

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

APPLICATION FOR LICENCE FOR EVENTS AT MARLAY PARK

On dates including 22nd 27th 29th and 30th June and 05th and 6th of July 2024

Reg. Ref. OEL/02/24

Case Planner: Ciaran Daly

LEGISLATIVE CONTEXT

- i. Planning and Development Act, 2000, as amended;
- ii. Planning and Development Regulations, 2001, as amended;
- iii. Planning and Development (Amendment) Regulations 2015.

Part XVI of the Planning and Development Acts, 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 for applications and the granting of licences. S.I. No. 600 of 2001 and S.I. No. 116 of 2012 currently pertain. 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 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 (Licensing of Outdoor Events) Regulations, 2001, defines an event as being *"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."*

The following codes of practice and guidelines are also considered relevant to event licences.

- i. Code of Practice for Safety at Outdoor Pop Concerts and other outdoor musical events Department of Education in January 1996.
- ii. Code of Practice for Safety at Sports Grounds, 1996.
- iii. Code of Practice for Management of Fire Safety in Places of Assembly, Department of Environment.
- iv. Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly, Department of Environment.

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- v. Ensure compliance is achieved with the requirements of the Fire Services Act 1981 and Amendment 2003 and the Fire Safety in Places of Assembly (Ease of Escape) Regulations 1985.
- vi. Safety Health and Welfare at Work Act 2005.
- vii. Building Control Acts 1990 to 2014.
- viii. Litter Pollution Act 1997 (as amended in 2017).
- ix. Environmental Protection Agency Act and regulations.

APPLICATION

On the 21st March 2024 Dun Laoghaire-Rathdown County Council received an application for an events licence from Festival Republic Dublin Ltd., on behalf of MCD Productions Ltd. It is proposed that a series of concerts be held on dates including 22nd, 27th, 29th, 30th of June and 5th, 6th of July 2024 at Marlay Park, Grange Road, Rathfarnham, Dublin 16.

The applicant has submitted a Draft Event Management Plan for the Single Stage Concerts and Longitude, a weekend-long event.

Summary of Proposal

The applicant states that the maximum anticipated attendance at each event is 40,000 people. The applicant states that the events will start at between 13:30 hrs and 15:00hrs. Each event will finish at 23:00hrs.

The Draft Management Plan includes details on the following matters:

- 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.

There is also a list of appendices at the end of the report including the following:

- Appendix 1 Draft Major Emergency Policy V1
- Appendix 2 Draft Fire Safety Management Plan & Risk Assessment V2
- Appendix 3 Draft Traffic Management Plan V2
- Appendix 4 Draft Water Safety Plan V1
- Appendix 5 Draft Offsite Stewarding Plan V1

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It is considered that the submission complies with the requirements set out in Article 187 of the Planning and Development Regulations of 2001 in its form and content for the purposes of making an application.

NOTIFICATION PROCESS

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 lodged on the 21st March 2024 and is therefore in excess of 13 weeks prior to the date of the first proposed event on the 22nd June 2024.

Article 186(1a) of the Regulations states: -

"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 24-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, 24 months prior to the holding of the first event."

The pre-application consultation meeting was held on the 6th July 2023 and therefore this criterion has also been met.

DECISION ON APPLICATION

S. 231 (3) (a) of the Planning and Development Acts, 2000 (as amended) states that:

"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 conditions as it considers appropriate or refuse the licence."

MARLAY PARK AND HOUSE

Marlay Park is a major public park located in the administrative county of Dun Laoghaire-Rathdown. The park is situated between Grange Road to the north and east and College Road and the M50 motorway to the south. Grange golf course, located within South Dublin County Council administrative area, adjoins the park to the west. The main road access to Marlay Park is via Grange Road to the north of Marlay House. Beyond Grange Road to the north and east there are extensive suburban residential areas. Marlay Park and House are in the ownership of Dun Laoghaire-Rathdown County Council.

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

The park has accommodated significant public events in recent years with a maximum attendance of approximately 40,000 persons.

COUNTY DEVELOPMENT PLAN

In the Dun Laoghaire-Rathdown County Development 2022-2028, the event site is zoned 'Objective 'F'; *'To preserve and provide for open space with ancillary active recreational amenities'*. Marlay Park is a Candidate Architectural Conservation Area.

There are also specific objectives within the park to 'Protect and preserve trees and woodlands'. Additionally, there is a Specific Local Objective (No. 47) 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. Laurelmere House is also a Protected Structure. At the entrance from Grange Road into Marlay Park, there is an industrial heritage feature 'letter box'.

Table 13.1.9 of the County Development Plan 2022-2028 outlines the land uses that are permitted in principle and open for consideration on land zoned 'F'. 'Cultural use' is identified as 'permitted in principle'. Cultural use is defined under Section 13.12 of the Plan as 'Use of a building or part thereof or land for cultural or purposes to which the public may be admitted on payment of a charge or free of charge and includes an art gallery, museum, public library or public reading room, theatre, public hall, exhibition hall.'

