Jason Redmond & Associates Consulting Engineers



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The Planning Officer,
Planning Department,
Dunlaoghaire - Rathdown County Council
County Hall
Marine Rd
Dunlaoghaire
Co. Dublin

Date:

22nd October 2021

Re:

Section 254 Application- Proposed Telecommunications Streetworks Solution

Applicant:

Cignal Infrastructure Ltd., Suite 309, Q House, 76 Furze Road, Sandyford

Industrial Estate, Dublin 18.

Site Name:

Stillorgan Park Rd.

Location:

Stillorgan Park Rd. Stillorgan, Dublin 4.

Dear Sir/Madam,

On behalf of our client, Cignal Infrastructure Ltd. ("Cignal") please find attached application under Section 254 (1) (g) subsection 5 (A) of the Planning and Development Act 2000, which provides for the installation of communications infrastructure under licence from the Authority. We have included plans and other information concerning the requirement, position, design and capacity of the structure as outlined in Section 254 (3). We are happy to provide additional information on request.

Background

The applicant, Cignal is a company of Cellnex, which is a European Telecommunications infrastructure provider. Cignal are a registered Infrastructure Provider for the Communications Industry with over 1800 sites around Ireland supporting mobile and broadband communications. Cignal provide Tower, Mast, Roof Top and Streetworks Solutions for the expanding requirements of the Licenced Operators including EIR, Vodafone and Three.

Cignal is authorised by ComReg to provide Electronic Communications Networks and Services, which allows them to apply for a licence under section 254(1) of the Planning and Development Act, 2000 for the establishment of over ground electronic communications infrastructure and any associated physical infrastructure. Please see attached a Certificate of Authorisation for your information.

The Requirement

Working closely with mobile network Licenced Operator Eir, Cignal have identified the subject site as a known blackspot for mobile and wireless broadband. A specific solution to address the deficit in coverage has been identified and approved by the mobile network Licenced Operators.

The Proposal

With reference to the attached plans you will note that it is proposed to provide a 18m high Smart Streetpole Solution in the specified location. See below a photograph of a similar Smart Streetpole and cabinet installed in Drummartin Road in July 2021. This was installed under a Section 254 Licence granted by DLR Co Co.



Fig 1. Existing Smart Streetpole Solution as erected in Drummartin Road, Kilmacud, D14

The street pole has an approx. diameter of 324mm and will be galvanised and painted in finish up to 14.3m in height. Above the 14.3m height an antenna will be mounted to a finishing height of up to 18m. The antenna will be shrouded by a 406mm sheath to match the pole.

The pole would be accompanied by an Operator Cabinet specifically located in a position agreeable to the local authority engineers. (Refer to detailed drawings attached). The

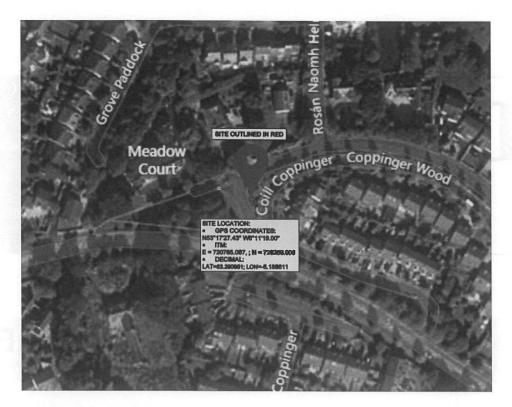
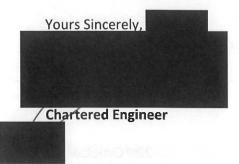


Fig 2. Aerial View Site Location

Please find attached the following documents in respect of the Section 254 Application.

- o Planning Report by David Mulcahy Planning Consultant
- Sepa Transfer Confirmation of payment
- o Licence Application Drawings
- Com Reg Map
- Visual Impact Assessment Photomontages
- o Services Drawings
- o Cignal Com Reg Authorization
- o Eir Mobile ICNIRP Compliance Statement

We trust you find the attached in order. Please don't hesitate to contact the undersigned should you require any further information. We would be obliged if you would acknowledge receipt of the application and we look forward to hearing from you in due course.





PLANNING STATEMENT

to support s.254 licence application for

TELECOMMUNICATIONS INFRASTRUCTURE

at

STILLORGAN PARK ROAD, STILLORGAN, DUBLIN 4

Client: Cignal Infrastructure Ltd.

22nd October 2021

1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been instructed by **Cignal Infrastructure** Ltd¹ to prepare a planning statement to support a Section 254 licence application for a telecommunication structure at the junction of Stillorgan Park Road and Stillorgan Park, Dublin 4.

The purpose of this report is to describe the planning context including receiving environment, planning history, planning policies and objectives, outline the development to be retained and demonstrate how the proposal accords with the proper planning and sustainable development of the area.

This report should be read in conjunction with the drawings prepared by **Jason Redmond Associates**, **Consulting Engineers** who are the agents for this application. All correspondence should be sent to Jason Redmond Associates².

Note: all underlined italic text is author's emphasis. All maps are orientated due north.

¹ Suite 311, Q House, Sandyford Industrial Estate, Dublin 18, D18 YV50.

² Cignal Infrastructure Ltd., C/O Jason Redmond Associates, 5 Lismard, Portlaoise, Co. Laois.

2.0 LOCATION AND DESCRIPTION

2.1 Location

With input from DLR County Council, the site is located on a grassed area along Stillorgan Park Road, Dublin 4. Please refer to the site location map submitted with the application.

2.2 Description

The site location is situated on a grassed area along Stillorgan Park Road, Dublin 4. There is a public street sign, service cabinet, traffic signage, and mature trees in the immediate vicinity of the site.



Fig No.1 Photograph of subject site (approx.) taken from Stillorgan Park Road.

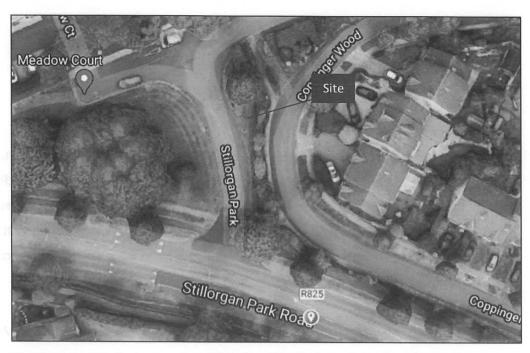


Fig No.2 Aerial photograph with approximate location of site indicated.

2.3 Ownership

The site is located on land owned by Dun Laoghaire-Rathdown County Council.

2.4 Adjoining Land Uses

The area is comprised mainly of mature suburban residential dwellings.

3.0 PROPOSED DEVELOPMENT

3.1 Description

The proposal consists of a proposed 18m alpha 2.0 streetpole solution, with 1no. alpha 2.0 shrouded antenna at azimuths (tbc°) & 1no. \emptyset 300mm dish (to be included only if no fiber infrastructure in area), including integrated cabinet (1.6m high x 1.2m wide x 0.793m deep). After coordination with DLR County County representatives, the adjacent lamp pole will be removed and the lamp standard will be placed on the proposed streetpole.

Refer to drawings and CGI images prepared by Jason Redmond Associates, Consulting Engineers for further details.

3.2 Technical Justification

3.2.1 Objective of Search Ring Area

The search ring, or area within which a telecommunications installation is required in order to meet the search ring objectives, is an area of c. 250 metres in diameter. The site is required in order to improve network coverage in the area. It has been identified by radio engineers that an installation within the search ring will bring required coverage to the coverage black spot, subject to a site-specific assessment and radio clearance - see diagram of search ring below.

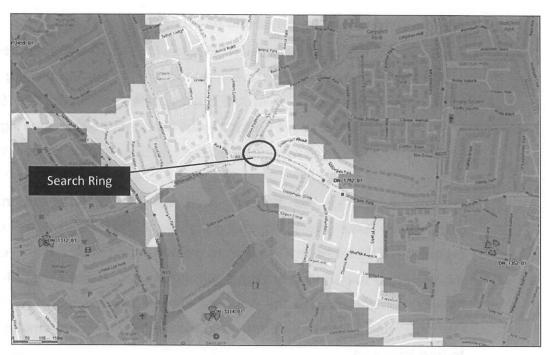


Fig No.3 Search Ring for subject site.

Cignal have prepared a **Street Works Site Justification Form** and examined other locations within the Search Ring and why they are not suitable/feasible.

3.2.2 Reason why location was chosen:

The Location at Stillorgan Park was chosen because of the following:

- It's within the Search Ring coverage footprint.
- There is adequate space to locate a street works solution and cabinet.
- There is fibre located nearby to ensure connectivity into the network.
- No overhead cables located at the proposed spot.
- The location will not interfere with existing services.
- The presence of trees at the proposed location do not affect the residential properties in the area in terms of coverage.

