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**(a) Planning and Development Act 2000 and Planning and Development Regulations 2001 (Part 8)**

**(b) Local Government Act 2001**

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**In compliance with the provisions of Section 179 of the Planning and Development Act 2000 and Part 8 of the Planning and Development Regulations 2001 and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:**

**(A) The Site**

The site of the proposed development is located to the public footpath on the south west side of Donnybrook Road at Donnybrook Mall, adjacent to the vehicular entrance to Donnybrook Fire Station, 19-23 Main Street and Eddie Rocket's Diner at The Mall, Donnybrook Road, Dublin 4. Donnybrook Road is a heavily trafficked main artery into the city centre. The surrounding land uses are primarily commercial.

**(B) The Proposal**

It is proposed to erect a 'Metropole' double sided advertisement structure comprising of a display case mounted on an offset leg. The structure shall display civic information and/or a series of advertisements. The display panels shall be internally illuminated or LED with scrolling or static display. The structure has an overall height of 5.47 metres and a width of 3.48 metres. The area of each of the display panels is 6.82 sq. metres.

Attached to this report is a site location map and a number of drawings illustrating the proposed development.

**(C) Submissions**

Nine submissions were received within the prescribed public consultation period. There was a large degree of overlap in the submissions. The main issues raised are summarised below;

- The proposal does not comply with the Development Plan Advertising Strategy and will impact on conservation designations.
- The proposal constitutes a safety hazard to traffic and other road users.
- The proposal would be visually obtrusive and negatively impact on the character of the area.
- The proposal will impact on the residential amenities of the area.

- The Part 8 process should not be used to authorise the proposed advertising structures.
- The proposal is part of a larger project that is being split into individual Part 8 projects.
- An Environmental Impact Assessment of the overall project should be carried out.

(A full list of the persons/bodies that made observations with respect to the proposed development are listed at Appendix 1 of the report)

## **(D) Evaluation**

### Interdepartmental Reports

#### Drainage Division

- No objection subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads)

#### RTPD

No objection to the proposed development.

### Justification for the Proposed Development

The Coca-Cola Zero dublinbikes scheme is widely cited as one of the most successful schemes in the world. The scheme's success is greatly due to the very reasonable subscription charges that have been applied since the scheme first operated in 2009. This was first set at €10 for long term membership and later increased with expansion of the scheme to the current €20 per year. The extremely low charges were facilitated by using an innovative model that used outdoor advertising to fund the scheme. When first setting the membership fees, the City Council were anxious to provide a bike scheme that was affordable to all members of society and that wouldn't become an exclusive scheme for a particular social class. Providing a bike scheme with a modest subscription fee has enabled the public to adopt ownership of the scheme and thus become guardians of the scheme's bikes and associated infrastructure.

The proposed Metropole structure is being provided in order to fulfil the contractual obligations of a Concessionary Contract in connection with the provision of the existing 'Coca-Cola Zero dublinbikes scheme'.

The original 2009 'dublinbikes' scheme (40 stations & 450 bikes), Wayfinding and a Civic Information Network were provided to Dublin City Council on a cost neutral basis under a Concessionary Contract with JCDecaux in return for the granting of 72 advertising concessions in the city. The 'dublinbikes' scheme was extended in 2010 by 100 bikes and 4 stations (292 stands) at; Harcourt Terrace, Charlemont Street, Smithfield Square and Eccles Street. This limited extension was to be funded by Dublin City Council through; (1) the reinvestment of subscriptions over a three year period and (2) the provision of 10 additional advertising structures on the city's streets, which would be subject to Part 8 applications. In 2010, this method of funding the scheme extension was approved by the City Council as well as the Transportation & Traffic SPC and the Planning, Economic Development & International Affairs SPC.

The intention was to fund the 2010 expansion by means other than by raising the membership fee, i.e. to keep the costs to members as low as possible so that all sectors of society including students, unwaged, etc can continue to access the scheme as a cheap and equitable form of transport. The low cost for Dubliners to use the scheme at €20 per year is

the main reason why the scheme has remained so popular and important to people in the city. 96% of journeys undertaken are for free as they are under 30 minutes and there are now over 62,000 long term members that rely on the scheme. At present, about 13,000 journeys are made each day by Coca-Cola Zero dublinbikes. Over 17,000 journeys were made in the city on the busiest day this year on Tuesday, 31<sup>st</sup> of May.

Part 8 consents were subsequently granted for 6 of the 10 advertising panels which are now in place at the following locations: Gardiner Street, North Earl Street, Nassau Street, Mount Street, Baggot Street and Merrion Road. It is stated that 4 of the remaining advertising structures have not been realised to date due to technical and other reasons related to the difficulty in identifying suitable sites in the city.