It is considered that the licence application complies with the provisions and land use zoning as set out in the Dún Laoghaire Rathdown County Development Plan 2022-2028.

PUBLIC BODIES AND INTERNAL CONSUTLEES

As part of the assessment process, Article 189 (1) of S.I. 600 requires that the licence application be circulated to certain prescribed bodies. In doing so the Council submitted copies of the application to:

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1. Garda Divisional HQ Crumlin,
2. Dun Laoghaire Gardai,
3. Tallaght Gardai,
4. Rathfarnham Gardai,
5. HSE Head Office,
6. HSE Principal EHO's for DLR,
7. HSE LA and Tobacco Control Unit,
8. HSE Emergency Planning,
9. South Dublin County Council,
10. Wicklow County Council,
11. NTA,
12. Dublin Fire Brigade,
13. Irish Rail,
14. Uisce Éireann,
15. Environmental Health Office, Air and Noise Unit.

DLR Co.Co. INTERNAL CONSULTEES

The application was also referred to the following internal consultees:

1. Community and Cultural Development,
2. Parks Department,
3. Dún Laoghaire Harbour,
4. Traffic Department,
5. Municipal Services,
6. Conservation Department
7. Biodiversity.

Responses were received from the following bodies/internal departments-

Garda Divisional Headquarters Crumlin

A written response was received from the Garda Divisional HQ Dublin (dated 11th April 2024), with the following comment;

Planning Secretariat,

I refer to the above and submission in respect of Marlay Park Concerts 2024.

Chief Superintendent Armstrong wishes to submit that in the case of a disagreement the final decision will lie with the Assistant Commissioner, DMR in the determination of the policing resources required for the Marlay Park Concerts and that Festival Republic will defray the associated costs in accordance with the Policy for the Provision of Garda Services for Certain Events and Associated Charges.

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The delay in this submission not reaching your office on the deadline of yesterday's date is regretted.

Sent on behalf of Chief Superintendent Majella Armstrong

DMR South

HSE Emergency Management Office East

A written response was received from the HSE Emergency Management Office (dated 2nd April 2024), with the following comment;

Thank you for forwarding the files in relation to the above events and it is acknowledged as having been supplied by Dun Laoghaire County Council to the HSE under Sec 9 (1) of SI 154/2001. When Dublin City Council makes its decision under section 231(3) of the Planning and Development Act, the HSE as a prescribed body will require notice under Sec 12 (2) of its decision.

The HSE Emergency Management Office East Region has standardised the conditions and are applied on behalf of the HSE in relation to public events. These conditions are inclusive of the normal consultation process.

The HSE Emergency Management Office East Region is available to discuss any queries your office may have.

HSE Emergency Management Office East - Event Licence Conditions

County Council: DLRCOCO

Event reference: PAC/OEL 02/2024

1	<i>Any additional requirements of the Emergency Management Office of the Health Service Executive shall be resolved directly with the office prior to the event.</i>

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2	<p>The Planning regulations require an Event Management Plan to be produced which should include an event medical plan, in accordance with the Code of Practice for Safety at Outdoor Pop Concerts and Other Musical Events (Dept. of Education – 1996). All event medical plans should be developed in accordance with the recommendations of the Health Service Executive, Emergency Management Office</p>
3	<p>The event medical plan for this event is to be agreed with all medical providers and submitted to the Health Service Executive, Emergency Management Office, <u>no later</u> than two weeks prior to the event.</p>
4	<p>Medical / First aid activity [if any] at the event shall be recorded, compiled in an event medical report and forward directly to the Health Service Executive, Emergency Management Office, within <u>one month</u> after the event to include the following information:</p> <ol style="list-style-type: none"> a. Number of patrons accessing medical / first aid services. b. Number of patrons requiring <u>actual</u> treatment. c. Number of patrons removed to hospital. d. Types of injury / illness <p style="text-align: center;"><i>(Names and personal details are not required)</i></p>
5	<p>This licence may be suspended by the Licensing Authority at the request of the Health Service Executive due to issues of public safety in relation to major public health risks. The HSE Health Protection Surveillance Centre (HPSC) provide the most up to date guidance and supporting documents which are all available at www.hpsc.ie.</p> <ul style="list-style-type: none"> • The granting of this licence is subject to the event organisers adhering to government and local public health requirements applicable to the area in which the event is to take place. It must be noted that public health requirements may change between the time of the granting of the licence and the date in which the event is to be held. In this case the most up to date

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	<i>government and local public health requirements must be adhered to by the event organiser.</i>
7	<p><i>Access shall be facilitated to the immediate area for Health Service Executive Community Services providing domiciliary care services to the population adjacent to the venue.</i></p> <p><i>a. Where Hospitals, Health Centres or Residential units are located within Traffic or Pedestrian restricted areas associated with the event, access for Staff, Clients and Visitors must be maintained.</i></p>
9	<p><i>Additional conditions for this event:</i></p> <p><i>A separate medical plan is required per event in Marley Park 2024.</i></p> <p><i>A meeting with Code Blue and HSE Emergency Management in advance of the first event to discuss medical provision and medical provision outside the event.</i></p>