Alternative Locations Reviewed and discounted:

- 1. The first option identified was Stillorgan Park Road at Coppinger Park but was discounted as it was deemed too far from the Search Ring (SR).
- 2. Next location was Obelisk Ave but it was deemed too far from SR.
- 3. The location at Grove Paddock was discounted due to very high trees.
- 4. Lastly Avoca Ave was identified but was deemed too far from the SR.

Eir are upgrading the network in Dublin to provide customers with good quality voice and high-speed data services. To meet customer demands, a new site at this location is required to provide indoor service to the residents of this area and surrounding environs. Eir's existing coverage here suffers from a lack of dominance and the new site will improve coverage for the many residential and commercial users within the area as well as commuters traveling to and from work.

3.2.3 Coverage Map

The coverage maps below are self-explanatory. The do-nothing approach would result in a continued deficit in indoor/in car coverage in addition to outdoor mobile and wireless broadband cover over a significant section of the subject urban environment. The do something approach will bring full indoor/outdoor coverage to a significant splay of residential and business premises in this area and surrounding environs.

Figure 4 below demonstrates a large area in white/transparent north and south east of the site. This area clearly demonstrates where the market requires the infrastructure.

Figure 5 demonstrates the difference in coverage levels, which will result if the proposed LA is granted (blue area). This represents a substantial increase in coverage service levels over and beyond the current coverage situation in this area.

Figure 6 demonstrates existing and proposed coverage.

It is respectfully submitted that the coverage maps below clearly demonstrate the significance of the proposed installation with respect of the telecommunications network.

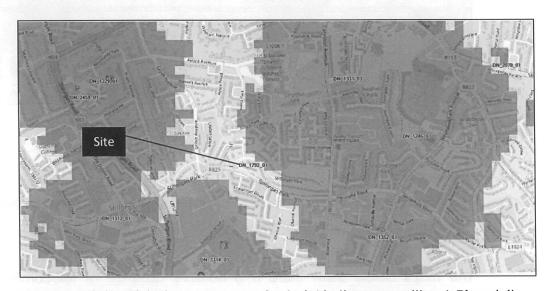


Figure 4: Existing Eir Indoor coverage footprint in the area without Cignal site.



Figure 5: Indoor Coverage comparison of new Cignal Site (blue)



Figure 6: Comparison of existing and proposed indoor coverage.

3.2.4 Comreg Map/Policy

The following map sets out the existing Comreg Sites in this area. Please refer to https://siteviewer.comreg.ie/#explore.

The maps below show there is a notable absence of telecommunication infrastructure in the vicinity of the subject site.

It should be noted that telecommunications traffic through urban/commercial areas require more capacity and therefore more infrastructure, given the smaller spatial footprint of search areas and higher development densities in association with higher volumes of radio traffic (owing to modern technologies and devices not limited to mobile phone devises) through any individual radio cell.

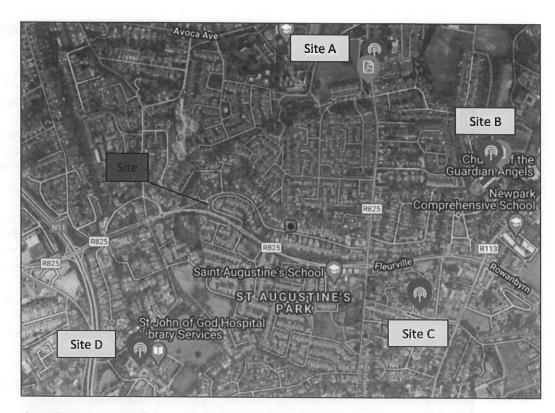


Fig. No.7 Comreg Map of closest Existing Sites in General Area.

3.2.5 Alternative sites

Please refer to the above Comreg Map under figure 7 above, which sets out the other relevant Infrastructure in the subject general area of Stillorgan Park Road. It must be noted that all of the sites identified are situated outside the required search ring, which has a diameter of 250 metres.

As all of the remaining nearest sites in a radial pattern surrounding the proposed development are 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, the following table indicates the closest established sites within a 2 km radius and presents the associated 'Discounted Reasons':

Site:	Name of Site (Comreg):	Approx. Distance from Site:	Details/Discounted Reason(s):
Α	VODAFONE_DN247; THREE_DU1306; THREE_DU1515; METEOR 1331.	721m	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. Eir (Meteor) is already positioned at this site therefore equipment at this location would not address the service needs of the subject search ring.
В	THREE_ DU1331; METEOR DN_1246; VODAFONE DN348	960m	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. Eir (Meteor) is already positioned at this site therefore equipment at this location would not address the service needs of the subject search ring.
C	THREE_ DU0086; VODAFONE_DX199; METEOR 1352.	798m	Site is significantly outside of the required search ring therefore there is no benefit to be gained by adding equipment at this location towards the end of achieving the required objectives. Eir (Meteor) is already positioned at this site therefore equipment at this location would not address the service needs of the subject search ring.

D	VODAFONE_DN179; THREE_ DU0868; METEOR DN3314.	585m	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. Eir (Meteor) is already positioned at this site therefore
			equipment at this location would not address the service needs of the subject search ring.

Site A - VODAFONE_DN247; THREE_DU1306; THREE_DU1515; METEOR 1331



Fig No.8 Located on roof of Carysfort House.



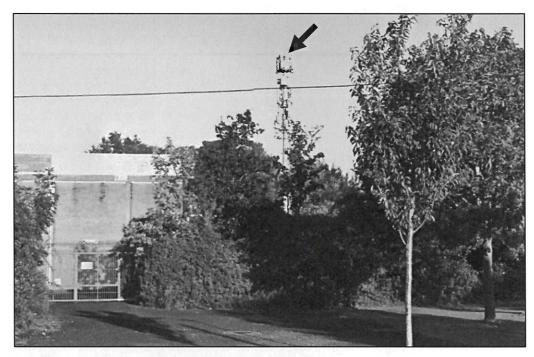
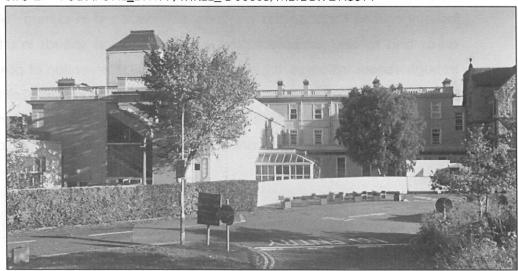


Fig No.9 Appears to be located in grounds of Church

Site C - THREE_ DU0086; VODAFONE_DX199; METEOR 1352.



Fig No.10 Located on commercial buildings on Newtown Park.



Site D - VODAFONE_DN179; THREE_ DU0868; METEOR DN3314

Fig No.11 Located on the roof of John of Gods Hospital. Not Visible.

4.0 APPLICANT: BACKGROUND

4.1 Introduction

The applicant, Cignal 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. Cignal was purchased by Cellnex in September 2019. Cignal 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., Cellnex has recently completed the purchase of an additional 1150 sites from CK Hutchinson in Ireland. This brings the total portfolio in Ireland to

c.1800 sites nationwide. 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 Cignal 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.

5.0 PLANNING CONTEXT

5.1 Taskforce: Backdrop to Process

The Section 254 Telecommunications Licence Process has evolved as a direct outcome of the Governments 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 <u>the removal of barriers to investment'</u>. [author's emphasis]

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'.

5.2 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 Pleanala 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 protypes, 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).

5.3 Spirit of the Legislation

Planning Authorities, An Bord Pleanala 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'. 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.

5.4 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.

5.5 Licence History & Precedent

5.5.1 Previous Licence Application on Subject Site

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

5.5.2 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. 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 Pleanala in recent times: ABP: PL.305114-19 (Lahinch Rd, Ennis), ABP: PL 306440-20 (Ballybane, Galway) and, ABP: PL 306033 – 05E (Letterkenny, Co. Donegal). PL06S.307196 (Lucan, Co. Dublin).

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".

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

5.6 Street Works in Northern Ireland and the UK, 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.

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.

The Green Book acknowledges that the type of infrastructure required will vary, depending on a number of factors, such as location, existing road type and network coverage targets.

In Section 5.4 Consideration of Suitability of Locations, the Green Book refers to the use of standalone poles as the preferred option in urban settings where there is a wide verge or similar.

Urban Roads					
	General	Opportunities	Comment		
2 t r t 2	in the case of urban roads, there are generally few opportunities to cater for large, stand-alone masts. There may be opportuni- ties in the vicinity of some round- abouts. There are, however, likely to be more opportunities to accommo-	Opportunities are generally limited to locations where a wide verge or footpath allows the accommodation of small cabinets/antennae and/or the erection of stand-alone poles to accommodate telecommunications infrastructure.	Stand-alone poles are the pre- ferred option in urban areas, at there are ongoing operational and maintenance issues rela- ting to accommodating elec- tronic equipment on lighting columns.		
9	date small telecoms antennae / cabinets within the streetscape. Also, it may be feasible to erect new poles to accommodate tele-				

Fig.No.12 Guidance on potential location of overground telecommunications infrastructure on public roads.

