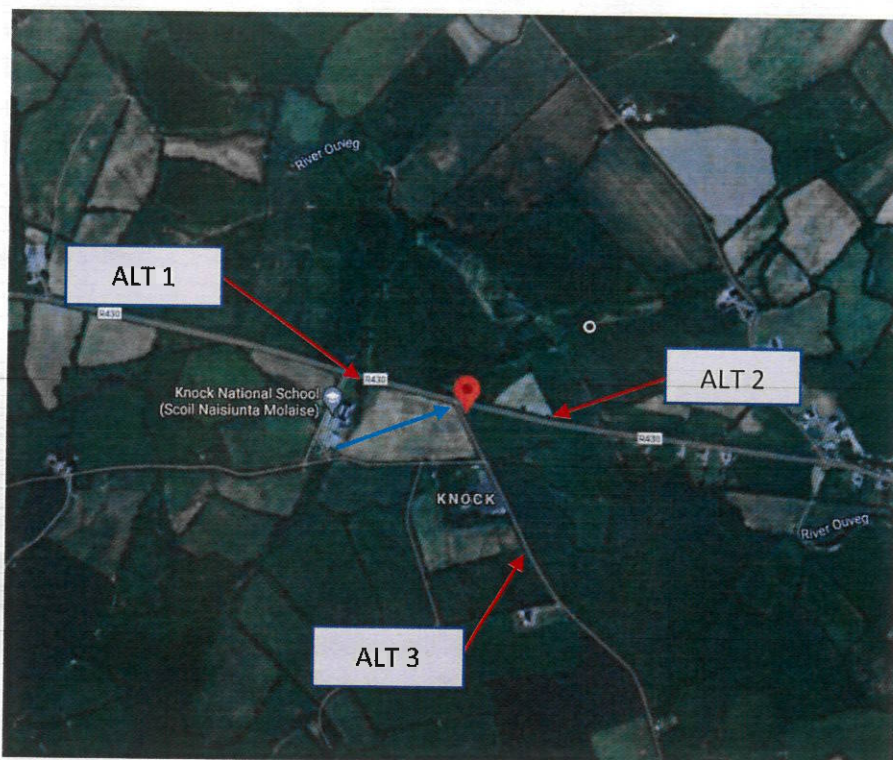


Figure 7: Alternatives Considered

7.4.5 Search Ring



Figure 8: Cellnex Search Ring for a telecommunications site – 500 metres

The search ring or area within which a telecommunications installation is required in order to meet the search ring objectives for the proposed site is an area of c. 500 metres in diameter. It has been identified by Cellnex radio engineers that an installation within the search ring will bring required coverage to the coverage black spot. The rationale is that the location within the search ring will allow a backhaul connection to the BCP and ensure that users in the vicinity of the BCP have good mobile coverage also. of the site.

7.5 Visual Impact Assessment

VIA Introduction

Please see attached Photomontage with before and after images under Appendix D to this application. This VIA demonstrates 3 viewpoints in the local environment. The visibility envelope is clearly confined to certain locations within the 100-150-metre radius of the proposed site. Distant views further away from the site have no sighting of the proposed pole and therefore no visual impacts. This is partly due to the separation distances and is also the result of the slim line nature of the proposed construct, which appears as normal utility infrastructure in the streetscape. It is clearly demonstrated that the 18-metre solution, while visible, is considered to appear as a normal and functional part of the street furnishings within the public realm.

VIA Conclusion

It is concluded that while the proposed 18-metre pole will be visible from close up locations, which is to be expected with any form of 'development', it is not considered that such visual sighting of same would be detrimental to the visual amenities of the area, the community amenities or of the public realm at this location. Established tree cover has the effect of absorbing the proposed structure from viewpoints past 100 metres in distance.

The proposed structure and cabinet, which are proposed for this spatial context is a more stream-lined and sleek version of the structures, which were initially rolled out under the Section 254 Licence process. The proposed structure/equipment is testament to the objective of the Cellnex Company, Signal, which has been to strive to carefully select appropriate sites, which meet coverage objectives, but which also sensitively address the streetscape/ rural landscape wherein such structures are located. It is respectfully submitted that the proposed structure, is presented as a discreet utility structure in this streetscape.

Please note the inspector's comment under ABP reference PL. 61 .306440, which was an appeal against a decision of Galway City Council to refuse an similar *Alpha 2.0* pole structure. The Board overturned the decision of the planning authority in this instance and the inspector, whilst recommending a grant be issued, referred the following in relation to design and visual impacts:

'I would consider that the structure itself is nondescript in character and design and is not dissimilar in scale or design of a lamp standard or traffic light pole. I would consider that the structure is of a design and scale that would not be out of character or be a visually obtrusive or an incongruous element in a suburban area such as this'.