Environmental Health Office, Air and Noise Unit (HSE)

A written response was received from the Environmental Health Office, Air and Noise Unit (dated 17th April 2024), with the following comments;

Observations and Recommendations:

The application is acceptable Environmental Health Service subject to the following conditions:

Sanitary Services

1. The numbers of sanitary accommodation (including a minimum 2 disabled toilets) must comply with the standards set out in the Code of Practice for Safety at Outdoor Events (Department of Education 1996). The following is required:

	WC Units : No. of Persons	URINAL Units : No. of Persons
Female	10 : 1000	M. Lengths -
Male	2 : 1000	8 : 1000 or 3.6m : 1000

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Toilet blocks must be placed in suitable locations that are easily accessible at all stage areas.

2. All sanitary accommodation units must be in situ and in proper working order a minimum 24 hours prior to the commencement of the outdoor events and are accessible for inspection by the Environmental Health Service.

3. Separate sanitary facilities (including wash hand basins and hand drying facilities) for food workers must be provided in addition to and separate from sanitary facilities for other users.

4. A suitable non-slip surface, adequately drained must be provided to all sanitary accommodation areas.

5. It is recommended that no non-flush chemical toilets are to be used.

6. There must be wall-mounted receptacles which dispense liquid antibacterial gel. These must be supplied in sufficient numbers outside each block of toilets and they must be in proper working order for the duration of the outdoor events. The gel shall be replaced as required. Signs of sufficient size stating "anti-bactericidal gel" must be erected in areas where the public can see.

7. It is the responsibility of the Event Organiser to ensure that all sanitary facilities are maintained in a clean and hygienic condition. Record keeping of the cleaning programme may be reviewed by the Environmental Health Service.

8. The requirements of the Drainage Section of Dun Laoghaire Rathdown County Council in relation to the disposal of wastewater from the sanitary accommodation and urinals shall be adhered to.

Drinking Water

10. Drinking water must be in compliance with the European Union (Drinking Water) Regulations 2014. A Drinking Water Safety Management Plan must be contained within the Event Management Plan and this plan shall include Microbiological and Chlorine sampling of the proposed water source. The microbiological sampling must be carried out to the mains water public supply to confirm that the drinking water complies with the above regulations. This sampling must be taken a minimum of fourteen days before the date of the first event.

11. Microbiological sampling must also be taken from the drinking water outlets (after the pipework/distribution system has been flushed) prior to the commencement of the outdoor events. The water distribution network should be super chlorinated and flushed prior to use in order to ensure that the network is sanitised and suitable for the distribution of potable water and a record of this should be maintained by the 'event Organiser.

Results of all water analysis must be sent to the Environmental Health Service prior to the commencement of the outdoor events.

12. A Drinking Water Contingency (Emergency) Plan must be prepared and implemented in the event of drinking water contamination or an insufficient supply of drinking water. Any serious incidents shall be notified immediately to Irish Water and Dun Laoghaire Rathdown County Council. The use of emergency potable storage back up tank is

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advised, such storage tank must be capable of supplying enough water to the event in the case of an emergency and the water must be in compliance with the aforementioned regulations. Adequate disinfection of the emergency supply must be undertaken prior to use.

13. A map of all drinking water pipe connections (permanent and temporary) and the location of original water sources must be drawn up and maintained by the Event Organiser.

14. It is recommended that chlorine testing should be taken throughout each day of the event, at the point of use locations around the site to indicate that adequate levels of chlorine are reaching all areas of the site. The chlorine results should be documented and maintained by the Event Organiser. If low levels of chlorine are recorded, then remedial action should be taken as a matter of priority.

15. A minimum of one drinking water supply point shall be provided per thousand persons attending each event. The drinking water facilities should be dispensed through spring-loaded taps and should have adequate waste drainage. The drinking water points must be located near the main stage areas and adequate signage must be put in place to indicate the drinking water supply points. The drinking water supply points must be thoroughly cleaned and sanitised prior to the commencement of the outdoor events and also during each day of the events. A suitable non-slip surface that is adequately drained must be provided at each location.

Noise Monitoring

16. The music noise level shall not exceed 75 dB LAeq) over a fifteen – minute period, at 1m from the façade of any noise sensitive premises for the events being held.

17. The applicant shall appoint a qualified and experienced noise control consultant to liaise between the event promoter, the sound engineer and the Environmental Health Officer for Noise control on all matters relating to the noise control prior to and during the event.

18. The appointed noise control consultant shall monitor the music noise levels at 30min intervals to ensure noise levels are not exceeded. The Environmental Health Officer (s) shall have access to the results of the monitoring at any time and a copy of these shall be forwarded to the Environmental Health Officer(s) within 3 working days after the event.