In effect, Dublin City Council has been benefitting from a Concessionary Contract since 2008 with regard to public information and a bike scheme since 2009. The 2010 'dublinbikes' capacity extension and method of financing was approved by the City Council in 2010. The provision of this advertisement structure will fulfil one of the outstanding obligations related to the Concessionary Contract signed in 2006.

The failure to provide for this advertising structure can result in a pro rata service reduction of the existing Coca-Cola Zero dublinbikes scheme and related public amenities and/or, an increase in the annual €1.92 million scheme operational cost that must be met by Dublin City Council.

The bike hire scheme has contributed to the ongoing modal change away from vehicle use in the city since 2009 in line with the Development Plan sustainable mobility policies. The bike hire scheme advertising funding arrangement has been previously endorsed by the elected members of Dublin City Council. The current proposal represents a continuation of this approach and is considered acceptable.

#### South East Area Committee Briefing

The Planning Department provided a briefing session to members of the South East Area in May 2016 in relation to the draft Part 8 proposals. This briefing provided a background to the origin of the Part 8's, as well as the existing distribution of advertising units and bike stations in the South East Area.

	<u>Advertising units</u>	<u>Bike stations</u>
South East Area	25%	47%
Southside	41%	65%

#### Coca-Cola Zero dublinbikes Funding Report April 2016

The Coca-Cola Zero dublinbikes Funding Report was presented and noted at the April Planning SPC. The report was subsequently noted by the Transport SPC.

The report states that despite a growth in membership numbers and the provision of sponsorship, the scheme incurred a deficit of €376,211 in 2015. This deficit was met by Dublin City Council. It is clear that direct subvention of the scheme by Dublin City Council is not sustainable in the long term as the City Council would not have the necessary budgets available given the demands made from other competing sectors.

The report proposes that the operation of the scheme return to a cost neutral basis through the increase of the annual subscription fee from €20-€30. The report clarifies that any further expansion of the scheme will require that additional revenue is generated by advertising as the scale of investment required is such that any reasonable increase in subscription fee will only ever be sufficient to cover the ongoing annual operational deficit of the existing scheme of €376,211.

Further investigation has been carried out by the Planning Department into the ongoing operational budget deficit since April. Initial indications are that failure to satisfy the terms of the original Concessionary Contract ( i.e. 4 advertising structures outstanding) will require one (or a combination) of the following actions to be carried out during 2016, in order to fulfil the Contract and account for the current operational deficit;

- a) 8 stations are decommissioned and removed from the network.
- b) Subscription fee increased to approximately €35.

#### Compliance with Dublin City Development Plan 2011-2017

Outdoor advertising in the city is governed by Policy SC25 of the Development Plan. As the development is not located on zoned land but in the public realm, primary consideration of the proposal is under Appendix 27 of the Development Plan - Outdoor Advertising Strategy.

The proposed development is located in Zone 3 (as per Fig 22 Companion Map) of the Outdoor Advertising Strategy development management categories. Zone 3 covers the radial routes leading into and out of the city where it is considered the opportunity exists for the managed provision of outdoor advertising. The proposed site is considered an acceptable location for the consideration of an outdoor advertisement structure within the Zone 3 advertising management zone.

In order to achieve a coherent and standardised typology for outdoor display panels, the Outdoor Advertising Strategy specifies a preference for smaller types of advertising panels such as 6-sheet size advertising panels and 8sqm advertising structures. The appropriate size permitted is determined with regard to the streetscape quality and character of the urban fabric, and in accordance with the provisions of the outdoor advertising strategy. The size and scale of the structure proposed equates to an 8sqm display, similar to those previously erected in connection with the Coca-Cola Zero dublinbikes scheme at a number of locations in the city. The proposed structure would correspond with that generally permissible under the outdoor advertising strategy and is appropriate to the particular site location having regard to the surrounding site context.

#### Impact on Residential Amenity and the Amenity of the Public Realm

There are a number of Z2 zoned (residential conservation) properties located to the north of the development site, on the opposite side of Donnybrook Road. It is not considered that the level of residential amenity enjoyed by these properties will be unduly impacted by the provision of the advertising structure on a main thoroughfare in the city centre, given the distance from the site of development and to the context of existing commercial development.

The area in the immediate vicinity of the site displays a strong commercial character. It is considered that the design, size, scale and location of the structure proposed is such that it will not unduly impact on the amenity of the public realm at this location.

#### Safety Considerations

The proposed Metropole signage is similar to a number of existing structures in the city provided in connection with the Coca-Cola Zero dublinbikes scheme. This type of signage is now normalised in the city's public realm and is common across many UK and European cities. The signage erected in Dublin has proven not to be a significant distraction to drivers or other road users, nor to constitute an undue risk to pedestrian or traffic safety.

