

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS
APPLICATION FOR OUTDOOR EVENT LICENCE FOR A
SERIES OF SINGLE AND MULTI STAGE CONCERTS AT MARLAY PARK
BETWEEN JUNE 27th TO JULY 5th, 2020 (INCLUSIVE)

LEGISLATIVE CONTEXT

- i) Part XVI (Events and Funfairs) of the Planning and Development Act, 2000 (as amended),
- ii) Planning and Development Regulations, 2001, as amended,
- iii) Planning Circular PL 04/2020.

Part XVI (Events and Funfairs) of the Planning and Development Act, 2000 (as amended), provides for the requirement of a licence for the holding of outdoor events. Section 231 refers to regulations relating to matters of procedure and administration in relation to applications and the granting of licences for events. An event is defined in Section 229 of the Act as:

- (a) "a public performance which takes place wholly or mainly in the open air or in a structure with no roof or a partial, temporary or retractable roof, a tent or similar temporary structure and which is comprised of music, dancing, displays of public entertainment or any activity of a like kind, and
- (b) any other event as prescribed by the Minister under section 241"

Article 183 of the Planning and Development Regulations, 2001 (as amended) defines an event as; "an event at which the audience comprises 5,000 or more people shall be an event prescribed for the purposes of Section 230 of the Act."

Planning Circular PL 04/2020 of April 22nd 2020 advised planning authorities of the Government decision that event licence applications in respect of events scheduled to take place in the period up to the end of August 2020 should not be considered.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

PRE-APPLICATION CONSULTATION

Article 186 (1A) of the Planning & Development Regulations, 2001 (as amended) states that "A local authority shall not accept an application for a licence for a proposed event unless a pre-application consultation meeting under article 184 has taken place in relation to the event during the 12 month period prior to the date of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, 12 months prior to the holding of the first event".

A pre-application meeting was held in accordance with the above article in the offices of the Local Authority on 06.08.2019.

APPLICATION

Dún Laoghaire-Rathdown County Council received an application for an event licence from Festival Republic Limited, on behalf of MCD Productions on 19th March 2020. The proposed event includes, a) an event known as Longitude (a three-day multi-stage music festival to be held between Friday 03rd July and Sunday 5th July (inclusive) and four single stage concerts to be held on Saturday 27th June, 2020, Sunday 28th June, 2020, Monday 29th June, 2020 and Wednesday 1st July, 2020 at Marlay Park.

Included in the information submitted in support of the application, the applicant has submitted a Draft Event Management Plan (DEMP).

The anticipated daily audience is 40,000. Gate opening times are at 13.30, for Longitude and 15.00 for the stand-alone concerts with a stated finish time, for all events, of 23.00.

The DEMP submitted notes that it "has been drafted in accordance with the Planning and Development Regulations 2001 (as amended) and the appropriate codes of practice" covering Event Management Structure and Responsibilities, Event Safety Strategy, Medical Provision and Facilities, Site Security and Stewarding, Traffic Management Plan, Emergency Plans, and an environment monitoring programme for before, during and after the proposed event as well as provision for the full clean-up of the area and for any remedial works arising from any damage associated with the event.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The DEMP contains the following sections:

- Event Management Structure and Responsibilities
- Event Safety Strategy
- Medical Provision and Facilities
- Site Security and Stewarding
- Traffic Management Plan
- Emergency Plans
- An environment monitoring programme for before, during and after the proposed event.
- Provision for the full clean-up of the area and for any remedial works arising from any damage caused to public property, facilities or amenities associated with the event

It is considered that the application complies with requirements set out in Article 187 of the Planning & Development Regulations, 2001 (as amended) in relation to form and content of application.