19. The applicant shall comply with the specific noise levels at the nearest noise sensitive area during rehearsals, sound checks and the event. Sound checks shall not be carried out during state exams.

20. There shall be no activities carried outside of the permitted hours that are likely to cause a noise nuisance to residents such as dismantling the stage, movement of equipment etc.

Dublin Fire Brigade

A written response was received from Dublin Fire Brigade (dated 29th March 2024).

Please find below our observations in respect of this licence application. The following items will need to be addressed.

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- *Finalised Event Management Plan to be submitted a minimum of two weeks (10 working days) in advance of the event.*
- *Finalised Drawings to be submitted a minimum of two weeks (10 working days) in advance of the event:*
 - a) *A list of the key personnel (event controller, event safety officer, etc.) and their telephone numbers should be included on the site layout plan.*
 - b) *Stage barriers including the sightline barriers should be clearly indicated on the drawings, complying with Section 8 of the Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events, 1996.*
 - c) *The access and egress routes including the occupant capacities and exit width dimensions should be clearly indicated for the different areas in use e.g. stages, tented structures, guest areas, etc. and the total occupant capacity for the overall venue.*
 - d) *The estimated peak occupancies for the general standing/seating areas should be clearly indicated for the different stage layouts.*
 - e) *Drawings clearly indicating the designated emergency access and egress routes for fire appliances including the location of fire hydrants, water supplies to be used for firefighting operations, places of special risks, control room location etc.*
- *Signage:*
 - a) *All exit signs should be illuminated.*
 - b) *Directional arrows should be as per standards referred.*
 - c) *Exits to be labelled e.g. 'Exit #', etc.*
 - d) *Exit signage to be separated from signage for other facilities i.e. toilets, drinking water, etc.*
- *Stewarding:*

Stewards are to be trained in emergency and evacuation procedures; in particular the duties and responsibilities of stewards should be in accordance with Section 13.6 – 13.12 (inclusive) of the Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events, 1996.
- *Vehicle Parking:*

Vehicle parking shall not to obstruct exit routes, fire brigade access routes or facilities for firefighting. Vehicles shall be parked in designated parking areas only.
- *Certification:*

Appropriate certification shall be kept on site in the safety file and available for inspection such as:

 - o *Staff Training*
 - o *Electrical Installation*
 - o *Emergency Lighting*
 - o *Lining Materials*
 - o *First Aid Fire Fighting Equipment (fire extinguishers to IS 291:2015+A1 2022, fire blankets to IS EN 1869 2019, etc.).*
 - o *Fireworks / Pyrotechnics*
 - o *Etc. - The above list is non-exhaustive*

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- *Petrol:*

No petrol of any amount or device that uses petrol is permitted on site for use by any trader.

- *Gas:*

If gas is being used it will have to comply with 'Guide to Gas Usage at Events' (attached), this will require RGI, safety officer, duty holder and staff to sign off Tables O1&O2/N1&N2 of IS 820:2019/Appendix 2 of guide to gas.

The Fire Brigade have no objection to the granting of this licence provided that Festival Republic on behalf of MCD Productions confirm in writing that the above points will be addressed.

DLR Co.Co. Parks

A written response was received from Parks (dated 16th May 2024), with the following comments;

DLR Co.Co. Parks

Planning Process

On Wednesday 21st March 2024 Dún Laoghaire-Rathdown County Council received an application for an events licence from Festival Republic Ltd., on behalf of MCD Productions. The County Council are the licensing body as prescribed in the Planning and Development Act and Regulations, 2000, as amended.

Park Access

There will be a reduced capacity in the Grange Road car park from Wednesday 10th June to Friday 12th July. On events days it will be closed.

The car park at College Road will operate as normal except on events days when it will close at 12:00 to facilitate event traffic.

While there will be limited access in certain areas, Marlay Park will remain open to all visitors for the duration of Festival Republic's presence on site. Walking routes will be clearly signposted at the entrances to the Park. On event days, the park will be accessible to pedestrians until 4pm. The site layout and build schedule aims to keep people safe during the construction stage, maximising the availability of the park, to park users and to minimise disruption where possible.

- *Marlay Courtyard – will remain open for business except on event days when it will be closed.*

- *Boland's Café and The Wicklow Way Cafe - will remain open for business except on event days when they will be closed.*

- *Playgrounds – will remain open as normal except on event days when they will close at 12.00pm*

- *All-Weather pitches – will operate as normal except on event days when they will be closed.*

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- *Grass Pitches - will operate as normal except on event days when they will be closed.*
- *Tennis Courts - will operate as normal except on event days when they will be closed.*
- *Cricket Pitch - will be unavailable for use from 10th June - 12th July 2024.*
- *Boules/Putting Green - will operate as normal except on event days when they will be closed.*

Heras Fencing and Steel Sheild will be removed from areas of the park once they are no longer required in that area.

The total amount of time Festival Republic will be on site will be less than 5 weeks.

