

Comhairle Contae Dhún Laoghaire- Ráth an Dúin

Dún Laoghaire-Rathdown County Council

**PLANNING & DEVELOPMENT ACT 2000, as amended, (Section 254) PLANNING
& DEVELOPMENT REGULATIONS 2001, as amended
APPLICATION FOR A LICENCE UNDER SECTION 254**

| Applicant Details | |
|---|--|
| Name of Applicant: | Clear Channel Ireland on behalf of EIR |
| Address: | Unit 104, Northwest Business Park, D15 |
| Company Details: (where relevant) | [REDACTED] |

| Required documentation to be included | |
|---|---|
| Insurance Certificate | 2023 Client Information Letter Excess Clear Channel Ireland - DLR |
| Comreg Authorisation | DLRCC - ComReg |
| Site Assessment conducted by applicant planning consultant | Site Assessment - Clonskeagh Road |
| Location Map and associated plans, elevations and photomontages detailing proposed installation | 12372 Clonskeagh Road jn of Bird Ave |
| Radio emissions compliance statement | Letter for DLR re s254 |
| Payment confirmation | Payment to DLR - Clonskeagh Road application |

| Details of Proposed Development | |
|---|---|
| Location of tele-structure: | 12372 Clonskeagh Road jn of Bird Ave |
| Description and particulars: | Install a digital phone kiosk with wayfinder for tourist / public information |
| If there is an existing tele-structure in the locality, please specify why this cannot be utilised: | Old Phone kiosk requires upgrade |
| Period which licence is being sought: | 15 years |

Signature of Applicant (s)/Agent: _____



Date: 16.10.23

The application should be sent to the following address:

FAO Roads Control & Planning
Dún Laoghaire-Rathdown County Council
County Hall,
Marine Road,
Dún Laoghaire,
Co.Dublin,
A96 K6C9

Or alternatively emailed to

info@dlrcoco.ie

FAO Roads Control & Planning



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

Dún Laoghaire – Rathdown County Council
County Hall
Marine Road
Dún Laoghaire
A96 K6C9

12th October 2023

RE: Section 254 Application – Public Payphone Kiosks

Dear Sirs,

In relation to the application concerning the proposal to replace the public payphone free-standing units with upgraded public payphone kiosks in various locations across Dún Laoghaire-Rathdown County Council, I can confirm that the proposed kiosks do not include any radio equipment.

Consequently, there is no exposure of radio frequencies to the public from the kiosks.

Yours Faithfully



Payphone Manager, eir

Directors:



eir is a trading name of eircom Limited,
Registered as a Branch
in Ireland Number 907674
Incorporated in Jersey Number 116389

Branch Address: 2022 Bianconi Avenue
Citywest Business Park
Dublin 24
VAT registration: IE 3286434NH

SITE ASSESSMENT

**PROPOSED REPLACEMENT OF FREE-STANDING PAYPHONE AND
SCROLLING ADVERTISING UNIT WITH AN PUBLIC PAYPHONE KIOSK
INCLUDING A DIGITAL PUBLIC INFORMATION SCREEN AND ADVERTISING
SCREEN**

**LOCATION ADDRESS: CLONSKEAGH ROAD OPPOSITE ROSEMOUNT
CRESCENT**



Enda Shiels & Associates

Architectural Design and Planning Services

Brownstown,
Navan,
Co. Meath.

Tel: [REDACTED]
Mob: [REDACTED]
E - Mail: [REDACTED]

Background

Despite the growth in mobile phone usage, public payphones still provide an important social service in towns and cities across the country. Public payphones can provide connectivity for users who do not have access to a mobile phone or where mobile service is interrupted. They provide access to emergency services and are used by people in vulnerable situations to access support services, including by callers who do not wish to make sensitive calls via a mobile device. Over 40% of calls made in Ireland from public payphones are made to Emergency Call numbers and to 1800 Freefone numbers including various crisis lines and helplines. In effect, they provide a safety net for those who need to make a call and do not have another solution.

The Commission for Communications Regulation (ComReg), under the Universal Service Regulations (European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011, S.I. No. 337 of 2011) is obliged to ensure that "public pay telephones or other public voice telephony access points are provided to meet the reasonable needs of end-users."

Until recently, ComReg had placed a Universal Service Obligation on Eircom to provide this service. While the obligation was lifted at the end of 2020, this decision was taken in the context that ComReg recognised that a public payphone service from Eircom would continue through the provision of the Clear Channel kiosks (ref ComReg 20/127 Provision of Public Pay Telephones Universal Service: Scope and Designation, 21/12/2020). Furthermore, ComReg have stated that it will keep the issue under review and may seek to reimpose the Universal Service Obligation to provide public payphones if the circumstances that were envisaged in their report were to change. Details from that report are included in a separate document that is included with this application.