MARLAY PARK, MARLAY HOUSE & ENVIRONS

Marlay Park is a major public park located in the administrative county of Dún Laoghaire-Rathdown, c.1km west of Ballinteer. The park is situated between Grange Road to the north and east and College Road/the M50 motorway to the south. The administrative boundary of South Dublin County Council (Grange Golf Course) adjoins the park to the west. There are two road accesses to Marlay Park - via Grange Road to the north of Marlay House and via College Road to the south of the Park. Beyond Grange Road to the north and east there are extensive residential areas. Marlay Park and House are in the ownership of Dún Laoghaire-Rathdown County Council.

The park serves the local community but is also used on a regional basis by the wider population. The main activities for which the park is used include walking, running, children's play, team sports on allocated pitches, golf, markets at weekends and tourist type activities associated with the House and walled gardens.

The park has accommodated significant music events in recent years with a maximum daily attendance of approximately 41,000 persons.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

COUNTY DEVELOPMENT PLAN

On Map 5 of the Dún Laoghaire-Rathdown County Development 2016-2022, the event site is zoned 'Objective 'F'; to preserve and provide for open space with ancillary active recreational amenities' with an objective indicated throughout Marlay Park 'to protect and preserve Trees and Woodlands'. There is a Specific Local Objective (No. 23) identified; 'To progress the Masterplan for Marlay Demesne with a focus on the conservation of the heritage of Marlay Park, the provision of quality recreational facilities, maintaining the highest standard of horticultural and landscape presentation and increasing accessibility of the Park, Marlay House and its amenities'. The Wicklow Way walking route traverses the Park. Marlay Park House is a Protected Structure which includes the house and stable yard/craft area (RPS No. 1518). Laurelmere House is also a Protected Structure (RPS No. 1592).

Table 8.3.10 of the County Development Plan 2016-2022 outlines the land uses that are permitted in principle and open for consideration. 'Cultural use' is identified as 'permitted in principle'. Cultural use is defined under Section 8.3.12 of the Plan as "Use of a building or part thereof or land for cultural purposes to which the public may be admitted on payment of a charge or free of charge".

It is therefore considered that the licence proposal complies with the provisions and land use zoning as set out in the Dún Laoghaire Rathdown County Development Plan 2016-2022 and is therefore acceptable in principle.

WRITTEN NOTIFICATION & CONSULTATION WITH PRESCRIBED BODIES

Article 189 (1) of the Planning & Development Regulations, 2001 (as amended) requires that the licence application be circulated to the prescribed bodies. The Council sent copies of the application to the prescribed bodies and other relevant agencies, as set out below:

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

1. An Garda Síochána
2. Irish Water
3. HSE
4. Irish Rail
5. Dublin Fire Brigade
6. South Dublin County Council
7. National Transport Authority

RESPONSES RECEIVED:

An Garda Síochána

Two written responses were received on the 07/04/2020 and make comments in relation to a policing plan, with required Garda members per day and requesting that conditions linked to previous licences be included if permission is granted.

Other issues were raised relating to financial payments and adequate public transport, to and from the event, being provided.

Irish Water

A written response was received dated 03.04.2020. This states that Irish Water has "no objection in principle from a water services perspective, to the proposed event at Marlay Park". Additional comments are also provided.

HSE Environmental Health Service, Silverstone House, Ballymoss Road, Sandyford Industrial Estate, Sandyford

Two written response were received, the first from the 'Local Authority and Tobacco Control' section stating 'the Environmental Health Service for Food Safety Control is unable to comment at present regarding the application for an outdoor events licence for the Marlay Park Concerts and Longitude Festival 2020. The National Public Health Emergency Team as part of its recommendations has advised that outdoor events are not to take place at present'.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The second submission, relating to sanitary services, drinking Water and Noise Control, mirrored this statement as well as outlining that if restrictions were lifted, no objection was had, subject to conditions.

Irish Rail

No submission received.

Dublin Fire Brigade HQ

No submission received.

South Dublin County Council

No submission received.

National Transport Authority

No submission received.

THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS

Article 190 (1) of the Planning & Development Regulations, 2001 (as amended) allows the making of submissions or observations by any other person.