Noise from Reversing Alarms

In Ireland, a recent analysis of fatal accident statistics showed that reversing activities were involved in 11% of all fatal workplace transport accidents (HSA.ie, 2024). Audible reversing alarms which warn people of the danger of reversing vehicles are used in conjunction with a combination of other control measures to limit workplace accidents.

Marlay Park Historic Landscape

The maximum capacity of Marlay Park is 40,000.

We are carrying out works to stabilise and future-proof an important part of the Marlay Park historic landscape.

There are two steps to the restoration:

- *Temporarily stabilise parts of the feature by inserting a trench box and infill lined with a geotextile*
- *Removal of temporary stabilisation measures and restoration/future-proofing of haha in line with built and natural heritage conservation methods*

This project should be completed in 2024.

Litter Management

Post event the waste contractor will complete a full clean-up of the festival site; all litter will be removed from site and taken to an approved facility.

Revenue

In 2023, the Council received a payment of €1,188,860.50 from MCD.

Revenue generated from the Concerts is invested in the following areas:

- *Environmental Monitoring*

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- *Management of open spaces and investment in recreation in the Marlay Park area*
- *Walled Garden*
- *Marlay Craft Courtyard*
- *Walking route improvements*
- *Marlay Lakes Maintenance Programme*
- *Marlay Tree and Hedgerow Management*
- *Samhain*
- *Parks operations*
- *Padraig Harrington Pitch and Putt*
- *Marlay Park Masterplan*
- *Restoration of the ha ha*
- *New depot for Marlay Park operations*

Transport

A comprehensive Traffic Management Plan will be in place for the Concerts and Longitude. The priority will be to ensure that concert goers can access and exit the concert venue as quickly and safely as possible while maintaining traffic flows for regular road users. The Traffic Management Plan has been reviewed and updated in partnership with An Garda Síochána and the National Transport Authority and will emphasise the use of public transport as the preferred mode of transport to the venue.

The plan will include the following: -

- *Park & Ride shuttle bus service from Dundrum Town Centre (Marlay Park Concerts only)*
- *Shuttle bus service between Dundrum Luas station and drop off location on Stonemason's Way.*
- *Return bus service from Dublin City Centre to Marlay Park coach & bus park.*
- *Free bus and coach parking will be facilitated in Marlay Park, accessed via the College Rd gate.*
- *The junctions on the M50, Northbound and Southbound, will be split between buses and cars to minimise the impact of event traffic.*
- *Pick up and drop off has moved from Our Lady's car park to Supervalu to minimise the traffic*
- *Signage, both internally and externally will be improved to guide event goers to their choice of transport.*
- *Access to Lidl/Centra will be left turn in/right turn out only from early afternoon on each event day until the Grange Road reopens once the road closure has been lifted.*

Ecological Monitoring

The Local Authority has been proactive in addressing the concern raised in relation to the protection of protected species and wildlife within the Park during and outside of concert times. An Ecologist has been employed over the last number of years to carry out extensive surveys and to advise the Local Authority on the impact the concerts would have on the wildlife population and any steps that could be taken to improve habitats and the protection of wildlife throughout the year.

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In 2024 the Council have retained an ecologist to carry out the following:

- *Bat activity monitoring. Pre, during and post event - manual transects of bat activity will be carried out to determine if bats are using the same areas as before. Floodlighting orientation and lighting in the woodland will be monitored and luminaires re-oriented if required.*
- *Checks for locations of nesting waterfowl. Breeding bird checks will be conducted prior to the installation of the pontoons.*
- *Checks will also be conducted during the installation of the pontoons. An ecologist will be on site to monitor the installation of the pontoons. They will return to site for removal of the pontoons.*
- *Checks of all barriers in watercourses to ensure pass ability for otters.*
- *Checks of the main badger setts to ensure no works take place within 50 metres of these. Checks to verify whether there are any new setts or holts.*

DLR Co.Co. Transportation/Traffic Planning

A written response was received from Transportation Planning (dated 1st May 2024), with the following comment;

Please note the following input from Transportation Planning/Traffic:

- *The submitted Traffic Management Plan is noted. A final Traffic Management Plan should be agreed with DLRCC Traffic section prior to the event.*
- *Provision should be made to facilitate and prioritise transport to the venue insofar as possible. Transport options should be clearly communicated to attendees prior to the event.*
- *Provision of secure, supervised and well-lit cycle parking should be made for attendees. This provision should also be clearly communicated to attendees prior to the event.*
- *The provision of accessible car parking should be located as close to the destination venue as practicably possible.*

DLR Co.Co. Drainage Planning

A written response was received from Drainage Planning (dated 15th April 2024), with the following comment;

Drainage Planning do not have any objections to this event.