In general, the height of telecommunications infrastructure is determined by the network requirements. According to EIR, an overall height of 18m is required on

at Stillorgan Park Road in order to provide the required coverage and to clear local obstacles that would cause network interference.

We note Appendix A of the Green Book, which offers examples of acceptable roadside infrastructure, particularly examples three and four, both of which are structures of 15m and over.

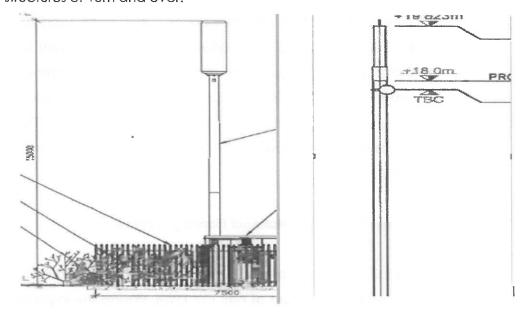


Fig No.13 Image 5 Examples of small and medium size Single Operator Sites Extracted from the Green Book Appendix A.

For these reasons we suggest that the proposed development is in line with the National and EU digital agenda and the City Development Plan and as such should be permitted as a critical addition to the local service provision

5.7 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.

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.
- 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).

5.7.1 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.

5.7.2 Circular Letter PL 11/2020, Telecommunications Services – Planning Exemptions and Section 254 Licences

This Circular was issued on 17th December 2020. It clarifies that a s.254 licence is required for overground electronic communications infrastructure and any associated physical infrastructure but such works are exempt from planning permission.

While a section 254 licence is required for such works, section 254(7) further provides that development carried out in accordance with a licence issued under section 254 shall be exempted development for the purposes of the Act.

5.7.3 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'.

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 <u>from our capital city to every town, village and outlying rural area</u> - author's emphasis.

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

Local authorities shall:

- 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

 The EMRA supports the preparation of planning guidelines to facilitate the efficient roll out and delivery of national broadband.

5.7.4 Dunlaoghaire Rathdown County Development Plan 2016 - 2022

Policy El28: Telecommunications Infrastructure

It is Council policy to promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband connectivity and other technologies, within the County.

The widespread availability of a high quality telecommunications network throughout Dún Laoghaire-Rathdown will be critical to the development of a knowledge economy, will help attract inward investment in hi-tech knowledge based industries and will engender the image of the County as the premier entrepreneurial County in the State.

The advantages of a high quality telecommunications network must, however be, balanced against the need to safeguard the rural and urban environment, particularly in sensitive areas where the impacts on residential amenity and visual amenity of areas needs to be adequately assessed.

Zoning Objective

The site is located on public lands owned by the Council. It is zoned Objective A, the objective of which is "To protect and-or improve residential amenity".

Public Services' are a permissible use under this zoning objective and it is submitted that this is the most relevant land use in respect of telecommunication infrastructure.

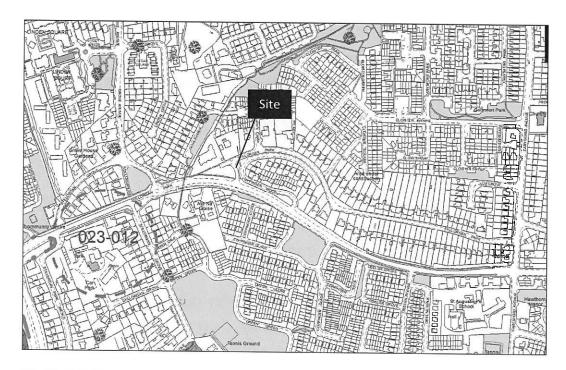


Fig.No.14 Extract from the Dun Laoghaire-Rathdown zoning map 2016-22.

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.

6.0 VISUAL IMPACT ASSESSMENT

Please refer to the CGI images prepared by Jason Redmond Associates, Consulting Engineers submitted with the application showing before and after images of the proposed development.

For the purpose of this study the criteria as set out in the current EPA Guidelines on Information to be contained in Environmental Impact Assessment Reports (2017, Draft) are used in the assessment of the likely impacts. The criteria for rating the significance of impacts are outlined below:

Criteria for significance of effects under EPA Guidelines

EPA Rating			
Imperceptible	An impact capable of measurement but without significant consequences		
Not Significant An effect which causes noticeable changes in character of the environment without significant consequences			
An impact which causes noticeable changes in character of the environment without affecting sensitivities			
Moderate	An impact that alters the character of the environment a manner that is consistent with the existing and emergin baseline trends		
Significant	An impact which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment		
Very Significant	An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment		
Profound	An impact which obliterates sensitive characteristics		

A total of **4 no. Visual Reference Points** have been identified within a 300m radius of the site (1 from Stillorgan Park Road and 3 from Stillorgan Park).

VRP 3³ is taken from Stillorgan Park at a distance of 26m from the site. VRP 4 is taken from Stillorgan Park Road at a distance of 27m from the site. The pole and cabinet are visible at these viewpoints. Given the established context provided by the receiving environment which comprises street signage and mature trees, along with the slender nature of the structure, and the neutral sky grey colour, the visual impact is considered to be moderate to slight. It will read as part of the typical street furniture and will not be an incongruous insertion into the streetscape.

VRPs 1 & 2 are taken from Stillorgan Park at distances of 93m and 58m respectively from the site. The pole is only partially visible from these locations due to presence of street trees. It appears as a normal functional utility infrastructure and its visual impact is considered to be slight to not significant.

VIA Conclusion

It is concluded that while the proposed 18 metre pole will be visible from closeup locations, which is to be expected, 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 street lighting and mature trees have the effect of absorbing the proposed structure from many of the viewpoints.

The proposed pole 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

³ Refer to table at the front of the VIA prepared by Jason Redmond Associates which provides numerical listings for VPRs on the same road.

structure/equipment is testament to the objective of the Cellnex Company, Cignal, which has been to strive to carefully select appropriate sites, which meet coverage objectives, but which also sensitively address the streetscape wherein such structures are located. It is respectfully submitted that the proposed structure, is presented as a utility structure in this streetscape.

7.0 APPROPRIATE ASSESSMENT SCREENING

7.1 Natura 2000 Provisions

Having regard to the nature and limited scale of the proposed development and nature of the receiving environment together with the distance from 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.

8.0 ICNIRP COMPLIANCE

8.1 Health and Safety legislation and Guidelines

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.

9.0 CONCLUSION

It is respectfully submitted that the proposed street work solution accords with pattern and character of the public realm in this area of the Stillorgan Park Road and Stillorgan Park, Dublin 4.

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

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 for genuine reasons.

Furthermore, the Dun Laoghaire-Rathdown County Council Development Plan 2016-2022 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 in an area where there is a noted dearth in coverage. Additionally, given the current Covid 19 crisis, the newly acquired practices of wholescale '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 sky grey, which will reflect the skyline 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, will not interfere with the use of the footpath and will provide an appropriate setting for the proposed pole and cabinet where it 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 Regional Policy (EMRA RSES).

The planning authority is respectfully requested to consider the necessity for this infrastructure, which the market would not require if there was not a demand for same. 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 \$.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,
- 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 Dun Laoghaire-Rathdown County Council grant this Licence Application with regard to the case set out above.

A stage II Appropriate Assessment is not considered necessary. We invite the Council as the competent body to agree with this conclusion.



David Mulcahy Planning Consultants Ltd
CHARTERED PLANNING CONSULTANTS



Declaration under Regulation 5 of the European Communities (Electronic Communications)(Authorisation) Regulations 2011 (S.I. 335 of 2011)

To whom it may concern

In accordance with the terms of Regulation 5 of the European Communities (Electronic Communications)(Authorisation) Regulations 2011, the Commission for Communications Regulation hereby confirms that the undertaking named below has submitted a notification pursuant to Regulation 4(1)

Authorised Person: Cignal Infrastructure Ltd

and in accordance with that Regulation is deemed to be authorised to provide an electronic communications network or electronic communications service subject to the terms and conditions of a general authorisation issued by the Commission for Communications Regulation.

An Authorised Person may:

- (a) provide the electronic communications networks or services as described in the notification and which is recorded in the public register maintained for that purpose by the Commission for Communications Regulation,
- (b) apply for a consent under section 53 of the Act of 2002 to commence or carry out road works. Applications for such consent shall be made to the road authority in whose functional area the Authorised Person proposes to carry out the road works.
- (c) apply for a licence under section 254(1) of the Planning and Development Act 2000 for the establishment of overground electronic communications infrastructure and any associated physical infrastructure on, under, over or along a public road. Applications for such a licence shall be made to the planning authority in whose functional area the Authorised Person proposes to establish the infrastructure.

