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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 on the traffic island located at the junction of Pembroke Road and Herbert Park and bounded by Pembroke Road, Herbert Park and Elgin Road at, Ballsbridge, Dublin 4. The surrounding land uses are a mix of commercial, embassy, residential and other uses. The dominant characteristic of the immediate area surrounding the site is that of a heavily trafficked main artery into the city centre. A large illuminated electronic variable message sign is located on the traffic island. These signs typically display traffic information regarding road conditions or number of available car parking spaces at city centre car parks, etc.

**(B) The Proposal**

It is proposed to erect a 'Metropole' double sided LED advertisement structure comprising of a display case mounted on an offset leg. The LED displays shall carry civic information and/or a series of advertisements. The structure has an overall height of 5.8 metres and a width of 3.72 metres. The area of each of the display panels is 8.44 sq. metres.

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

If the Part 8 development is approved, the proposed advertising signage will replace the existing variable message sign which will – subject to the requirements and agreement of the Environment and Transportation Dept, be located to an alternative agreed location at no cost to Dublin City Council.

**(C) Submissions**

Thirteen 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 and Protected Structures.
- 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

RTPD

No issues raised at time of writing.

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)

### 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 at a point of transition (as per Fig 22 Companion Map) between Zone 1 and Zone 6 of the Outdoor Advertising Strategy development management categories. The Advertising Strategy states that consideration must be given to the need for sensitive treatment and appropriate transition at the interface between zones. Zone 1 encompasses those areas that are most vulnerable and sensitive and primarily relates to the Georgian area of Dublin City. There is a strong presumption against outdoor advertising in this zone. Zone 6: consists of areas predominantly residential in character where outdoor advertising would be visually inappropriate. Within this zone, there are also large-scale tracts of commercial land-use which have a separate robust character and may have the potential to accommodate outdoor advertising.

The proposed site of development is located on a traffic island to the centre of the roadway. The area surrounding the site does not display dominant Z1 or Z6 characteristics, i.e. generally Georgian or residential character. The traffic island is separated from other areas of public realm by heavily trafficked carriageways. There is an existing large variable message sign located on the traffic island that will be removed and relocated should the proposed development be approved. Given the context of the site location and the existence of a large sign that will be replaced, it is considered that the proposed site can be considered for the erection of an advertising structure in compliance with the Advertising Strategy development management categories and with reference to the transitional nature of the location between Z1 and Z6 management zones. This particular area of transition is located in an area of public realm within a traffic corridor.

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

It is noted that there is a precedent for the erection of signage at this location given the current illuminated electronic variable message sign on site, which it is proposed to replace. The surrounding land uses are a mix of commercial, embassy, residential and other uses. It is not considered that residential amenity of properties distant to the site of development will be unduly impacted. The dominant characteristic of the immediate area surrounding the site is that of a heavily trafficked main artery into the city centre, dominated by road infrastructure, including a number of traffic islands, crossing points and pedestrian refuge areas. The proposed development will not unduly impact on the amenity of the public realm at this location. However the opportunity exists to upgrade the public realm at this location in association with the proposed development. The developer of the proposed advertising structure will be required to implement or fund significant landscaping/public realm improvements at the traffic island to improve the amenity of the area generally, should the Part 8 proposal be approved.

### 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. 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 Subject to the written agreement and detailed specification of the Environment and Transportation Department and prior to the erection of the Metropole, the existing Variable Message Sign shall be relocated to an alternative and equally prominent agreed location. For avoidance of doubt, all works related to removal, relocation and making good (including any surveys, diversions, enabling works, breakages, revised infrastructure requirements, etc) shall be facilitated at no cost to Dublin City Council. All costs arising shall be borne in full by the proposed Metropole operator.  
Reason: In the interest of orderly development, traffic management and proper planning and development.

- 5 Prior to the erection of the Metropole, proposals and timelines to implement or fund landscaping and public realm/lighting improvements at the traffic island shall be agreed in writing with Dublin City Council. All costs arising shall be borne in full by the proposed Metropole operator.  
Reason: In the interest of ensuring a satisfactory standard of development and amenity, and proper planning and development.
- 6 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