Experience to Date from other Council Regions

This proposed development will be part of a programme to modernise the provision of public payphones and to expand the services from the infrastructure. The programme is being rolled out gradually across the country as relevant Local Authorities provide approval. As of the end of September 2023, there are 59 units installed across the following areas, while several more are in the preparation stage:

| Local Authority | No. Units | | Local Authority | No. Units |
|--------------------------|-----------|--|--------------------------|-----------|
| Dublin City Council | 22 | | Kerry County Council | 2 |
| Galway City Council | 7 | | Laois County Council | 2 |
| Waterford City Council | 5 | | Cavan County Council | 1 |
| Fingal County Council | 5 | | Longford County Council | 1 |
| Wicklow County Council | 5 | | Sligo County Council | 1 |
| Louth County Council | 4 | | Westmeath County Council | 1 |
| Tipperary County Council | 3 | | | |

Since the start of 2022, over 20,000 calls have been made from these on-street units, of which almost 60% were to Emergency or to 1800 Freephone numbers. Total duration of calls in this period was over 1,200 hours, of which almost 900 hours (over 70%) of calls were made to Emergency or to 1800 Freephone numbers.

Each unit includes a public information interactive touchscreen which includes various features including local maps, wayfinding to local services, emergency / support agency contact numbers and tourist information. A number of Local Authorities have taken up the offer to display information on local events and amenities. The screen also includes a "Need Help" section that provides information from a number of support agencies.

Since the start of 2022, almost 50,000 users have accessed information on these screens.

The units are regularly cleaned and maintained so that the public services are consistently available. In addition, we provide advertising support with a Helpline and Assistance Awareness Programme for a selection of support agencies. Under this programme, they receive advertising display across the network in accordance with a schedule that has been agreed across this group of organisations (An Garda Síochána, Dublin Rape Crisis Centre, LGBT Ireland, Men's Development Network, Ruhama, Samaritans and Women's Aid).

The kiosks are capable of hosting sensors to monitor Air Quality or other environmental factors while the advertising screen features a programme of displays from the Environmental Protection Agency.



Current Unit



Proposed Unit

Proposed Development

The proposal is to remove a free-standing unit which includes a payphone a scrolling advertising unit and to replace it with a kiosk as described below.

The kiosk is multi-functional and capable of making enhanced contributions to the common good through interactive information links to public services, public events and tourist information. It can make an important social contribution and play a role in making the area lively, safe and sustainable.

While the proposed kiosk includes all the necessary public payphone features, it is also designed to fulfil a role that is more appropriate to urban design today. It includes an interactive digital screen Wayfinding / Mapping system that is suitable for both visitors and residents. The relevance of the Wayfinding facility is important in the context of the significant importance of tourism to the Dublin economy. Amongst other items, the screen will display details of nearby tourist attractions and tourist amenities from a Fáilte Ireland database source.

The Wayfinding system enables the user to locate a nominated point-of-interest on the screen and then transfer the route details onto their mobile phone by scanning a QR code. The kiosk can also provide for links to Dún Laoghaire-Rathdown information sources.

It also includes a digital advertising display screen. This funds the development and ongoing maintenance of the unit along with the upkeep of the public services it provides including the payphone and the various information display links on the public information screen, as well as highlighting information on various support agencies.

Design Features

Open Design

The open design of the kiosk offers unfettered access to all users including wheelchair users. This reduces the potential for anti-social behaviour but also provides shelter and privacy within which calls or information screen interactions can be made. This design is in accordance with the latest BS for public telecommunications equipment in the external built environment (BS8300-1:2018 and BS8300-2:2018).



Colour

Following consultation with Local Authorities who have already agreed to the installation of these kiosks, the kiosk is provided in RAL 9006, frequently described as White Aluminium. This colour choice allows the structure to match with many other items of street furniture such as lighting columns, bus shelters and traffic light poles, and to blend easily into the streetscape.



Night time Use

The kiosk includes downlighting that provides illumination and a sense of security while making a call or using the Wayfinding system at night. The Wayfinding screen also incorporates a sunlight-readable display for use on bright days.

Telephone Equipment

The telephone apparatus includes a vandal resistant alphanumeric keypad and an armoured cord handset with inductive steel lanyard. Payment for calls can be made by either cash or card.



Accessibility

The design includes assistive technology including volume control and inductive coupling for those who use hearing aids. The telephone controls are located within 1.05m of ground level which is within the comfortable range as published by the National Disability Authority (Guidelines for Telecoms Accessibility – Priority 1). The interactive features of the touchscreen digital information panel can be accessed at 1.4m of floor level which is the recommended maximum height in the above Guidelines. The keypad is well-lit with large embossed numbers that contrast visually with their background and has a raised dot on the number 5.

Public Interactive Touchscreen Display

An interactive map provides easy access to local information and points-of-interest. The screen is touchscreen-enabled and includes automatic brightness control to be sunlight readable. The screen also includes the capability for potential software applications to be easily added to augment public service provision.



Footprint

The proposed kiosk has a neat footprint on-street of just 1 square metre which is similar to the space occupied by the current free-standing unit.

Other Features

The proposed kiosk includes a capability to provide Wi-Fi access points and / or provision of public small-cell access nodes and / or air quality or other sensors.

Advertising Panel

An LCD display panel recessed into the reverse side of the kiosk. The digital screen is programmed to display only static images without movement, animation, flashing or three-dimensional effects. Full motion video would not be displayed on the screen. The advertising display is approximately 25% smaller than a bus shelter advertising panel.