Where an Authorised Person is providing an electronic communications service or network to the public, such Authorised Person has the right to negotiate interconnection with another Authorised Person or another undertaking deemed to be authorised in another Member State. The right to negotiate interconnection is subject to the provisions of the European Communities (Electronic Communications Networks and Services)(Access) Regulations 2011 and any decisions,



determinations, requirements, specifications, notifications and directions issued by the Commission for Communications Regulation from time to time. Such interconnection shall be for the purpose of providing publicly available Electronic Communications Services in order to ensure the provision and interoperability of services.

Issued on behalf of the Commission for Communications Regulation by

Name:

Title/Position:

Analyst - Market Framework Division

Date:

3 March 2016



Marsh Ireland Brokers Ltd Marsh House 25-28 Adelaide Road Dublin 2 D02 RY98 Tel: 01 604 8100 www.marsh.ie

To Whom It May Concern

9th of March 2022

Dear Sir/Madam,

Confirmation of Insurance – Cellnex Ireland Ltd, Cignal 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 with insurers who are authorised to conduct insurance business in Ireland by their respective regulatory authority(ies). 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

PUBLIC LIABILITY

INSURER:

XL Insurance Company SE

POLICY NUMBER:

PERIOD OF INSURANCE:

1st March 2022 to 28th February 2023 (both days inclusive)

LIMIT OF INDEMNITY:

€7,000,000 (any one event and in the aggregate during the period of

insurance)

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

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



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,

Client Advisor
Marsh Ireland Brokers Ltd
Direct Dial:
E-mail:

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





Marsh Ireland Brokers Ltd Marsh House 25-28 Adelaide Road Dublin 2 D02 RY98 Tel: 01 604 8100 www.marsh.ie

To Whom It May Concern

7th January 2022

Dear Sir/Madam,

Confirmation of Insurance – Cellnex Ireland Ltd, Cignal 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 with insurers who are authorised to conduct insurance business in Ireland by their respective regulatory authority(ies). 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:

PERIOD OF INSURANCE:

1st January 2022 to 28th February 2022 (both days inclusive)

LIMIT OF INDEMNITY:

€13,500,000 (for each and every occurrence)

PUBLIC LIABILITY

INSURER:

XL Insurance Company SE

POLICY NUMBER:

PERIOD OF INSURANCE:

1st January 2022 to 28th February 2022 (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, trading as Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting, is regulated by the Central Bank of Ireland.



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,	
The wind of the second	
Client Advisor	DESCRIPTION OF THE PARTY OF THE
Marsh Ireland Brokers Ltd	
Direct Dial:	
E-mail:	

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





2022 Bianconi Avenue Citywest Business Campus Dublin 24 D24 HX03 T +353 1 671 4444 eir.ie

Radio Emissions Statement

As an operator of a Mobile Telecommunications Network *Eir Ltd* is aware of its requirements in relation to management of electromagnetic field radiation and are committed to management of risk to our employees, members of the public and any other groups who may be affected by our networks. All of the radio equipment on our network and our radio base stations are "Safe by Design" and are designed to meet international health and safety standards and best practice, including the relevant guidance from International Commission on Non-Ionizing Radiation Protection (ICNIRP) and from the Communications Regulator in Ireland.

Eir Ltd own and operate mobile telecommunications sites across Ireland. These sites are built and managed to operate within the limits for exposure to Electromagnetic Fields which are set by the Communications Regulator and are based on guidance from the International Council for Non-Ionising Radiation Protection (ICNIRP) and meet the requirements of directives from the European Commission. The issue of radiation from Mobile Phones has been a concern for many people since the introduction of this technology significant numbers of studies have been performed and have been reviewed by international experts. The World Health Organisation in their fact sheet on Electromagnetic fields and public health: mobile phones have stated that "A large number of studies have been undertaken on both acute and long-term effects from HF (High Frequency EMF Radiation) exposure typical of base stations. Research at these levels of exposure has provided no conclusive evidence of any related adverse health effects". (Ref; http://www.who.int/mediacentre/factsheets/fs193/en/). In their on line Q&A on Mobile Phones and Cancer the WHO also states "Studies to date provide no indication that environmental exposure to RF fields, such as from base stations, increases the risk of cancer any other disease." (http://www.who.int/features/ga/30/en/)

The International Council on Non Ionising Radiation Protection, who are the lead independent agency on non-ionising radiation safety have stated "A large number of studies have been undertaken on both acute and long-term effects from HF (High Frequency Non Ionising Radiation) exposure typical of base stations. Research at these levels of exposure has provided no conclusive evidence of any related adverse health effects." (http://www.icnirp.org/en/applications/base-stations/index.html) in late 2015 The European Commission's Scientific Committee on Emerging and Newly Identified Health Risks published a "Final Opinion on the Potential health effects of exposure to electromagnetic fields (EMF)" The expert opinion is based on the latest scientific studies and expert review. In its summary the Scientific Committee state that "The results of current scientific research show

that there are no evident adverse health effects if exposure remains below the levels recommended by the EU legislation.

Our antennae are well below this level) Overall, the epidemiological studies on radiofrequency EMF exposure do not show an increased risk of brain tumours. Furthermore, they do not indicate an increased risk for other cancers of the head and neck region."

The maximum exposure levels that are set by ICNIRP for Public exposure to radiation in the mobile phone frequency range is 28 V/m. All of our sites are designed and maintained to operate well within these guideline limits. Independent compliance inspections that are carried out for our company and are published by the Communications Regulator on their website (www.siteviewer.ie) show that the levels of EMF radiation from mobile telecoms masts in Ireland ranges between 0.5-3V/m, well within the safe exposure limits advised by international experts.

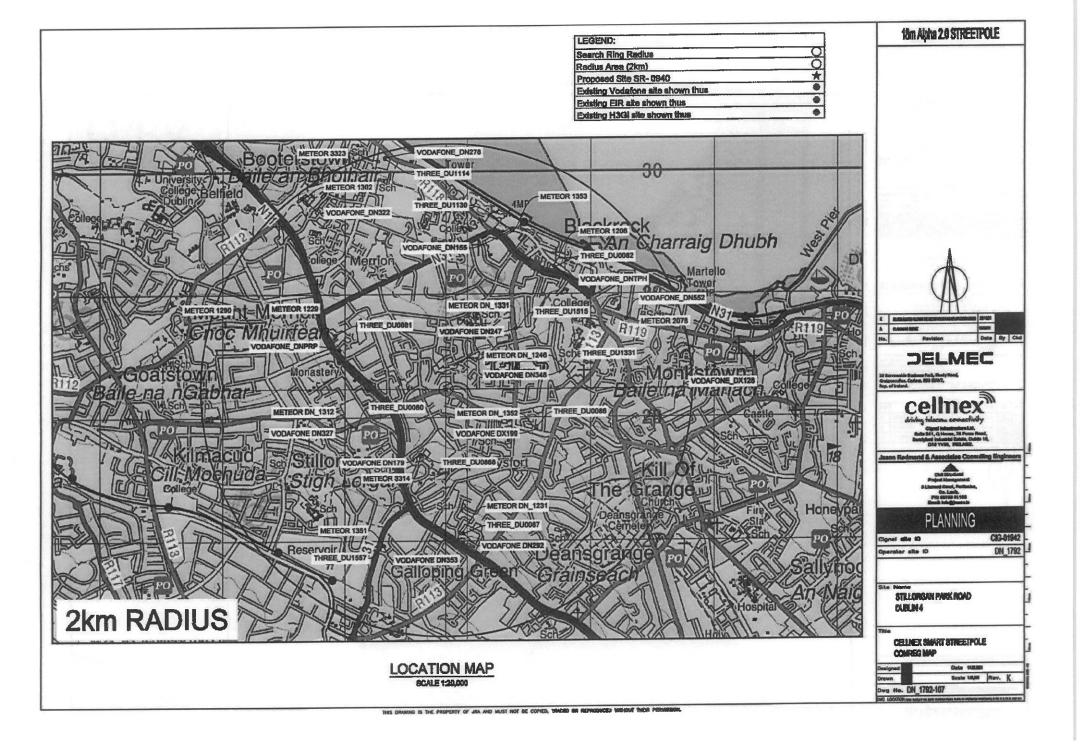
We continue to monitor the advice and guidance given by Government, international experts and equipment manufacturers to ensure that the sites that we operate continue to operate well within the limits set for exposure of members of the public and for our employees and contractors who will work at your location.