A number of submissions state that the proposed advertising structure will impact on the safety and operation of the Fire Station. No objection was received from the operators based at the Fire Station during the public display period. It is not considered that the proposed

signage will obstruct pedestrian movement or impact on traffic safety. However, in line with the precautionary approach taken with previous authorisations for similar outdoor advertising, it is considered appropriate to require a Stage 3 Road Safety Audit post construction to ensure no unforeseen hazards arise with respect to road users including pedestrians and cyclists, should the development be approved.

#### Basis for Part 8 Process

A number of submissions have raised queries regarding the entitlement of the Planning Authority to use the Part 8 process, or indeed to use a separate Part 8 process for each individual proposed development, as well as the requirement to carry out Environmental Impact Assessment for the combined proposed developments.

By way of clarification, the collective element of advertising signage provided by partnership in connection with the 'dublinbikes' Scheme, Wayfinding Scheme and Community Information Network is subject to a Concessionary Contract between Dublin City Council and JCDecaux Ireland Ltd. The granting of advertising concessions in the public domain as provided for under the Concessionary Contract is separate to the planning consent process for physical development on individual sites under the Part 8 process.

The legal basis for the Planning Authority making this Part 8 application is set out under Section 179 of the Planning and Development Act 2000, as amended. Section 179 of the Act provides that the Minister has the power to prescribe certain classes of development by, on behalf of, or in partnership with the local authority that by reason of size, nature or effect on the surroundings, should undergo a regulatory consent procedure. The prescribed classes of development which must undergo this regulatory consent procedure are contained under Part 8 of the Planning and Development Regulations 2001, as amended.

This Part 8 proposal is one of four similar proposals. There is no rational case for the consideration of the proposed developments as a collective development as each single Part 8 application forms a separate planning unit for development assessment purposes. This is in keeping with standard practice relating to proposals of a similar nature, e.g. bus or taxi shelters, where individual applications are routinely submitted for the erection of structures on public land. In this context there is no spatial connection or linkage between separate application sites under planning legislation.

Each application must be assessed on its merits taking all site specific planning issues into account, relative to the particular local context and environment. Similarly, the Part 8 proposal does not meet the threshold for Environmental Impact Assessment (EIA) and would not be likely to have significant effects on the environment and therefore consequently, the preparation of an Environmental Impact Statement is not required with regard to the guidance set out in Schedule 7 of the Planning and Development Regulations.

#### Conclusion

It is considered that having regard to the design and scale of the proposed advertising structure, its location and relationship to the surrounding land uses and vehicular movements, and the requirement to support modal change to more sustainable forms of transport in the city, that the proposed development would, subject to compliance with the attached amendments, be acceptable in terms of visual impact, would not have a negative impact in terms of traffic and pedestrian safety and would therefore be in accordance with the proper planning and sustainable development of the area.

#### **Recommendation:**

The proposed development has been assessed and it is considered consistent with the Dublin City Development Plan 2011-2017 and with the proper planning and sustainable development of the area.

Accordingly it is recommended that a decision be made by the elected members of the Council to proceed with the proposed development without modification, subject to the requirements of the respective Divisions of the City Council provided below.

- 1 The developer shall make satisfactory arrangements for the maintenance, repair and upkeep of the advertisement structure.  
Reason: In the interest of amenity and public safety.
- 2 The panels shall be lit in such a manner so as not to cause excessive glare or distraction to road users or occupiers of adjoining properties.  
Reason: In the interest of amenity, pedestrian and traffic safety and proper planning and development.
- 3 The proposed structure shall be the subject of a Stage 3 Road Safety Audit, to be carried out by an independent approved auditor at no expense to Dublin City Council. Where minor adjustments are required to satisfy safety requirements or facilitate public realm works, these shall be carried out by the developer at the direction of the Environment and Transportation Department and at no expense to Dublin City Council. If at any stage it is required by the Planning Authority that the structure be relocated to an alternative location or removed, it shall be at the developer's expense.  
Reason: In the interest of pedestrian and traffic safety and proper planning and development.
- 4 All works shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).  
Reason: in the interest of orderly development and proper planning and development.

This report is submitted to the City Council pursuant to Section 138 of the Local Government Act, 2001 and Section 179 of the Planning and Development Act, 2000, subject to the provisions of Section 139 of the Local Government Act, 2001.

**Owen Keegan**  
Chief Executive

**21<sup>st</sup> September 2016**

## **APPENDIX 1**

### **LIST OF PERSONS OR BODIES THAT MADE SUBMISSIONS**

An Taisce

Valerin O'Shea

Peter Sweetman and Associates

Ian Lumley

Donnybrook Tidy Towns

Peter Morgan

Sean Brennan

Marian Gale (Marian Gale Boutique)

Ken Conlan (Lyk Nu Cleaners)





## Donnybrook Road Photomontage (outbound)