Light Output

The light output of the digital screen can be strictly controlled and will be programmed so that, between dusk and dawn, the maximum luminance will not exceed 300 candelas per square metre. This is consistent with other planning permission grants by various City and County Councils in Ireland for digital advertising screens, and it is 50% lower than the UK guideline for screens of less than 10 sq. metres in an urban setting (issued by the UK Institution of Lighting). The brightness level of the screen will be programmed using a feature called Smart Brightness® to adapt the screen display based on real-time monitoring of ambient light conditions. The automation of this process also allows for a reduction in energy usage and lower heat output.

Remote Monitoring

The proposed kiosk is fitted with a remote device monitoring system, RDM®. It provides real-time dialogue with screen that enables extensive remote monitoring and diagnostics. This monitoring service enables notification of damages or faults so that they can quickly repaired.

Vandal Resistant

The proposed kiosk is designed to be robust and vandal-resistant:



- The core structure is stainless steel coated in aluminium (which prevents rust deterioration over time and minimises the on-street visual impact of the structure).
- The side panels include robust safety glass.
- The roof material is a strong polycarbonate material.
- The Wayfinder Screen is protected behind minimum 6mm safety glass.
- The digital advertising display is protected by a 10mm toughened and laminated glass that is manufactured in accordance with BS EN 12600 and BS EN 356 Class P3A.
- The structure, the telephony and the touchscreen systems are protected by bespoke security locks.



Each kiosk will be supported by a maintenance regime that will provide regular cleaning, servicing and repair of the kiosks.

Relevant History and Planning Policies

There are currently seven free-standing units that incorporate a public payphone and a scrolling advertising unit in the Dún Laoghaire-Rathdown Borough. These were installed in 2015 as part of a rationalisation programme which has ultimately resulted in the removal of a further twenty-four public payphones across twelve locations. This was consistent with Street Furniture Strategy objectives in the 2010-2016 Development Plan.

The current application is part of an overall programme to upgrade six of these units. Furthermore, one unit would be permanently removed.

Given the role played by public payphones as outlined earlier in this report, and in the accompanying ComReg documentation, the proposal is consistent with several aspects of the County Development Plan 2022-2028 including:

Section 1.7 Development Plan Vision

The Vision for Dún Laoghaire-Rathdown is to embrace inclusiveness, champion quality of life through healthy placemaking, grow and attract a diverse innovative economy and deliver this in a manner that enhances our environment for future generations.

- **Creation of a Network of Liveable Towns and Villages** *In creating a climate resilient and a compact and connected County one must also create a liveable County, where our necklace of towns and village and the surrounding neighbourhoods work better for the people who use them. It should be a County where residents, workers and visitors alike can access transport options, housing, services and amenities including heritage, culture, recreational and community facilities, green infrastructure and biodiversity in a sustainable manner.*
- **Creation of an Inclusive and Healthy County** *Mental and physical health is affected by the environment in which we live. Access to sustainable transport, housing, quality placemaking, green space and community infrastructure can have a significant influence on the health and wellbeing of all.*
- **Creation of a Vibrant Economic County** *The things that make DLR an attractive and exciting place to live, work and visit also make it a County within the Metropolitan Dublin area that attracts business. Continuing success of the economy is reliant upon making the County work better for all. By delivering on the four Strategic County Outcomes above and creating a liveable, sustainable climate resilient County one will create a County that is primed for economic growth.*

Section 4.2 People

4.2.1 Sustainable Communities and Neighbourhood Infrastructure

4.2.1.1 Policy Objective PHP2: Sustainable Neighbourhood Infrastructure.

It is a Policy Objective to: Protect and improve existing sustainable neighbourhood infrastructure as appropriate.

Common features of exemplar sustainable communities include:

- *Ensuring appropriate social infrastructure is provided when and where it is needed.*

Much of the existing sustainable neighbourhood infrastructure in the County offers a multi-faceted social function within neighbourhoods and provides an important role within communities. These facilities and services may be provided by public sector bodies, the community themselves or by the private sector

4.4.1.3 Policy Objective PHP37: Public Realm Design

It is a Policy Objective that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.

4.4.1.4 Policy Objective PHP38: Public Realm Offering

It is a Policy Objective to preserve and enhance the public realm offering in our towns and villages. Dún Laoghaire-Rathdown County Council recognises the social and non-commercial value of the public realm and commercial activity is not the sole objective of outdoor public realm improvements. The Council will develop an outdoor realm policy that will enhance offerings including, but not limited to, street furniture; pedestrianisation of streets; outdoor vendors; safe, public breastfeeding spaces and litter management. All ages and backgrounds should be included in the consideration of public realm improvements

Development Management

12.6.8.5 Free-Standing and Outdoor Advertisement Displays

Public information and advertising panels are permissible in situations such as pedestrian precincts of shopping centres, other areas of commercial activity and along major traffic routes. They can sometimes be effective when grouped in a unified composite, which avoids an impression of clutter, subject to the location and number of panels. The amount of advertising permitted on public information panels will be restricted and shall constitute not more than 50% of the total area. The location of all proposed freestanding advertising structures should be carefully considered having regard to pedestrian movement, and vehicles entering, and exiting a site or parking space.