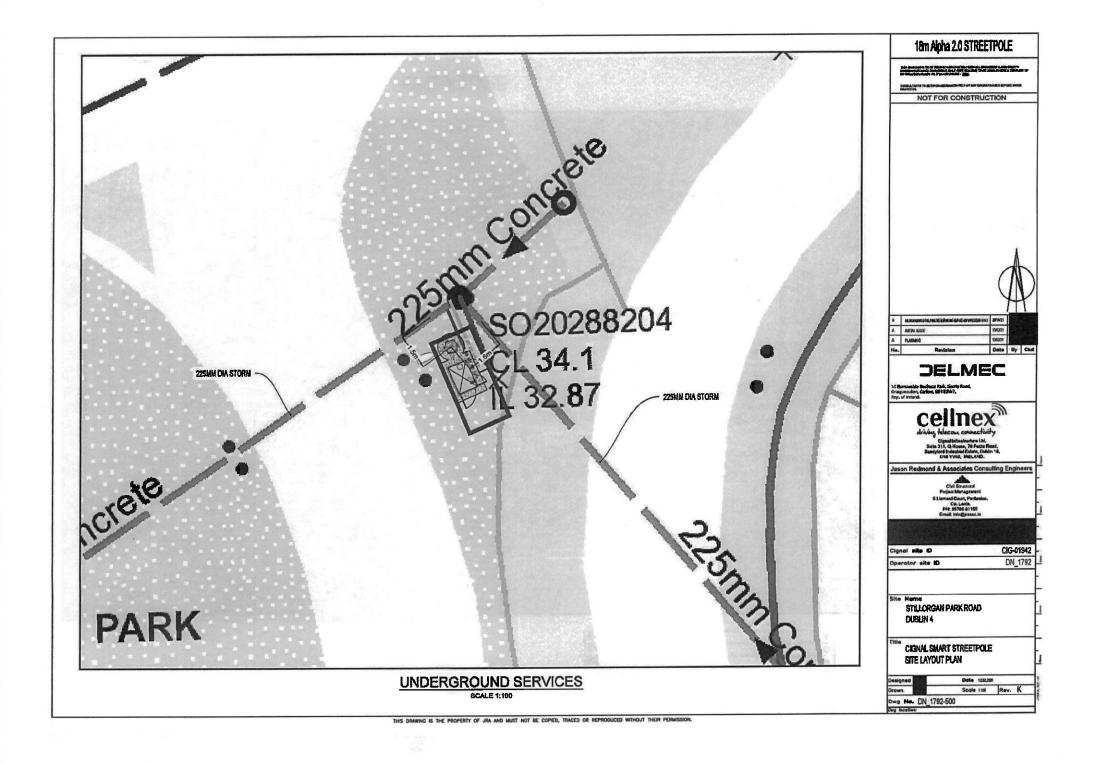
Internal Documentation References:

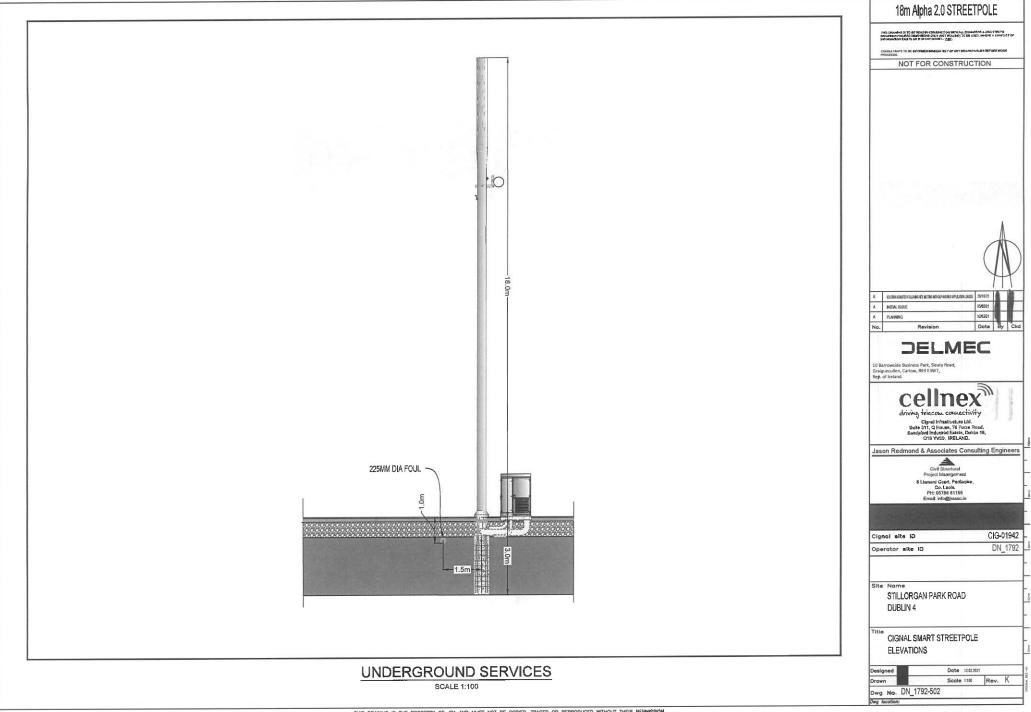
Meteor Mobile Communications Design and Build Specification and Guidelines Standard Safe Operating practices - Mobile Network

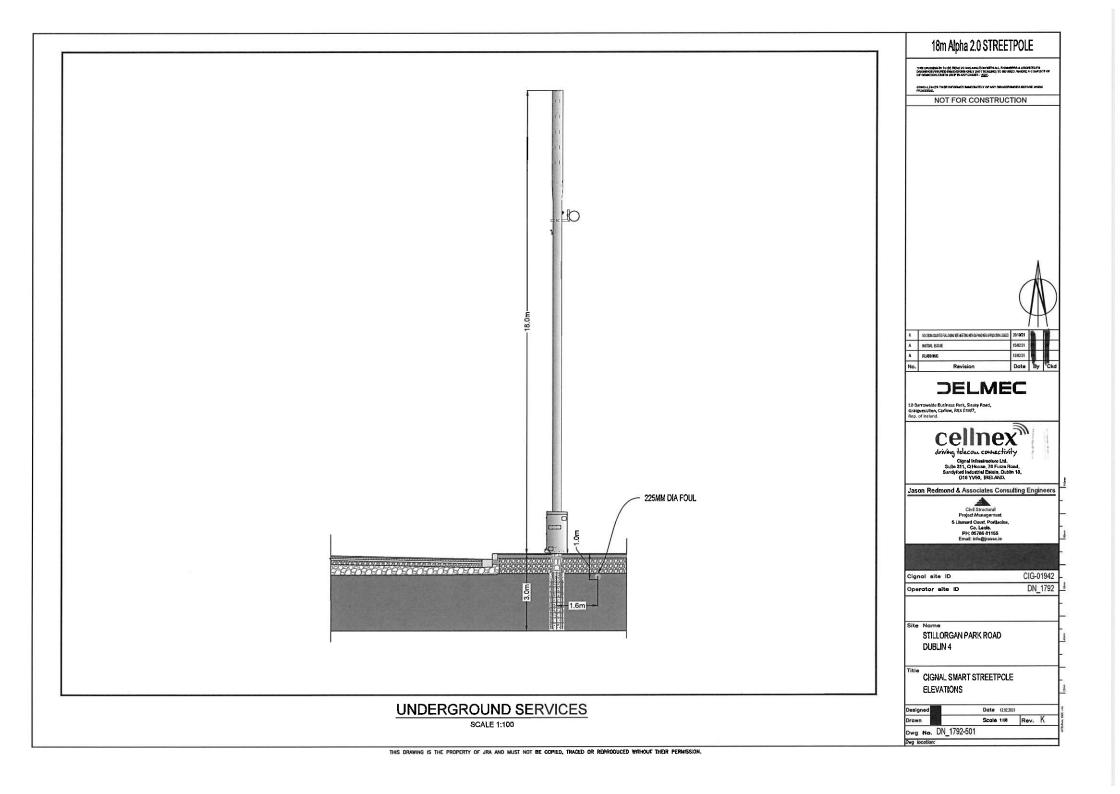
Statement Prepared By:

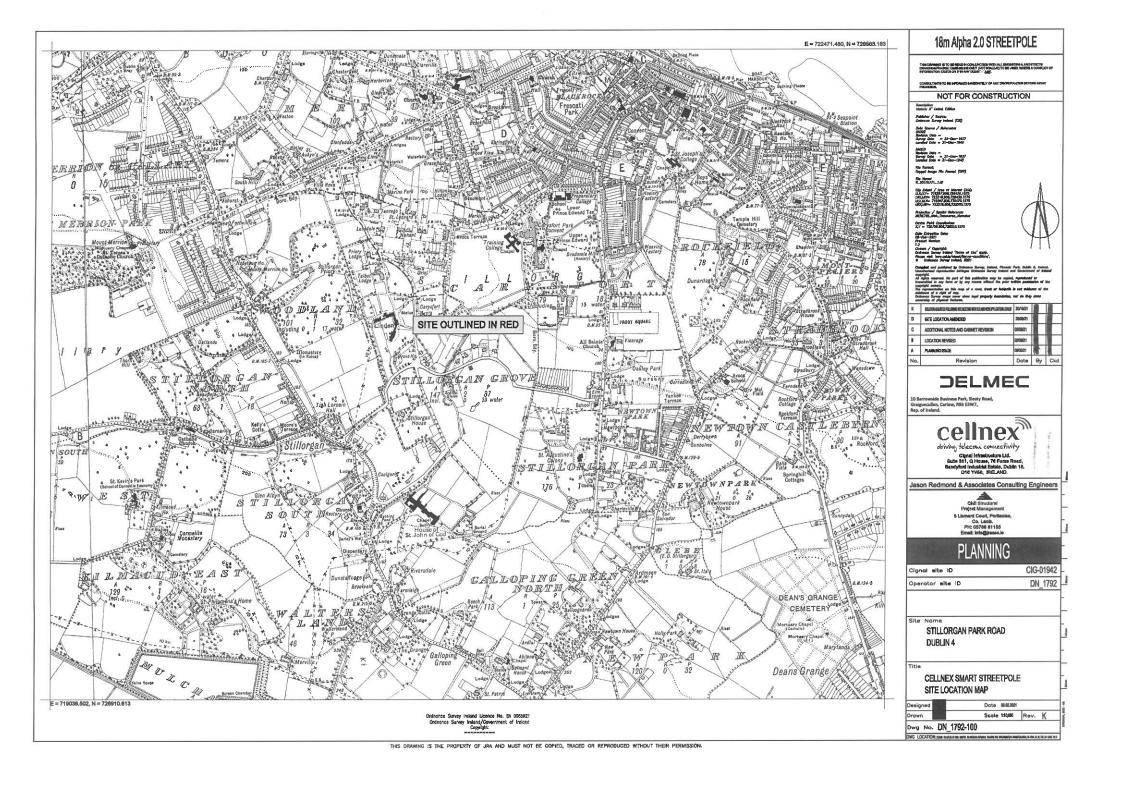
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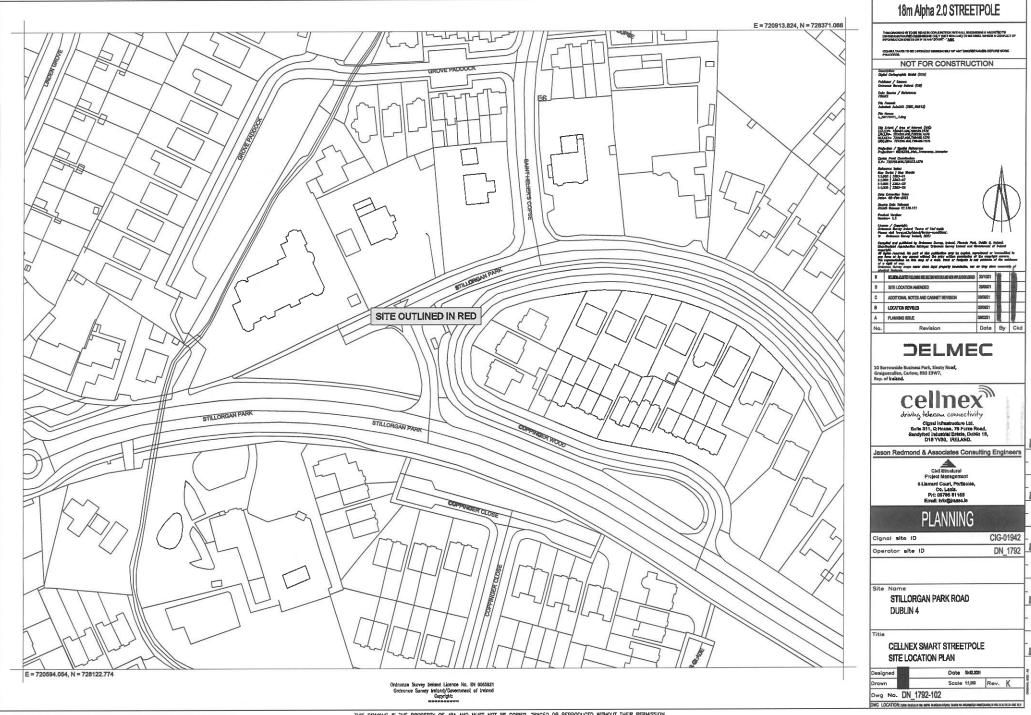