Pembroke Road Resident's Association

Shelbourne Road Residents Group

Anglesea Road Residents Association, incorporating Ailesbury Drive & Grove

Carmel O'Connor

Churchill Residents Group

Dr Mona McGarry

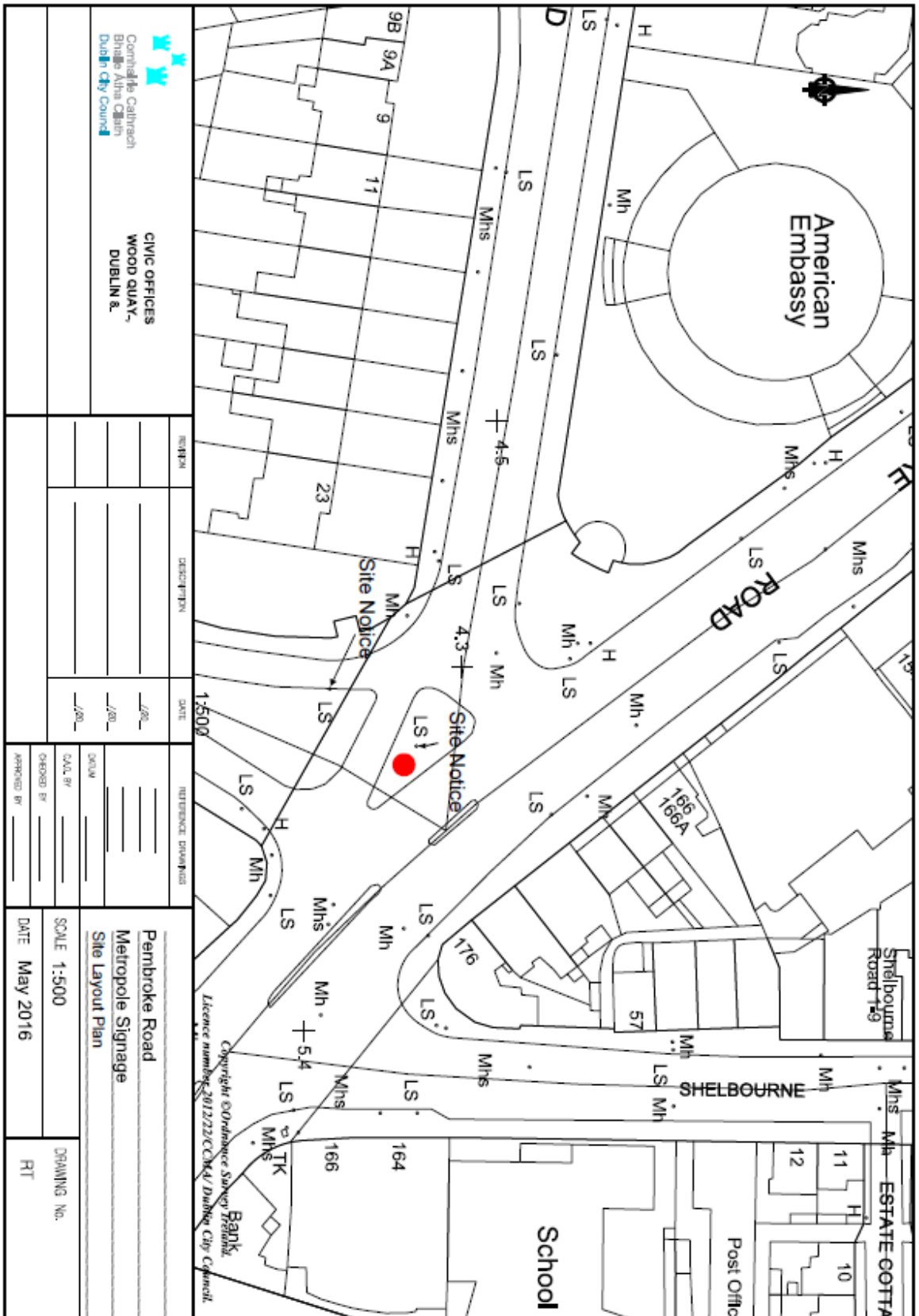
James O'Reilly


Laragh McNeece

Paul Farrell and Suzanne Hardy



# Location Map and Details of Development



 Cork City Council Civic Offices Wood Quay, Dublin 8.	REF: _____ DATE: _____	REFERENCE DEVELOPER: _____ SCALE: _____ CHECKED BY: _____ APPROVED BY: _____	SCALE: 1:500 DATE: May 2016	DRAWING NO. RT
	DESCRIPTION: _____ DATE: _____	REFERENCE DEVELOPER: _____ SCALE: _____ CHECKED BY: _____ APPROVED BY: _____	SCALE: 1:500 DATE: May 2016	DRAWING NO. RT



## Pembroke Road Photomontage (inbound)