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WRITTEN SUBMISSIONS / OBSERVATIONS

The application was also subject to third-party submissions/observations. Five (5no.) third-party submissions / observations were received in the prescribed period. The issues raised can be summarised as follows:

Transport

- Is the car park and area in front of Marlay House going to be closed and hoarding erected this year for the whole 7 weeks? Last year was the first time this happened as usually the car park and the area in front of the House is open until midday on the actual day of a concert? If so, what is the rationale for changing this plan?
- Continuous reverse beeps from vehicles in the park for most of the 7 weeks last year. This only happened on p/take down on the day and night of a concert. Will DLRCC make sure this does not happen this year?
- Marlay Park has a poor reputation as a concert venue online, mainly due to poor transport options. There should be better engagement between the organisers and Dublin Bus etc to provide more options,
- Traffic wardens have not been in the area in previous years, it is not only the days of the concerts that they are required.

Noise

- The application to increase noise limits is unnecessary and appears to have been agreed without any consultation with local residents. Concert-goers will not notice this increase, but residents will, particularly those with small babies and children,

Antisocial matters

- Litter is not collected quick enough and blows around the park where it is deposited,

Scale of Event

- Concert size should be reduced so the landscape can be restored.
- Concerns the size and frequency of concerts and the level of disruption to the Park by comparison with other concerts held around the different parks of the city.

Impact on park and park users

- Concerns regarding unnecessary fencing and blocking of paths,
- The amount of steel shield, heras fencing and locations show be reviewed,
- Spreading out concerts over two weeks instead of one is more disruptive to the park at time of year when use is high,

Other

- Queries as to how the Council can grant such a licence and who is responsible?
 - This is a heritage property with works having been carried out such as openings in tree lines to facilitate escape routes,

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- Is the revenue of €400k from the concerts provided to DLR CoCo appropriate given the large scale disruption? Is the revenue in line with what is provided to other concert venues and has it been increased at all recently?

ASSESSMENT

1. IMPACT TO MARLAY PARK

- The Parks Department is carrying out a restoration project in the park which includes restoration of the 'haha' in line with built and natural heritage conservation methods.
- It is noted that all litter will be removed from the site.
- DLR Co. Co. raises no major concerns in relation to the impact of the event on the heritage and special character of Marlay Park. The event is temporary in nature and is of a similar character to many events in Ireland which are held in the grounds of Protected Structures and large parks.

2. IMPACT TO WILDLIFE

- The Local Authority has been proactive in addressing the impact raised in relation to the maintenance of the park and protection of protected species and wildlife within the park during and outside of concert times. An Ecologist was employed in 2015, 2016, 2017 and 2018 and including following years e.g. 2023 to carry out extensive surveys and to advise the Local Authority on the impact the concerts would have on the wildlife population and any steps that could be taken to improve habitats and the protection of wildlife throughout the year. In 2023 the Council retained the expertise of an ecologist to: Monitor the impact of the concerts on the wildlife in the Park and to address concerns raised by members of the public. Services which have been sought include installation of bat boxes in core areas of woodland to supplement roosting opportunities for existing population, checks for locations of nesting waterfowl (March/April), surveys of properties to identify maternity roosts in the Park, pre-installation of pontoon checks for nestling fledglings and also monitoring of bird species during the concerts, monitoring bat activity before, during and after the concert period to record any changes in activity, installation of static bat detectors, survey post-event activity, and mapping of potential tree roosts to inform park staff of precautions during felling.
- As the Parks Department has significant prior experience in managing this issue, there are no significant concerns in this regard.

3. OPERATION OF THE CONCERTS

The income generated from these concerts is invested in Parks and Recreation and has contributed towards previous vast improvements in Marlay Park, such as playgrounds, hospitality facilities, sports facilities, parking facilities and some of the free events held (e.g. Samhain and Movies in the Park) as well as public realm improvements around

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Marlay Park. Funds have been invested in the restoration of the Marlay Craft Courtyard, environmental monitoring, the redevelopment of the College Road Car Park, the removal of breton slabs from the Marlay Ha-Ha and restoration of same, improvements to Marlay Estate railings, improvements to footpaths in the Grange Road area, pitch renewal, park operations, Padraig Harrington Pitch and Putt, Marlay Park Masterplan, new operations depot, walking route improvements, Marlay lakes maintenance programme, Marlay tree and hedgerow management.

- As such, while there is a temporary impact on the park during the events, it is considered that there is an overall long term benefit in terms of its wider year-round function.
- The consultation process has been carried out as required under legislation relating to Event Licences. Newspaper notices were issued as per Article 186(1) of the Planning and Development Regulations, 2001 (as amended).
- Pre-planning consultation minutes are made public following a decision on the event licence application as per the Planning and Development Regulations 2001 (as amended).
- Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.
- Event opening times, finishing times, and attendance numbers are considered to be acceptable by both the Local Authority and the statutory agencies.
- Sanitation facilities are provided in compliance with the Code of Practice for Safety at Outdoor Events, 1996.