The Planning Authority will promote the use of the public domain for outdoor advertising, such as billboards, bus shelters, free standing advertisements, which has a positive impact on the street environment and creates a vibrant public realm. The scale, height, architectural design, and position of such outdoor advertising should be carefully considered so as to not impact negatively on the visual amenity of the area, and the usability of the public domain by individuals. The use of digital advertising could also be considered for outdoor advertising ideas. Regard should also be had to the street furniture strategy, as below.

12.6.8.6 Street Furniture Strategy

Proposals for the installation of any items of street furniture shall have regard to the following:

- *Any additional street furniture items shall have regard to their need, to avoid proliferation of street furniture in a location. Items should be discreet and well designed to reduce visual clutter and to ensure visual amenities are not compromised.*
- *All new street furniture items shall have a clear function relative to their location and shall have regard to the need to reduce and avoid street clutter and ensure that footpaths and cycle ways are kept free of unnecessary impediments.*
- *The co-location of street furniture items/ signage, will, where feasible, be required in order to reduce clutter. The use of high-quality materials, which may include polished steel and/or suitable coating of structures etc., will be required in order to ensure the long-term visual appearance of furniture items. All street elements shall be located so as to provide clear, accurate and timely guidance for road users, pedestrian and cyclists and should not interfere with sightlines.*

12.6.8.7 Digital Advertising/Signage

The Planning Authority acknowledges that the advertising world is moving at pace with new forms of advertising emerging, in particular with respect to digital advertising. The use of digital advertising to outdoor shopfronts is can be highly engaging, eye catching and can also have a significant positive impact on the public realm by making streetscapes interactive. Digital advertising may be permitted, in certain locations subject to design, size, detail, and level of illumination. The number of existing advertising signs on the shopfront (or similar), will also be taken into consideration as visual clutter will not be acceptable.

Planning Assessment

The location of the proposed kiosk is on Clonskeagh Road, opposite Rosemount Crescent and adjacent to the green area triangle as identified by the yellow arrow mark in the zoning map extract below. The proposed kiosk would replace the existing public payphone unit on the same site and hence, will not obstruct the public footpath. The proposed kiosk is an improvement on the existing payphone solution in terms of design and functionality. It provides enhanced services along with greater protection and security for users, while the upgraded digital advertising unit is both smaller than the existing unit, and presents a more vibrant solution for nearby commercial operators without causing negative impact on the streetscape.



Excerpt from Diuit Laoghair-Rathdown County Council land use zoning map - Comty Development Plan 2022-2028

While the location of the payphone kiosk on public footpath is not zoned for development purposes, the area adjacent to the site location is zoned as "F". The Development Plan notes the objective of zone F as "To preserve and provide for open space with ancillary active recreational amenities".

It is noted that the public payphone is classified as a Public Service and that the Development Plan lists public services as "open for consideration" in this zone.



Enda Shiels & Associates

Architectural Design and Planning Services

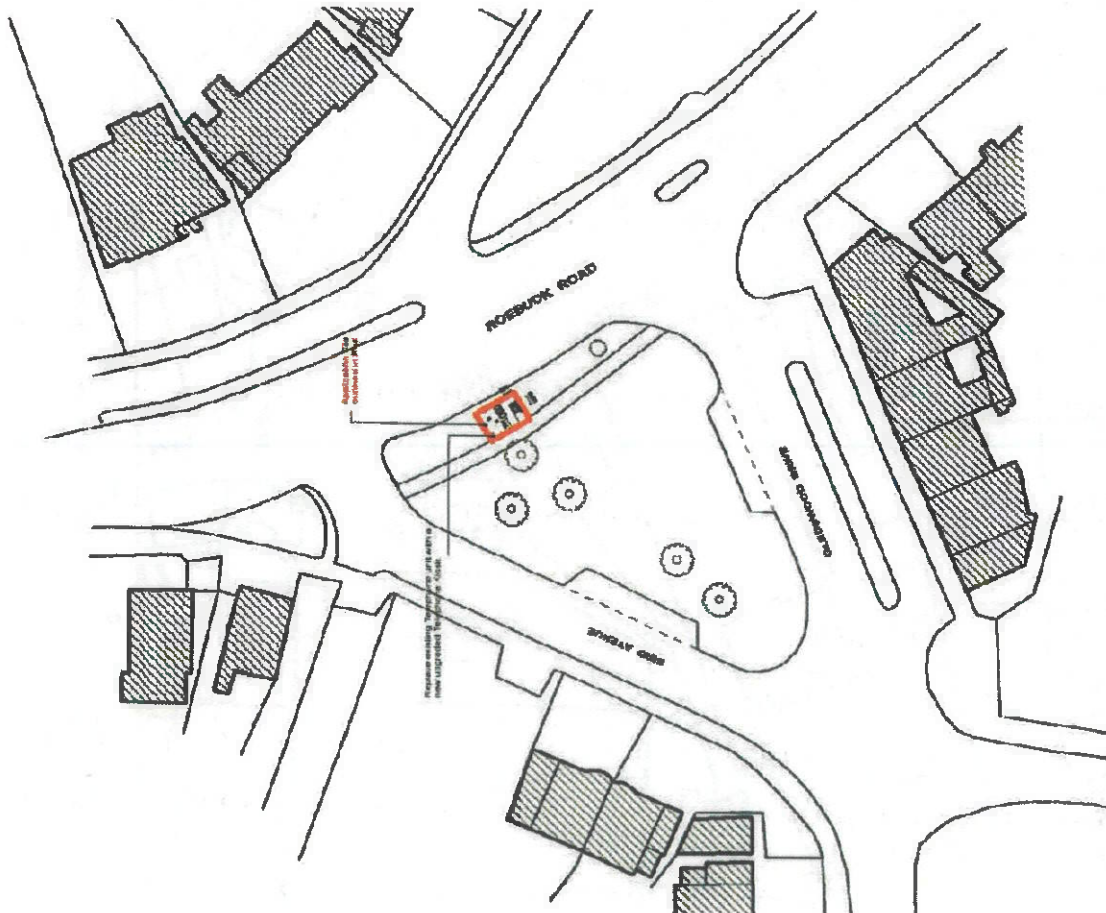
Brownstown,
Navan,
Co. Meath.

