

Dublin City Council distributed information regarding the scheme with this artists impression of how the an advertising structure might look on Cork Street



COUNCIL PLAN DOES NOT AD UP

A deal between Dublin City Council and multinational advertising firm JC Decaux is set to change the face of the capital amid accusations of secrecy and sleaze. Described as "a rip off" and a "prostitution of the city" by some city councillors, there are similar plans for other local authorities. Eoin Bassett reports.

Here is the deal. Or rather, here is what is known about the deal between Dublin City Council (DCC) and advertising giant JC Decaux, which has been described by one critic as "the worst citywide-affecting concept from a town planning perspective to be proposed for Dublin since they looked at filling in the canals 30 years ago".

Around 120 advertising structures – possibly more – are to be erected on public property and leased to JC Decaux for 15 years in return for a public bicycle scheme with 500 bicycles, some public toilets and way-finding and heritage trail signs, all adding up to between €60 million and €85 million. Eighty per cent of the structures are to be located on the city's north side, with about two thirds of those in the city centre.

The fact that each of the councillors who spoke to Council Review had different figures for the value of the deal to DCC demonstrates the

confusion surrounding the contract. The highest figure given was from Labour councillor Andrew Montague, but even he could not explain how it breaks down. The advertising structures – some nearly seven metres squared – are new to Ireland and plans are afoot for their introduction in other local authority areas. One of the reasons given by city planners to councillors for refusing to provide details of the contract to councillors was on the grounds of commercial sensitivity.

According to Fianna Fáil councillor Tom Brabazon, the fact that the structures will be on public property was raised. "In any other circumstances, you need to carry out a plebiscite to close off a public right of way. There's normally a vote of the local area committees on those things; then it goes to the full meeting of the council. None of those procedures have been followed through and it leaves the whole process open to suspicion."

An Taisce heritage officer Ian Lumley said the deal was contemptible and he believes it is a privatisation of the public realm. "Up to now, outdoor advertising has been on private land, but this is something completely different," he said. "It's a surrender of the public realm, with the middle of streetscapes given over to free-standing structures."

Even advertising industry professionals are alarmed at the deal. Stuart Fogarty is a former president of the Institute of Advertising Practitioners in Ireland and a council member of the Marketing Institute of Ireland. In his view, the agreed advertising sites will be obtrusive and create negative aesthetics for the city. "People will say 'there are those bloody advertising people littering up our streets again'. It will reflect on the advertising industry, not on DCC and not on JC Decaux."

SEPARATE APPLICATIONS

Though it is a single project, 120 separate planning applications for the advertising structures were allowed by DCC. Labour councillor Emer Costello believes there was a lack of transparency in the way that 70 applications were submitted on 22 December, when it was more likely that applications would pass unnoticed during the Christmas season. Another 50 applications were lodged around a month

later.

"Because they were lodged as separate planning applications, there's apparently no requirement to have an environmental impact assessment [EIA]. But the scheme will have an impact on the character of the entire city and the proposal should be assessed in its entirety, rather than on an individual basis," she said. Brabazon is of the view that the multiple applications are an abuse of process and also feels there should have been an EIA.

Another issue arising from the split in the project is the cost of objecting and appealing. It costs €20 to object to each application and €200 to appeal each one to An Bord Pleanála. "This will make it very difficult for residents to object in areas where there's a number of such structures proposed and the cost of an appeal to An Bord Pleanála will be completely prohibitive," said Costello. To object to the whole project could cost anything up to €30,000.

Dublin City Council told Costello that the project was an "environmental enhancement" scheme, yet there was no consultation with the public or local councillors prior to the applications being lodged. She feels that at the very least, local area committees should have been consulted on the proposals. Other stakeholders such as An Taisce have also complained that they were not consulted while, according to Fianna Fáil councillor Tom Stafford, "there has been no independent analysis of the deal whatsoever."

"It wasn't brought before the council until the deal was done. It was a fait accompli before I and members of my area committees were informed of it. This is a mega-deal for those concerned and it wasn't put to the council properly. Before it came to the planning authority, an agreement was signed with JC Decaux."

According to Brabazon, it was brought before a strategic policy committee of which he is not a member. There was "a fairly innocuous report which was brought before the full meeting of the council, but the project that was applied for in the planning applications has a far wider geographical scope and effect than that which was brought before the strategic policy committee", he said.

"There's a division between the

STRUCTURES

Two new types of advertising structures have been applied for; 70 metropolises and 50 smaller advertising display units. Metropolises are up to seven metres squared and will stand on a single leg on public footpaths with moving images and back lighting designed to stand out, particularly at night. The Dublin Transport Office has made it known that it is totally opposed to the provision of on-street illuminated outdoor signage as it is considered to constitute a traffic hazard.

Many of the smaller advertising display units – around the size of bus-shelter advertisements – are planned for residential zones and historic or conservation areas. This is in spite of the Dublin City Development Plan, which states: "As a general principle, outdoor advertising will only be permitted in commercial zones. It will not be permitted within residential zones, historic or conservation areas, or amenity areas."

QUESTIONS FOR DUBLIN CITY COUNCIL

- Who will own the fixed advertising structures for the term of the contract – JC Decaux or DCC?
- How much is the deal worth to DCC? How is that figure calculated and how does it break down?
- Was the project entered in the EU Tender Journal? How many companies tendered for the contract and who were the companies that tendered?
- Why is an environmental impact assessment not necessary in regards to this project? Why were An Taisce and the five area committees not consulted about this deal prior to approval by the council?
- Has DCC ever found JC Decaux to be involved in the unauthorised development or upkeep of illegal or unauthorised advertising?
- If the bicycle scheme fails, will JC Decaux still have permanent access to the advertising structures?