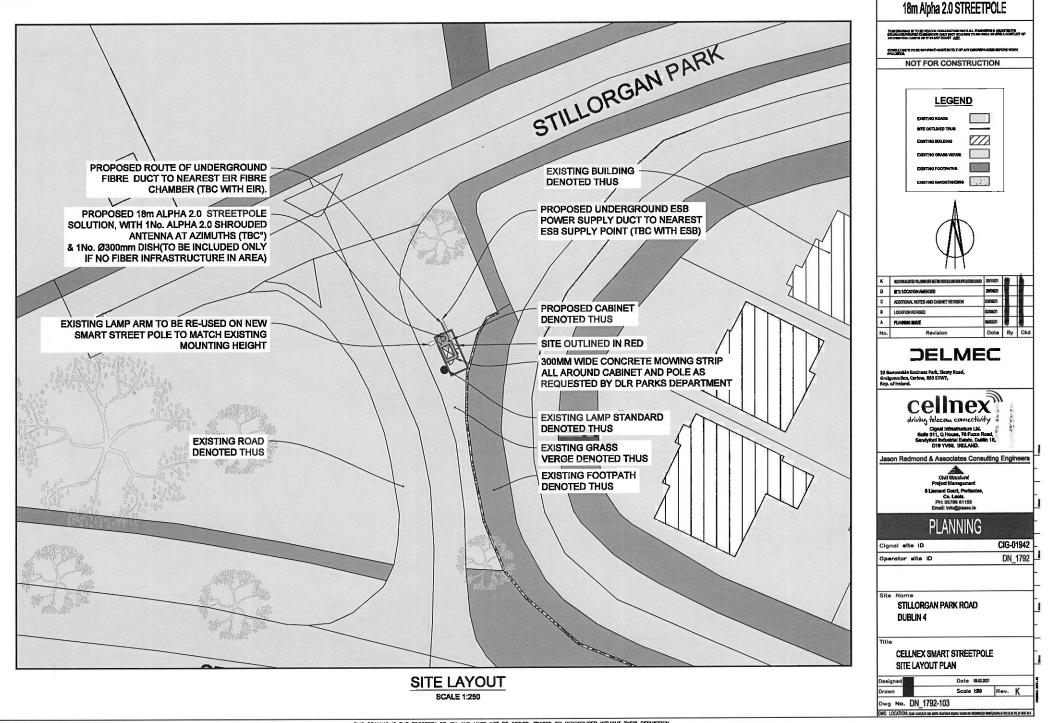


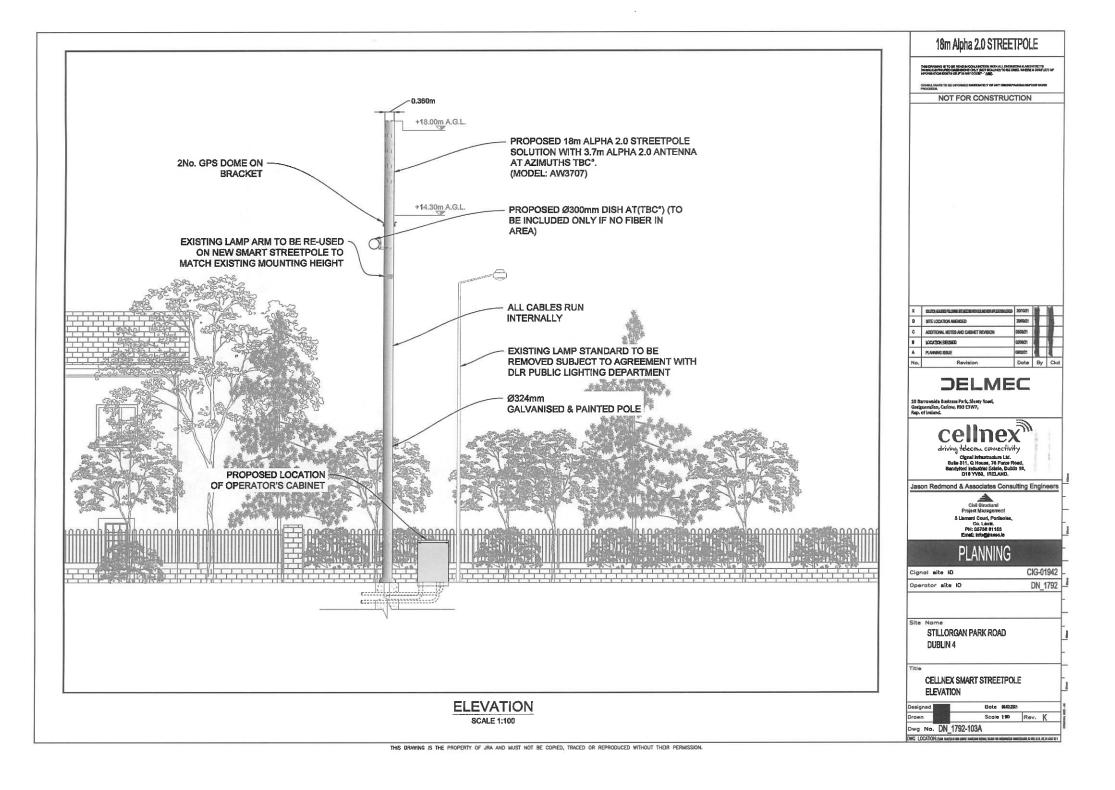


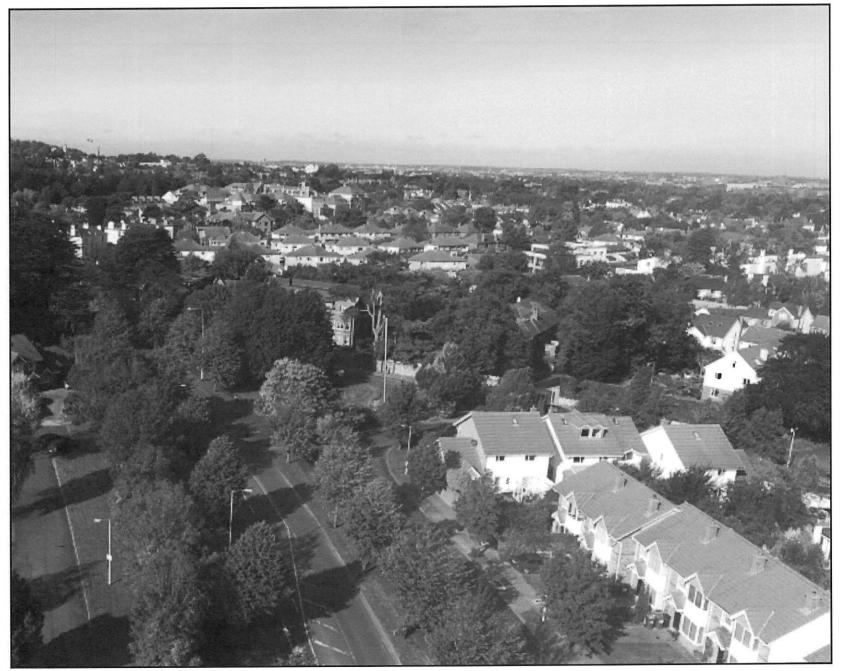












18m Alpha 2.0 STREETPOLE

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No.	Revision	Date	Ву	Ckd
٨	PLANNING ISSUE	09/02/21	-	-
В	LOCATION REVISED	02/09/21		
C	ADDITIONAL NOTES AND CABINET REVISION	09/09/21		
D	SITE LOCATION AMENDED	29/09/21		
K	SOUTON AGUSTO POLICIAIS SEE SETTIS METERALAS SEVERALDITORISMO	20/10/21	A	4

DELMEC

10 Barrowside Business Park, Sleaty Road Graiguecullen, Carlow, R93 E3W7, Rep. of Ireland.

celinex

driving telecons connectivity

Cignal infrastructure LM.

Buils 311, Q House, 78 Fairs Road,

Jason Redmond & Associates Consulting Engineers

Civil Structural
Project Management

5 Liament Count, Porticoles,
Co. Leole.
Ptc 05780 81105

PLANNING

Site Nome

STILLORGAN PARK ROAD DUBLIN 4

Title

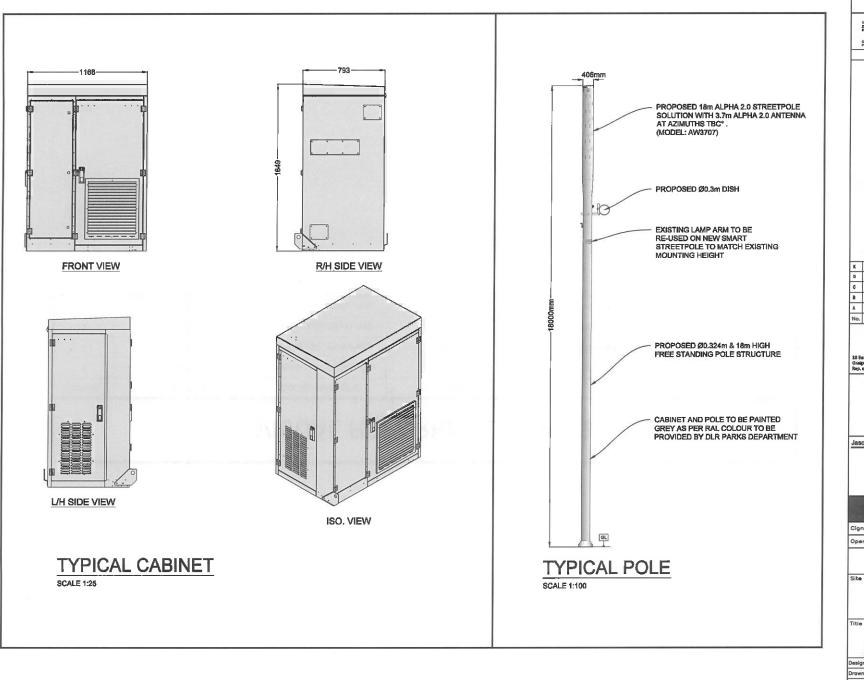
CELLNEX SMART STREETPOLE SCHEMATIC ELEVATION

Date (8.02.201

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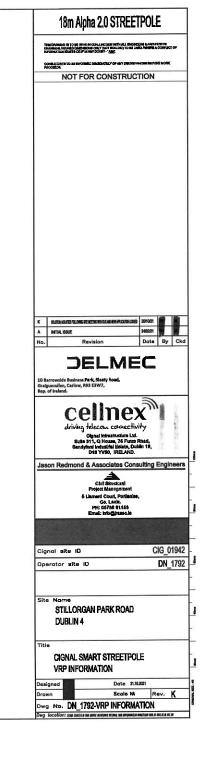
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18m Alpha 2.0 STREETPOLE

VISUAL REFERENCE POINTS

DWG NO.	LOCATION	COORDINATES (ITM)	DISTANCE	BEARING	VISIBILITY
1	VRP 1	720849.2139, 728304.0723	93M	66°	Top of pole visible.
2	VRP 2	720808.7987, 728304.9025	58M	48°	Top of pole visible.
3	VRP 3	720768.1963, 728291.1940	26M	8°	Pole and cabinet visible.
4	VRP 4	720760.4703, 728237.8083	27M	192°	Pole and cabinet visible.







VRP1 - WITHOUT SOLUTION IN PLACE

VRP1 - WITH SOLUTION IN PLACE



DELMEC 18 Harroweide Business Perk, Sleety Road, Grafgueculien, Carlow, R93 E3W7, Rep. of Ireland. Jason Redmond & Associates Consulting Engineers CIG_01942 Cignal site ID DN_1792 Operator site (D STILLORGAN PARK ROAD DUBLIN 4 CIGNAL SMART STREETPOLE Oote 21.103021 Dwg No. DN 1792-121

18m Alpha 2.0 STREETPOLE

NOT FOR CONSTRUCTION

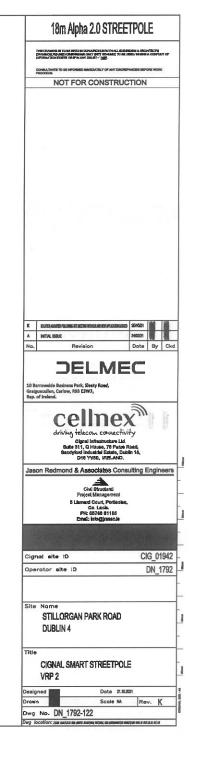
THIS DRAWING IS THE PROPERTY OF JRA AND MUST NOT BE COPIED, TRACED OR REPRODUCED WITHOUT THEIR PERMISSION.