Tel: [REDACTED]
Mob: [REDACTED]
E-Mail: [REDACTED]

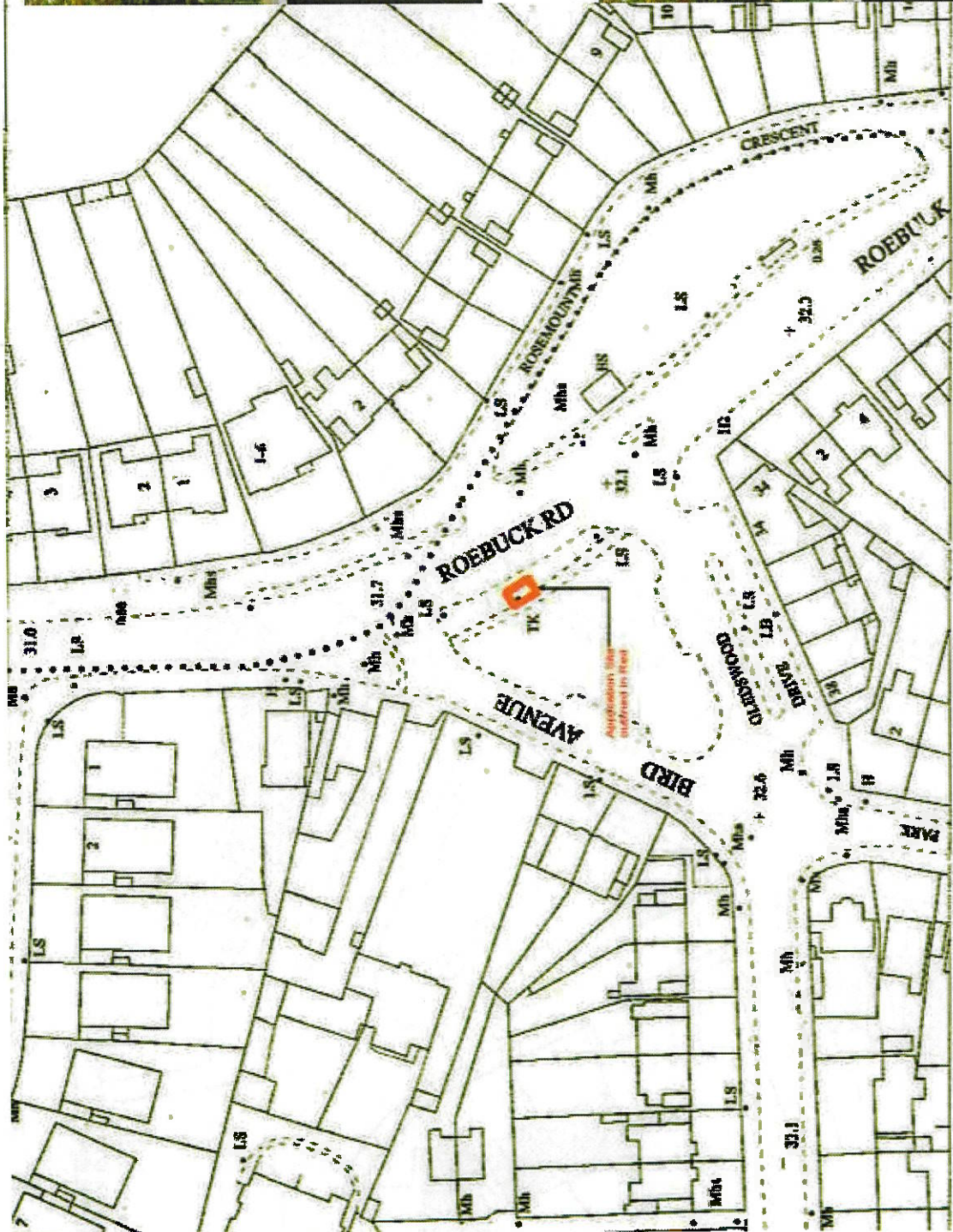
Clonskeagh Road jn of Bird Ave

Clonskeagh Road between Bird Avenue and Gledswood Drive
Replace existing unit with upgraded kiosk