4. DISTURBANCE IN THE LOCAL AREA

- Disturbance to the local area is anticipated to be kept to a minimum and is covered in the draft Event Management Plan.
- A comprehensive Traffic Management Plan will be in place for the concerts and Longitude.
- The Traffic Section of Municipal Services Department DLR Co. Co. have previously stated that the traffic management plan worked in previous years and DLR Co. Co. continue to engage with the prescribed bodies to improve its implementation and workings. Cycle parking has been specifically recommended this year.
- DLR Co. Co. in conjunction with An Garda Síochána and the concert promoters have developed a robust policing, security and stewarding plan which endeavours to minimise disruption caused by the concerts.
- Sound levels are monitored and measured by the appointed noise control consultant. A detailed Noise Management Plan will be sent to the Environmental Health Noise Department and to the Local Authority in advance of the Event. Sanctions can be applied where there is found to be a breach of the noise level restrictions.
- The Noise and Air Pollution Unit also advises that the appointed noise control consultant shall monitor the music noise levels to ensure noise levels are not exceeded and that the Environmental Health Officer (s) shall have access to the results of the monitoring at any time and a copy of these shall be forwarded to the Environmental Health Officer(s) within 3 working days after the event. The Local Authority act on advice from the Noise and Air Pollution Unit as specialists in this area and noise reports for previous years are available to view on www.dlrcoco.ie

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- The location of the stages will be broadly similar to previous years which was so planned to give as much access as possible to park users on concert days.
- There will be some restrictions to local roads as part of the event. The final plan will be prepared in consultation with the relevant statutory bodies and residents associations.
- Cleaning teams work during the shows and after to ensure that no litter remains inside or outside the venue.
- Dedicated hotline numbers are made available to local residents to allow effective handling of complaints and concerns.

5. MISCELLANEOUS

- Contractors, Partners and Staff employed on the site will be provided with detailed health and safety information via the health and safety documentation in advance of the build.
- Free parking for buses and coaches was provided on site at the College Road entrance to the park in previous years and will be provided again this year.
- The concert promoters have proposed a detailed security and stewarding plan for the event, which endeavours to maintain good order and public safety.
- All traders have been advised on acceptable packaging used. Strictly no glass bottles/glasses will be allowed, all cups, food containers, napkins etc are compostable, along with food waste. Traders will dispose of waste generated into 3 bins (recyclables, residual & compostable waste streams).
- In accordance with the Planning & Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), Dún Laoghaire-Rathdown County Council is the licencing authority for Outdoor Events in its jurisdiction.
- DLR will continue to work with the concert promoter and An Garda Síochána to ensure any instances of Anti-Social behavior are kept to a minimum and dealt with immediately.
- There will be a reduced capacity in the Grange Road car park from Wednesday 10th June to Friday 12th July and on events days it will be closed. The car park at College Road will operate as normal except on events days when it will close at 12:00 to facilitate event traffic. While there will be limited access in certain areas, Marlay Park will remain open to all visitors for the duration of Festival Republic's presence on site. Walking routes will be clearly signposted at the entrances to the Park. On event days, the park will be accessible to pedestrians until 4pm. The courtyard and cafes will be closed on concert days.

THIRD PARTIES

The third-party submissions have been duly noted and summarised above, with concerns raised addressed where appropriate in the relevant sections of the report above and all planning issues pertaining to the proposed development taken into consideration in the assessment of same. It is further noted that some of the issues raised are also raised and addressed by the public bodies/internal department reports and can be managed by way of conditions should permission be granted for the event license.

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APPROPRIATE ASSESSMENT (AA) SCREENING

The proposed development has been screened for AA (report on file) and it has been determined that the proposed development alone or in combination would not significantly impact upon a Natura 2000 Site.

The proposed event is located c. 3.5 km away from the nearest European site. The AA screening process has considered the potential effects which may arise during the construction, operational and decommissioning phases as a result of the implementation of the proposed event. The proposed site is 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 site/s is not foreseen to be significantly affected by the project.

Given the nature of the proposed event, its 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.

Following, the proposed event is not anticipated to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects and a Stage 2 Appropriate Assessment is not required.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING

Similar to the above, having regard to the nature and scale of the proposed development, which comprises an event license for a temporary outdoor cultural event, in a fully serviced urban location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

SUMMARY

The Local 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) and the Planning and Development Regulations, 2001 (as amended).

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It is considered that the application for an event licence complies with the requirements of the Act and Regulations. It is recommended that the outdoor event licence is granted, subject to the following conditions, which accord with Section 231 (3) and (4) of the Planning & Development Act 2000, (as amended).

CONDITIONS

1. The Outdoor Event Licence shall be for the following dates 22nd, 27th, 29th, 30th of June and 5th, 6th of July 2024. The Outdoor Event Licence shall be for a maximum capacity of 40,000 people each day. All plans and proposals submitted as part of the application shall be implemented in full save as may be required by other conditions attached hereto.
2. A Final Event Management Plan shall be formally agreed with Dún Laoghaire-Rathdown County Council, Dublin Fire Brigade H.Q., Health Service Executive and An Garda Síochána a minimum of two weeks (10 working days) before the first event and written confirmation of agreement shall be submitted to the Council prior to commencement of the event. Subsequently, the agreed Final Event Management Plan shall be implemented in full.