In this regard several submissions were received within the statutory time period and are set out below.

MAIN ISSUES RAISED (grouped for ease of reference):

IMPACT TO MARLAY PARK

1. Serious negative impact of twenty years of concerts on the landscape character.
2. Impact on the ha ha.
3. Impact of pontoons on the pond / bankside degradation.
4. Damage to woodland and grassland.
5. Impact on the Brownian landscape around Marlay House.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

6. Series of concerts results in cricket ground being not available for a longer period.
7. Removal of Park to use by the public.

IMPACT TO WILDLIFE

1. Impact of pontoons on nesting wildlife.
2. Impact on protected species.
3. The Ecological Monitoring Report for the 2019 concerts was not publicly available making it impossible to make a fully informed submission.
4. The monitoring was not independent as funded by the promoter
5. Noise and light impact and pollution
6. To hold events appears to disregard biodiversity and the climate change emergency.

LICENCING PROCEDURE AND OPERATION OF THE CONCERTS

1. Licencing process flawed, an independent body should assess the application.
2. Clear conflict of interest in the licencing process.
3. Inappropriate for Council to grant a licence for an event that it is promoting.
4. Local Authority is neglecting the park in favour of money generating concerts.
5. Marlay Park should not be used as a business.
6. Danger to public during setting up and down stages.
7. Lack of Stewards
8. A waste of police time and other front-line resources.
9. Inadequate ID checks where alcohol is being sold.
10. Bye-laws should not be suspended re: alcohol consumption.
11. These concerts are used as a major promotion for the alcohol industry.
12. Make it a licensing requirement that only beverages on a deposit and refund basis, where applicable are supplied.
13. Marlay Park is an unsuitable location for such events.
14. Concerts finish too late.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

15. There is too high an attendance at the concerts.

DISTURBANCE IN THE LOCAL AREA

1. Dangerous to allow so many people into a residential area.
2. Concern about road closures reducing ability of emergency vehicle access.
3. Inconvenience and disruption to residents for what is a commercial venture.
4. Traffic congestion, attendees not from the locale.
5. Insufficient Parking and illegal parking in residential estates.
6. Toilets on Grange Road cause foul odors.
7. Public urination.
8. Noise levels.
9. Disruption in normal access to the park.
10. Anti-social activity.
11. Attendees coming into nearby estates.
12. Use of illegal drugs.
13. Indecent public displays.
14. Noise pollution.
15. Inadequate clean-up during and after events.

MISCELLANEOUS

1. The park is unsafe during construction and take-down periods.
2. Residents associations don't receive grants.
3. Park open to terrorist attacks.
4. People's Park should be used as an alternative venue.
5. The Council should focus on supplying housing instead of Rock Concerts.
6. Event should not take place given the Covid pandemic.
7. Huge energy demands to facilitate concerts.
8. Reference to Christmas tree mulch spread in woodlands causing a loss to flora.

The comments raised in the submissions are noted and are taken into consideration in the assessment of this application.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

RESPONSE TO SUBMISSIONS

The submissions received have been noted and considered as part of the licence application. It should be noted, that as the event is to be re-scheduled, the planning authority will undertake another public consultation consistent with that required under Article 188 of the Planning and Development Regulations 2001 (as amended). It is further emphasized that, the planning authority will notify all parties who made submissions under this original public consultation process offering them the opportunity to participate in the public consultation on the proposed re-scheduled event and shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application.

PROVISION OF INFORMATION REGARDING APPROPRIATE ASSESSMENT

This Local Authority has, as the competent authority has undertaken a screening exercise for Appropriate Assessment for this licence application. The conclusion is as follows;

This stage 1 screening for AA of the proposed event licence for the Longitude Festival 2020 event in Marlay Park, Rathfarnham, Co. Dublin shows that implementation of the proposed events is not foreseen to have any likely significant effects on any European site.