It is respectfully submitted that the proposal, in a similar context, will be assimilated into the established tree cover and skyline at this location and within the backdrop of the receiving environment and is entirely in accordance with the proper planning and sustainable development of the area.

7.6 Residential Amenity

There are no residential units within 50m of the proposed development.

7.7 Built Heritage

There are no protected structures or National Monuments in the vicinity. The nearest monument is the Saint Lazerian's Catholic Church (12,802,409 / SURV014) over 150m away to the South of the subject site. The proposed site location is sited away from the building in question. The slimline nature of the construct and roadside location is considered sufficiently removed to reduce any potential impacts on the Built Heritage.

7.8 Natura 2000 Provisions

Having regard to the nature and limited scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.9 ICNIRP Compliance

The subject site will be built in accordance with current Health and Safety legislation and Guidelines, which is *ultra vires* to the planning process. Comreg is the appropriate authority with responsibility for same. The proposed equipment and installation are designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection.

8. Conclusion

It is respectfully submitted that the proposed street work solution accords with pattern and character of the public realm in this area of Garrintaggart, Co Laois.

The principle of the proposed *Alpha 2.0* pole structure has been accepted by numerous planning authorities and *An Bord Pleanála*, since the enactment of the legislation.

With regard to the principle of development and the associated acceptance of the proposed modernised type of telecommunications pole, under ABP PL 305114-19 the inspector referred, with regard to the principle of development, "*It is agreed that modern technology has provided for design standards that are more amenable to coming within the scope for a License application under Section 254*". This appeal was granted by the Board subject to conditions and it pertained to a similar development description; *15 metre Alpha 2.0 pole and cabinet*, in height and general dimensions.

It is respectfully submitted that policy cited under the Laois County Development Plan, particularly with regard to colocation, was clearly applied to the site selection process. All other locations i.e. existing telecommunication sites have been evaluated and discounted for various reasons set out above. The majority of the established sites assessed were too far from the search ring, to satisfy its technical requirements.

The Cellnex Team also considered 'Alternatives' and various locations were ruled out as detailed above.

Furthermore, the Laois County Development Plan clearly recognises the importance of the development of a high-quality telecommunications network.

The proposed 18-metre pole solution will provide for optimum coverage as required, for two operators and defined under the figure 3-5 above, in an area where there is a noted dearth in coverage. Additionally, given the current **Covid 19** crisis, the newly acquired practices of wholesale 'Working from Home' have placed increasing demands on the network as noted by Government in recent Circulars and associated actions. It is also widely accepted that 'Working from Home' practices will become the new norm for a significant time period into the future. Therefore, the immediate urgency of this type of telecommunications infrastructure to address coverage gaps in the network, in addition to increased demand, has never been so crucial to the ongoing economic and sustainable development of the Country.

It is submitted that the proposed pole will be of neutral grey and therefore the proposed pole will be well assimilated with regards to its colour/texture and therefore complies with the best principles of siting and design.

On a site-specific basis, the proposed location, which has the benefit of a roadside verge will provide an appropriate setting for the proposed pole and cabinet and will appear as normal utility infrastructure.

The VIA submitted herewith demonstrates that there will be no negative impact on the visual amenities of this area with slight to moderate visual impacts being perceived as one observes the structure in middle to near distance. It is submitted that whilst the structure will naturally be visible, it cannot be argued that visibility of such a structure alone amounts to detrimental impacts rather normal perception of development. This type of structure is crucial functional infrastructure, which significantly contributes to successful place making, in a modern day, functional public realm.

The proposed development is also consistent with the main thrust of recently adopted Regional Policy (EMRA RSES), which refers under **RPO 8.25** that:

Local authorities shall:

- *Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.*
- *Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.*

The planning authority is respectfully requested to consider the necessity for this infrastructure, The planning authority is also requested to consider the meticulous site selection process undertaken, which has to satisfy the criteria of the planning authority in addition to the technical/radio requirements of the identified search ring. Finally, the planning authority is also requested to consider the suitability of this type of spatial context for this infrastructure generally. i.e. arterial transport route/ proximate to nearby junction.

With regard to the S. 254 legislation, as cited under Section 4 above, it is submitted that the proposed development.

- Accords with the proper planning and sustainable development of the area.
- Accords with the relevant provisions of the development plan.
- Does not detract from the convenience and safety of road users including pedestrians,

And,

- Assimilates within the existing pattern of appliances, apparatuses, or other structures along the public road.

In conclusion, it is respectfully submitted that the proposal fully complies with the proper planning and sustainable development of the area and it is requested that Laois Council grant this Licence Application with regard to the case set out above.



Jason Redmond
Chartered Engineer

APPENDIX A
PLANS AND DRAWINGS