An Taisce claim this billboard at Henrietta Place is unauthorised

reserve powers and the executive power of the council. There will always be conflicts around that, but the reality is the people with the executive power got to see the contract and sign off on it, so they're in full possession of the facts. We're blinded, which is completely wrong in a democratically-constituted body."

Cllr Andrew Montague was one of those strongly in support of the plan. He believes it did go through a fair process. "It first went through in April 2006, through various committees and was debated for an hour-and-a-half in the council chamber, so nobody can say it didn't go through a fair process."

PARTY CONFLICT

His party colleague Costello is not happy, however: "Everybody was caught between a rock and a hard place. Everyone was in favour of the bicycles. They said that this was the practice in other European cities, and this is how it's paid for. Even if it is, I'm not sure we should go down this route and I'm not happy with the deal that DCC got out of it."

The project was put out to tender and six tenders were submitted, according to Montague. As far as he is aware, he said, it was entered in the EU Tender Journal. But he does not know who the other companies were that tendered. "All six companies insisted that they wanted to keep it private between themselves and the officials, and the council officials felt they'd get a better deal if they did it that way," he explained.

None of those interviewed by Council Review could provide more detail, while DCC declined to answer questions on the subject of the deal. Stuart Fogarty explained that he was having difficulty locating the tender. "Why is it all so cloak and dagger?"

What's it worth?" he asked. "You must know what it's worth in order to agree to it. But the people of the city benefit from nothing and they're trying to put a smoke-screen up about lowering emissions and taking pressure off public transport."

An Taisce's Ian Lumley is critical of the councillors: "They should have stopped this. It's quite clear that the councillors have been ineffective and have allowed officials to enter into this secret deal and that through their ineffectiveness, councillors have ended up colluding in it."

But some councillors have not given up yet. An emergency motion was tabled by Brabazon, Costello and other councillors.

"One of the things agreed was there'd be a value for money audit and that councillors would have access to the information afterwards. That's one of the things that I'll be pursuing," said Costello.

Questions have been asked about whether the deal is value for money and Costello is sceptical about the figures given by DCC. "DCC isn't getting any money. At one stage, they said it was worth €80 million to the city council over four or five years, but when we questioned them about what we were going to do with the money, they said it's benefit in kind as opposed to actual cash."

Andrew Montague is certain the deal is worth €85 million but has no idea how much it is worth to JC Decaux. "Presumably it's profitable for JC Decaux, I don't know. All we know is they are paying us €85 million over 15 years, they're not going to release



One of the planning applications which appeared across the city for the controversial advertising structures

"Up to now, outdoor advertising has been on private land, but this is something completely different. It's a surrender of the public realm, with the middle of streetscapes given over to freestanding structures."

An Taisce heritage officer, Ian Lumley



The plan is to operate a bike scheme similar to the one in Lyon

other figures beyond that."

According to Fogarty, the deal is worth a lot of money to JC Decaux. "In ad-land territory, this is what you call 'prime outdoor'. Roughly speaking, one site like that would currently run at about €2,000 a month, so do the sums. It's a 15-year deal, which in itself is extraordinary. You rarely see 15-year deals anymore; most tenders are now for three years."

REDUCED ADVERTISING?

In a report to the Lord Mayor and members of the council, executive manager of DCC planning department, Ciaran McNamara wrote: "If negotiations prove successful...we could envisage a reduction of up to 25 per cent of present advertising space being provided by the proposer throughout the city."

However, Ian Lumley does not believe the deal will reduce advertising in the city. "The real story behind this is the utter ineffectiveness of Dublin City Council and of Irish local authorities on planning enforcement. There's clearly ineptitude that has allowed large-scale unauthorised advertising."

He believes a beefed-up enforcement section is needed to deal with infringements. According to him, temporary permission is given to an advertiser for three years. When it runs out, the council does not take enforcement action or force a reapplication. "Once it's there for more than seven years, it's past the statute of limitations so city council negligence has allowed massive unauthorised advertising to remain in place around the city."

Many city-centre businesses are furious about the plan and the lack of consultation and worried about its affects. An auctioneer report done for one business in front of which an advertising

structure is to be erected stated that "this will be catastrophic for this company's passing trade".

Tom Coffey of the Dublin City Business Association believes the deal did not go through a democratic process and that if it had, it never would have got to this. "There's something wrong about this process...The calls have started to come in from members all over the city." He does not agree that it will reduce advertising in the city but thinks it will massively increase legal advertising. "The advertising they're taking down is illegal anyway. It's very important to protect the brand of the city. If a firm was to rent every billboard, we wouldn't be Dublin city anymore but whatever that brand was." He issued a warning to other business associations throughout the country to be vigilant.

Cllr Brabazon warned that there are similar plans proposed in Dún Laoghaire-Rathdown and other local authorities. "It's very significant. If it goes through as presently envisaged by local authority officials and An Bord Pleanála gives it the go ahead, then I'm afraid it'll have much wider implications for other local authorities as the planning process is based on precedent.

"From the sparse detail we've been given, the contract specifies that if 75 per cent of the applications don't go through, the contract will fall. If An Bord Pleanála decides to refuse these on the basis of any of the arguments that have been advanced to them, it's quite likely that the whole lot will fall."

An Taisce's Ian Lumley is convinced that "if JC Decaux gets away with this, they'll be out to invest the country" and believes that by doing this deal, Dublin City Council is undermining the work it has done during the last decade. "That sets the precedent; that's why we're determined to stop them."