The proposed events are not located within 3.3 km of any European site. The AA screening process has considered potential effects which may arise during the construction, operational and decommissioning phases as a result of the implementation of the proposed events. The proposed events are connected to a number of European sites in Dublin Bay via an indirect hydrological pathway through an existing surface water network. Through an assessment of the pathways for effects and an evaluation of the project characteristics, taking account of the processes involved and the distance of separation from European sites, it has been evaluated that there are no likely significant adverse effects on the qualifying interests, special conservation interest or the conservation objectives of any designated European site. The ecological integrity of the European sites is not foreseen to be significantly affected by the project.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Given the nature of the proposed events, their scale, the localised and temporary nature of the construction and operational effects identified as potential sources, the proposed development will not lead to a significant in-combination effect with any other plans or projects.

It is concluded that the proposed events are not foreseen to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects. This evaluation is made in view of the conservation objectives of the habitats or species for which these sites have been designated. Consequently, a Stage Two is not required for the project."

Based on the documentation received it is reasonable to conclude that the activities involved with the Outdoor Event Licence, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

NOTIFICATION PROCESS

The Planning and Development (Amendment) Regulations 2015 came into operation on 1st October 2015. Article 186 (1) of the Regulations provides as follows: -

"An application must be made at least 13 weeks prior to the date of the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, at least 13 weeks prior to the holding of the first event."

The application was received by the Planning Authority on the 19th March 2020, i.e. in excess of 13 weeks prior to the date of the first proposed event on the 27th of June 2020.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

DECISION ON APPLICATION

Section 231 (3) (a) of the Planning and Development Act, 2000 (as amended) states:

"Where an application for a licence is made in accordance with regulations under this section, the local authority may decide to grant the licence, grant the licence subject to such conditions as it considers appropriate or refuse the licence."

Covid-19, global pandemic

In light of the Covid-19, global pandemic, Planning Circular PL 04/2020 of April 22nd, 2020 advised planning authorities, of the Government decision, that event licence applications "should not be considered in respect of events scheduled to take place in the period up to the end of August 2020".

Administrative arrangements, intended to address the circumstances faced, while maintaining the integrity of the planning system and meeting necessary public participation requirements were also circulated within the document 'Frequently asked Questions 'Extension of Orders originally made on 29th March 2020 under Section 251A of the Planning and development Act 2000 (as amended)' on 08th of May 2020 and are included below for ease of reference,

1. "The planning authority shall notify the event promoter of the contents of Circular PL 04/2020 relating to the Government Decision that event licence applications in respect of events scheduled in the period up to end August should not be considered.
2. (a) In the case where a public consultation on a proposed event is still ongoing, the event promotor can make a submission under Article 190 of the Regulations advising that in light of the changed circumstances, s/he now proposes to re-schedule the proposed event to a later date/ next year.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

(b) In the case where the public consultation has concluded but no decision has been made on the application, the event promoter can notify the planning authority that, in light of the changed circumstances, s/he now proposes to re-schedule the proposed event to a later date/ next year.

(c) In both scenarios (a) and (b) above, the pre-planning consultation meeting held in respect of the original proposed event under Article 184 of the Regulations shall still stand and any further consultation meeting in respect of a proposed re-scheduled event should occur under Article 191 of the Regulations. Such latter meeting shall, as always, be without prejudice to any decision on the proposed re-scheduled event.

3. Further to the receipt of such submission / notification from the event promoter, and unless the below further information has already been submitted as part of the submission/ notification under 2. above, the planning authority may request the following further information from the event promoter in accordance with Article 191 of the Regulations: -

- (a) confirmation of the specific date(s) it is proposed to re-schedule the proposed event;
- (b) confirmation of the scope of the event i.e. whether it is the same or reduced / larger, venue, names of acts, proposed attendance capacity etc;
- (c) the provision of an updated consent letter from the venue owner/ management in respect of the proposed new date(s);
- (d) any further information that may be relevant. Such further information request should be made prior to the date of the event which was the subject of the original event licence application.