VRP2 - WITHOUT SOLUTION IN PLACE



VRP2 - WITH SOLUTION IN PLACE

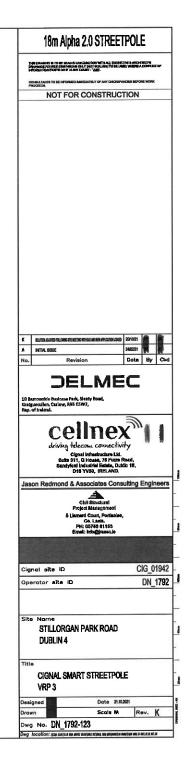




VRP3 - WITHOUT SOLUTION IN PLACE



VRP3 - WITH SOLUTION IN PLACE

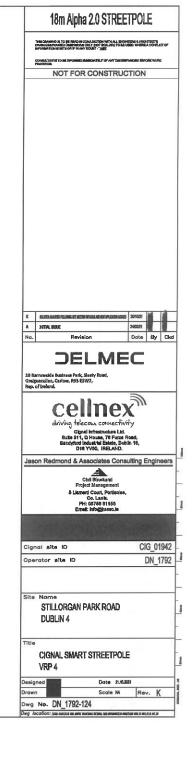




VRP4 - WITHOUT SOLUTION IN PLACE



VRP4 - WITH SOLUTION IN PLACE





Comhairle Contae Dhún Laoghaire-Ráth an Dúin, Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire

Dún Laoghaire-Rathdown County Council, County Hall, Dún Laoghaire, Co. Dublin, Ireland

Tel: 01 205 4700 Fax: 01 280 6969 Web: www.dlrcoco.ie

Licence Number: CRM 217793

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL Comhairle Contae Dhún Laoghaire-Ráth an Dúin

PLANNING AND DEVELOPMENT ACT, 2000 (SECTION 254) PLANNING AND DEVELOPMENT REGULATIONS 2001

LICENCE TO PLACE A TELECOMMUNICATION CABINET AND POLE ON THE PUBLIC FOOTPATH/ROADWAY

Dún Laoghaire-Rathdown County Council ("the Council") grants to

Cignal Infrastructure Ltd ("the Licensee")

a Licence to place and maintain 1 Telecommunications Cabinet measuring externally 1.52m^3 ($1.2 \text{mL} \times 0.793 \text{mW} \times 1.60 \text{mH}$), and a pole area 0.082m^2 (height 18 m)

subject to a minimum footpath clearance of 1.8m and the General Licence Conditions pertaining to the issue of this licence (see reverse) at the

Stillorgan Park Road junction with Stillorgan Park, Stillorgan, Co. Dublin

	Senior Engine
	Iones Phelor
Expiry date of licence: 24/02/2027	<u> </u>
Date of grant of licence: 25/02/2022	Company of the Compan
Public Liability Insurance: Policy no.	
Underwriter: XL Insurance Company SE	

The granting of this licence does not exempt the licensee from the provisions of any other legislation





The decision by the Council to grant a licence to the Licensee is made subject to the following conditions:

- The co-location of the street light with the telecommunications pole, with the removal of the existing lighting column, and all associated civils and electrical requirements shall be undertaken by the applicant. The applicant is required to consult with the Council's Public Lighting section as part of this process and comply with any requirements stipulated.
- The proposed installation is subject to a separation distance of 2m minimum from the 225mm Surface Water pipes and Surface Water manhole SO20288204. It is the applicants responsibility to independently verify the location and depth of these services and to position the new installation with the agreed separation distance.
- 3. Plans and Particulars The telecommunications street pole and associated operator cabinet shall be installed and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with this Section 254 licence application, save as may be required by the other conditions set out in this licence, and the height and other dimensions as specified in those particulars shall not be exceeded.
- 4. Duration of Licence The duration of this agreement is for five years only. The agreement shall expire five years from the date of the grant of the licence. Within three months of the expiry date, the pole and cabinet shall be removed by the Licensee and the area reinstated to the satisfaction of the Council at the Licensee's expense and as specified in other conditions.
- 5. Withdrawal of License Under section 254(4) of the Planning and Development Act 2000, the Council has the right to withdraw this licence and require the Licensee to remove the appliance, apparatus or structure at the Licensee's own expense where in the opinion of the Council by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous. In the event of a withdrawal of a licence under section 254(4) of the Planning and Development Act 2000, all reinstatement works shall comply with the "Guidelines for Managing Openings in Public Roads" unless specifically stated otherwise and in accordance with the requirements of the Council.

Any notice issued by the Council to the Licensee to withdraw this Licence under section 254(4) of the Planning and Development Act 2000 or otherwise shall be in writing and shall be delivered by hand or sent by pre-paid ordinary post to the Licensee's registered office at Unit 311, 76 Furze Rd, Sandyford Business Park, Sandyford, Dublin 18, D18 YV50. Any such notices shall be deemed to have been delivered to the Licensee on the date of delivery of the notice if the notice is delivered by hand or the date following the date of posting of the notice, if the notice is sent by ordinary pre-paid post.

6. Obsolescence - In the event of obsolescence of the installed infrastructure (telecommunications street pole, antenna and operator cabinet) or withdrawal or expiry of the license without renewal, the telecommunications street pole, antenna and associated operator cabinet shall be removed from the site and the site reinstated at the expense of the Licensee in accordance with the requirements of the Council. The Licensee shall reinstate and where appropriate repair any damage to the public area, with all works to the satisfaction of the Council at the Licensee's expense. All reinstatement works shall comply with the "Guidelines for Managing Openings in Public Roads" unless specifically stated otherwise and in accordance with the requirements of the Council.





- 7. No additional dishes, antennae or other equipment No additional dishes, antennae or other equipment other than that demonstrated on the plans, particulars and specifications lodged with this Section 254 licence application, shall be attached to the telecommunications street pole and antenna unless agreed in writing between the Council and the Licensee.
- 8. Installation and Drainage The installation of the telecommunication street pole and associated operator cabinets shall not impair the operation of the existing land and roadside drainage and the Licensee shall not interfere with roadside drainage without the prior written agreement of the Council.
- Road Opening License: No works are to be carried on/in a public road until the Licensee is in receipt
 of a Road Opening License issued by the Council (Section 13(10)(b) of the Roads Act (1993)),
 providing all documentation is correctly submitted.
- 10. Footpath and Cyclists The Licensee shall ensure that the telecommunications street pole and cabinet shall not obstruct pedestrians, cyclists and will not to create a road safety hazard. The specific location is to be prior agreed with the Council.
- 11. Maintenance Access to the licence area for maintenance purposes by any statutory undertakers shall be available at all times.
- 12. Change of Ownership The Licensee shall notify the Council in writing of any change of ownership, transfer to a new operator or any subsequent agreements to the sharing of the telecommunications street pole and associated operator cabinets.
- 13. Legislation This licence is for the telecommunications street pole, antenna and cabinet and nothing in this licence shall be construed as negating the Licensee's statutory obligations or requirements under any other enactments or regulations, including planning legislation, building legislation and The Roads Act 1993.
- 14. Payment of fee The granting of the licence is subject to payment of the appropriate fee and adherence to the requirements and does not automatically guarantee the renewal in subsequent years
- 15. Sub-letting This Licence is personal to the Licensee and may not be assigned or sub-let, however the Licensee may permit third party customers of the Licensee to use the pole and Telecommunications cabinet subject to the terms of the Licence.
- 16. Breach Any breach of the terms of the Licence by the Licensee's third-party customers shall constitute a breach by the Licensee of this License and the Licensee shall remain fully liable for the acts or omissions of any third party customers authorised to use the pole or Telecommunications cabinet including any negligence of the third party customers.
- 17. Change in use A change in use of the licenced area will require the submission of a new licence application
- 18. Maintenance during license The Licensee shall maintain the area used for the cabinet and pole, and the cabinet and pole in an acceptable condition so as not to constitute a nuisance e.g. free from graffiti.





- 19. Insurance Prior to the erection of any equipment under this licence, the Licensee shall provide evidence to the Council of public liability insurance to a minimum level of 7 million euro which indemnifies the Council for third party claim arising from the installation of the equipment. The Licensee must provide evidence of such insurance cover remaining in place for each year of the Licence. Failure to provide such annual updates of insurance cover to the Council will give grounds to the Council to withdraw this Licence from the Licensee.
- 20. If accidental damage is caused to the cabinet and pole or associated network, the Council will not be responsible for any claims made against it by the licensee or their customers.
- 21. The cabinet and pole shall be suitably anchored and of robust and stable construction to prevent movement in adverse wind conditions or when repair works etc are being carried out on the adjacent footpath.
- 22. The Licensee shall supply to the Council a contact name and number that is available at all times, including outside normal working hours so that any reports of damage to the structure can be passed to the licensee and rectified without delay.
- 23. Any works which require the use of a mobile crane or hoist will require the applicant to submit an application for a mobile crane and hoist licence prior to the commencement of the development. This is covered under a surface permit application. Any scaffolding requirements are also covered under a surface permit license.