SITE LAYOUT PLAN
SCALE 1:500

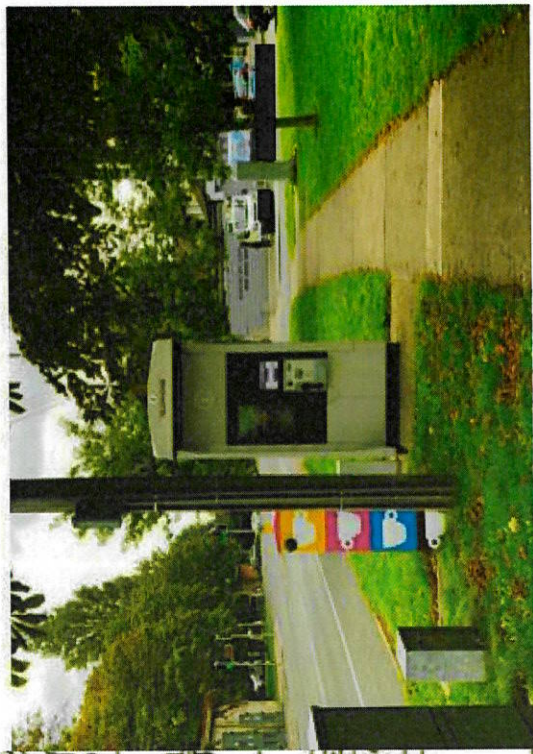


Plot Ref. No. 19708053_1_1
 Plot Date 03-MAR-2016



Scale- 1:1,000
 Scale- 1:1,000

PROPOSED VIEW





Clonskeagh Road between Bird Avenue and Gledswood Drive - looking south



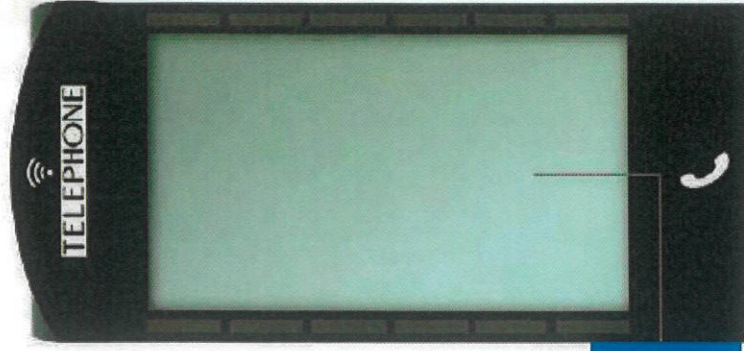


Clonskeagh Road between Bird Avenue and Gledswood Drive - looking north

Clear Channel Micro Pillar

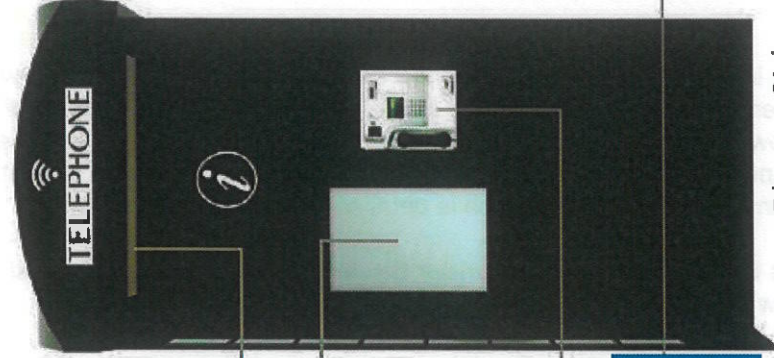


Rear View



Screen / Display Side

Front View



Phone Side



[REDACTED]
Vice President
Marsh USA Inc.
9830 Colonnade Boulevard
Suite 400
San Antonio, TX 78230
+1 210 691 4173
www.marsh.com

Clear Channel Ireland Ltd. (you)
Unit 104 Northwest Business Park
Ballycoolin
Dublin 15

May 22, 2023

Client Information Letter

Client Name: Clear Channel Ireland Ltd.

We, Marsh, as insurance brokers, provide our services to you in accordance with our terms of business agreement only. We are writing to you to confirm that the contract of insurance described below (the 'Insurance') is in force at the date of this letter. All of the Insurance is subject to its specific policy term, conditions, exceptions, warranties and limitations, not all of which are summarized below, but which is detailed in the policy document.

The Business Description covered under the Insurance (unless qualified under individual heading below) is as follows:

Out of Home Advertising, Design, Provision, Erection and Maintenance of Bus Shelters, Taxi Shelters, Phone Kiosks and other advertising structures

Excess Public/Products Liability (Umbrella)

Insurer: Chubb European Group SE
Policy Number: [REDACTED]
Policy Period: 31 March 2023 to 30 March 2024
Limits of Indemnity: €6,500,000

Indemnity is provided to:

Dun Laoghaire Rathdown County Council

If applicable, any third-party questionnaire which we have been asked to complete on your behalf and which we have completed as requested by you in connection with a request for information about your Insurance is attached to this letter. For the remainder of this letter any reference to "letter" shall also include a reference to any such questionnaire accompanying the letter (where applicable).