When making such a further information request, the planning authority should also advise the event promoter that where s/he proposes to re-schedule the event, it shall be subject to the following conditions to which s/he should indicate agreement:

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

- (i) a further consultation meeting shall take place between the planning authority, the prescribed bodies and the event promoter not earlier than 12 months prior to the proposed re-scheduled date(s). Such consultation meeting shall take place in accordance with the public health advice prevailing at the time of the meeting (see also section 6 under "The 251A Order" of this FAQ);
- (ii) the event promoter shall submit an updated event management plan, with updated risk assessments, to the planning authority at least 1 week in advance of the proposed consultation meeting;
- (iii) the event promoter shall place newspaper notices after such consultation meeting informing the public of the proposed revised date(s) for the event, the venue and the acts involved, and any further information required by the planning authority;
- (iv) further to such consultation meeting, the planning authority shall undertake a public consultation on the proposed re-scheduled event consistent with that required under Article 188 of the Regulations;
- (v) the planning authority shall notify all parties who made submissions under the original public consultation on the proposed event of the proposed re-scheduling of the event offering them the opportunity to participate in the public consultation on the proposed re-scheduled event;
- (vi) the planning authority shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application".

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

SUMMARY AND RECOMMENDATION

The Planning Authority has had regard to the pre-application consultation, the information relating to the application furnished to it by the applicant in accordance with the Planning and Development Act, 2000 (as amended), the Planning and Development Regulations, 2001 (as amended) and the contents of Planning Circular PL 04/2020 of April 22nd, 2020.

Having regard to the above,

- The Planning Authority has notified the event promoter of the contents of Circular PL 04/2020
- The event promotor has made a submission under Article 190 of the Regulations advising that, considering the changed circumstances, it now proposes that the events under licence application OEL/01/2020 will be rescheduled to similar dates in 2021.

It is recommended, that the following further information be sought from the event promoter in accordance with Article 191 of the Planning and Development Regulations 2001 (as amended).

It should be noted that a full assessment of the licence application will be undertaken by the planning authority, in line with legislation, on receipt of the revised details requested by way of further information.

1. Applicants are requested to provide revised dates for the proposed events.
2. Applicants are requested to confirm whether the scope of events proposed remains the same as that proposed under this application, and if not, to provide revised information to this effect. i.e. whether it is the same or reduced/larger, venue,, proposed attendance capacity etc;
3. Applicants are requested to provide an updated consent letter from the venue owner in respect of rescheduled dates for 2021.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

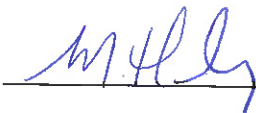
4. The planning Authority advises that the re-scheduled events shall be subject to several conditions, as set out below. The applicant is hereby requested to indicate its agreement to same within its response to this request for further information.
- (i) a further consultation meeting shall take place between the planning authority, the prescribed bodies and the event promoter not earlier than 12 months prior to the proposed re-scheduled date(s),
Note: Such consultation meeting shall take place in accordance with the public health advice prevailing at the time of the meeting,
 - (ii) An updated event management plan, with updated risk assessments, shall be submitted to the planning authority at least 1 week in advance of the proposed consultation meeting,
 - (iii) After the consultation meeting, newspaper notices shall be placed, by the applicant, informing the public of the proposed revised date(s) for the events and any further information required by the planning authority,
 - (iv) Further to such consultation meeting, the planning authority shall undertake a public consultation on the proposed re-scheduled event consistent with that required under Article 188 of the Regulations,
 - (v) the planning authority shall notify all parties who made submissions under the original public consultation on the proposed event of the proposed re-scheduling of the event offering them the opportunity to participate in the public consultation on the proposed re-scheduled event,
 - (vi) the planning authority shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Order: Further information to be sought from the event promoter in accordance with Article 191 of the Planning and Development Regulations 2001 (as amended).

Dated: 25/6/20 Approved Officer: 

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2262, dated 25/Nov '19, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.