Page 2
May 22, 2023


We accept no obligation to inform any other person or entity should any of the Insurance be cancelled, assigned or changed in such manner as to affect the accuracy of this document. Unless we specifically agree otherwise in writing, and to the fullest extent permitted by law, we do not accept any liability to anyone other than you, our client (and any such liability to you will be subject to any limitations contained in our terms of business agreement, and/or any other agreement, with you) for the content of this letter. Under no circumstances shall any third party to whom/which this letter is disclosed be entitled to rely on its contents. Any and all liability to any third party is hereby expressly excluded.

This letter shall not amend, extend or alter the coverage afforded by the Insurance; it is provided for information only and is not to be understood as providing advice to you or anyone else on any decision which is under consideration. The reader of the letter is responsible for any assumptions he/she makes as to the coverage afforded by the Insurance, which may be subject to important conditions and/or exclusions.

Sincerely,

[Redacted signature block]
Direct Dial: [Redacted]
Email: [Redacted]

EXCERPTS FROM COMREG REPORT ON THE PROVISION OF PUBLIC PAYPHONES – December 2020



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Provision of Public Pay Telephones
Universal Service: Scope and Designation

NON-CONFIDENTIAL

Response to Consultation and Decision

Decision: D12/20
Reference: ComReg 20/127
Version: Final
Date: 21/12/2020

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation
1 Lárcheantar na nDugál, Sráid na nGiledeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Tel | Tel +353 1 804 8800 Suíomh | Web www.comreg.ie

Executive Summary

8. Universal service is an important measure of end-user welfare as it provides a safety net that ensures certain basic fixed line services are available at an affordable and uniform price to all citizens and consumers throughout the State, particularly in areas of the State (such as rural or sparsely populated areas) where the market might not deliver these services.
9. Services provided under the USO include reasonable access to voice telephony services from public payphones.
10. In publishing this decision, ComReg is cognisant of its statutory objectives, as set out in Section 12 (1) (a) (iii) of the Communications Regulation Act, 2002 (as amended) (“the Act”), including the promotion of interests of end-users of services and protecting end-user welfare, in respect of its review of the current public payphone usage threshold level and payment methods under the current designation (i.e. prior to 31 December 2020).
11. Under Regulation 5 of the Regulations ComReg requires the consent of the Minister of the Environment, Climate and Communications to “specify terms and conditions applicable to the provision of public pay telephones or other voice telephony access points” provided to meet the reasonable needs of end-users in terms of geographical coverage, the number of telephones or other access points, accessibility to disabled end-users and the quality of services.

12. Where ComReg determines, after consultation with the Minister and having regard to views expressed to it under a public consultation that there exists a sufficient number of public pay telephones or other public voice telephony access points in any geographic area to satisfy the reasonable needs for such service in that area ComReg may decide not to designate an undertaking.
13. ComReg, in accordance with the Regulation 5(3) of the Regulations, having consulted with the Minister, and having regard to views expressed to it under a public consultation, has decided at this time not to designate an undertaking to provide public payphones beyond the current designation period.
14. To date, ComReg has ensured that the reasonable needs of end-users are met in terms of a usage threshold of existing payphones in Decision D01/19, as was the case in previous decisions, rather than the quantity or distribution of payphones throughout the State. If a public payphone is sufficiently used, it meets the usage threshold, the payphone is therefore a universal service public payphone, and the USP must retain and maintain it. However, the USP may cease service from a public payphone where the usage is below the usage threshold parameters, or there is evidence of anti-social behaviour, or its removal is requested by a Local Authority, but it must act in accordance with the notification requirements in the case of cessation of service from that public payphone.
15. ComReg is also mindful of Directive (EU) 2018/1972 (European Electronic Communications Code, "EECC"), when considering its review of the need, if any, for a public payphone universal service designation and associated public payphone usage threshold level and payment methods, beyond the current designation period (i.e. post 31 December 2020). The EECC is being transposed into national legislation.
16. Article 87 of Directive (EU) 2018/1972 states that Member States may continue to: "ensure the availability or affordability of other services...that were in force on 20 December 2018, if the need for such services is established in light of national circumstances".
17. Recital 235 of the EECC provides additional context in respect of Article 87, stating that [emphasis added]:
"Member States should be able to continue to ensure the provision of universal service in their territory, other than adequate broadband internet access and voice communications services at a fixed location, that are included in the scope of their universal service obligations on the basis of Directive 2002/22/EC on the date of entry into force of this Directive, provided the services or comparable services are not available under normal commercial circumstances".

ComReg's Final Decision

25. In relation to the designation of a USP(s) in respect of public payphones (including usage threshold level and payment methods), post 31 December 2020 (outlined further at Chapter 4 of this document), and:
 - ComReg's assessment of the reasonable needs of end-users for universal service public payphones, based on usage;
 - the commercial provision of a public payphone service post 2020 and;
 - consideration of legislative developments (in particular, Directive (EU) 2018/1972)

ComReg has decided that a public payphone universal service obligation and associated designation, post 31 December 2020, is not necessary in light of the existence of public voice telephony access points

and future commercial plans for those access points to satisfy the reasonable needs for such service at this time.

26. ComReg will keep the need for Public Pay telephones and other voice telephony access points under review and may seek to exercise the right to impose obligations to provide the public payphones universal service in the future if such a need is established in light of national circumstances.

4.4 eir's public payphone strategy – counterfactual scenario

144. eir has set out the following as its commercial approach to public payphones, independent of any potential future universal service public payphone designation:

1. To liaise with Councils, in relation to the councils' payphone needs;
2. Offer the Council(s) the option to remove eir USO payphones and structures and replace them with Clear Channel Digital Kiosks (including a public payphone), where the council(s) have a payphone requirement;
3. Where Council(s) have no payphone requirements, then offer the Council(s) car charging points; and
4. Remove the remaining unwanted payphones.

145. In a submission to Dublin City Council's planning department, eir state that the digital kiosk will include a public payphone, an interactive digital screen, a Wayfinding/Mapping system that is suitable for both visitors and residents, capability for links to promote awareness of Local Authority events and services, public buildings and tourist attractions etc., and a digital advertising display screen. Digital kiosks will be equipped with a public payphone capable of receiving coin and card payments.

146. DCC has approved 24 digital kiosk sites to date. eir public payphones will be replaced by digital kiosks at these locations, 22 of which have passed planning, with a planned installation in Q3 2020, Covid-19 permitting.

154. Based on eir's aforementioned statements, ComReg has decided that a public payphone voice service will continue to be provided, on a commercial basis, to meet the reasonable needs of end-users (including payment mechanisms), absent of a public payphone designation, post 31 December 2020.

LETTER OF AUTHORISATION FROM EIR TO CLEAR CHANNEL IRELAND



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

Date: 24/09/2022

To whom it may concern,

In its role as the provider of public payphones in Ireland for many years, eir has appointed Clear Channel Ireland to supply certain services to eir.

Clear Channel Ireland will be responsible to eir for the supply and installation of upgraded public payphone kiosks (subject to Local Authority permissions) and for their cleaning, maintenance, operation, insurance and removal. This work will be undertaken by Clear Channel on eir's behalf.

Eir retains ownership of all rights, obligations and licences to occupy the sites where upgraded kiosks are installed.

Yours Sincerely,



2022 Blaccon Avenue, Citywest Business Campus, Dublin 24

Directors:



eir is a trading name of eircom Limited,
Registered as a Branch
in Ireland Number 507674
Incorporated in Jersey Number 116389

Branch Address: 2022 Blaccon Avenue
Citywest Business Park
Dublin 6
VAT registration: IE 328543494

Licence Number: CRM 304116

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 TELEPHONE KIOSK ON THE PUBLIC FOOTPATH/ROADWAY

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

Eircom Ltd trading as EIR ("the Licensee")

a Licence to place and maintain 1 Telephone Kiosk
measuring externally 2.447m³ (0.882mL × 1.11mW × 2.499mH),
and a digital display area 1.519m² (0.926mW × 1.64mH)
subject to a minimum footpath clearance of 1.8m and the General Licence Conditions
pertaining to the issue of this licence (see reverse) at
Clonskeagh Road between Bird Avenue and Gledwood Drive.

Underwriter: Chubb European Group SE

Public Liability Insurance: Policy no. [REDACTED] Expiry Date: 30.03.2024

Date of grant of licence: 13/02/2024

Expiry date of licence: 12/02/2029

James Phelan

Senior Engineer

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:

1. *Plans and Particulars* - The telephone kiosk 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.
2. *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 telephone kiosk 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.
3. *Withdrawal of Licence* - 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.
4. *Notice issued by 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 GF097 Bianconi Avenue, Citywest Business Campus, City West, Dublin 24, Dublin 24. 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.
5. *Obsolescence* - In the event of obsolescence of the installed infrastructure (telephone kiosk) or withdrawal or expiry of the license without renewal, the telephone kiosk 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.
6. *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 telephone kiosk unless agreed in writing between the Council and the Licensee.
7. *Installation and Drainage* - The installation of the telephone kiosk 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.
8. *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.



9. *Footpath and Cyclists* - The Licensee shall ensure that the telephone kiosk shall not obstruct pedestrians, cyclists and will not create a road safety hazard. The specific location is to be prior agreed with the Council.
10. *Maintenance* - Access to the licence area for maintenance purposes by any statutory undertakers shall be available at all times.
11. *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 telephone kiosk.
12. *Legislation* - This licence is for the telephone kiosk 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.
13. *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.
14. *Sub-letting* - This Licence is personal to the Licensee and may not be assigned or sub-let.
15. *Breach* - Any breach of the terms of the Licence will lead to the license being revoked.
16. *Change in use* - A change in use of the licenced area will require the submission of a new licence application.
17. *Maintenance during license* - The Licensee shall maintain the area used for the telephone kiosk, and the telephone kiosk in an acceptable condition so as not to constitute a nuisance e.g. free from graffiti.
18. *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.
19. If accidental damage is caused to the telephone kiosk or associated network, the Council will not be responsible for any claims made against it by the licensee or their customers.
20. The telephone kiosk 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.
21. 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.
22. 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.