AN GARDA SIOCHANA

3. Road closure times cited in the Draft Traffic Management Plan may vary depending on the circumstances of the day and if public duty dictates. An Garda Síochána shall make any decision in this regard.
4. In the event of a dispute between An Garda Síochána and the promoter regarding any aspect of the concerts the requirements of the Chief Superintendent DMR shall take precedence.
5. Sufficient Garda personnel numbers as determined by the Chief Superintendent DMR South shall be employed at the events to ensure that they are properly policed. All Garda costs associated with the Policing Plan shall be defrayed by the event promoter. The number of members of An Garda Síochána to be deployed shall be decided by the relevant Chief Superintendent, DMR South.

HSE

6. Any additional requirements of the Emergency Management Office of the Health Service Executive shall be resolved directly with the office prior to the event.

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7. The Planning regulations require an Event Management Plan to be produced which should include an event medical plan, in accordance with the Code of Practice for Safety at Outdoor Pop Concerts and Other Musical Events (Dept. of Education – 1996). All event medical plans shall be developed in accordance with the recommendations of the Health Service Executive, Emergency Management Office.

8. The event medical plan for this event shall be agreed with all medical providers and submitted to the Health Service Executive, Emergency Management Office, no later than two weeks prior to the event.

9. Medical / First aid activity [if any] at the event shall be recorded, compiled in an event medical report and forward directly to the Health Service Executive, Emergency Management Office, within one month after the event to include the following information:

- a. Number of patrons accessing medical / first aid services.
- b. Number of patrons requiring actual treatment.
- c. Number of patrons removed to hospital.
- d. Types of injury / illness
(Names and personal details are not required)

10. This licence may be suspended by the Licensing Authority at the request of the Health Service Executive due to issues of public safety in relation to major public health risks. The HSE Health Protection Surveillance Centre (HPSC) provide the most up to date guidance and supporting documents which are all available at www.hpsc.ie.

- The granting of this licence is subject to the event organisers adhering to government and local public health requirements applicable to the area in which the event is to take place. It must be noted that public health requirements may change between the time of the granting of the licence and the date in which the event is to be held. In this case the most up to

date government and local public health requirements must be adhered to by the event organiser.

11. Access shall be facilitated to the immediate area for Health Service Executive Community Services providing domiciliary care services to the population adjacent to the venue.

12. Where Hospitals, Health Centres or Residential units are located within Traffic or Pedestrian restricted areas associated with the event, access for Staff, Clients and Visitors shall be maintained.

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13. Additional conditions for this event:

- A separate medical plan is required per event in Marley Park 2024.
- A meeting with Code Blue and HSE Emergency Management in advance of the first event to discuss medical provision and medical provision outside the event.

EHO

14. The numbers of sanitary accommodation (including a minimum 2 disabled toilets) must comply with the standards set out in the Code of Practice for Safety at Outdoor Events (Department of Education 1996). The following is required: Toilet blocks must be placed in suitable locations that are easily accessible at all stage areas.

	WC	URINAL
	Units : No. of Persons	Units : No. of Persons M. Lengths
Female	10 : 1000	-
Male	2 : 1000	8 : 1000 or 3.6m : 1000

15. All sanitary accommodation units must be in situ and in proper working order a minimum 24 hours prior to the commencement of the outdoor events and are accessible for inspection by the Environmental Health Service.

16. Separate sanitary facilities (including wash hand basins and hand drying facilities) for food workers must be provided in addition to and separate from sanitary facilities for other users.

17. A suitable non-slip surface, adequately drained must be provided to all sanitary accommodation areas.

18. It is recommended that no non-flush chemical toilets are to be used.

19. There must be wall-mounted receptacles which dispense liquid antibacterial gel. These must be supplied in sufficient numbers outside each block of toilets and they must be in proper working order for the duration of the outdoor

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events. The gel shall be replaced as required. Signs of sufficient size stating "anti-bactericidal gel" must be erected in areas where the public can see.

20. It is the responsibility of the Event Organiser to ensure that all sanitary facilities are maintained in a clean and hygienic condition. Record keeping of the cleaning programme may be reviewed by the Environmental Health Service.

21. The requirements of the Drainage Section of Dun Laoghaire Rathdown County Council in relation to the disposal of wastewater from the sanitary accommodation and urinals shall be adhered to.

Drinking Water

22. Drinking water must be in compliance with the European Union (Drinking Water) Regulations 2014. A Drinking Water Safety Management Plan must be contained within the Event Management Plan and this plan shall include Microbiological and Chlorine sampling of the proposed water source. The microbiological sampling must be carried out to the mains water public supply to confirm that the drinking water complies with the above regulations. This sampling must be taken a minimum of fourteen days before the date of the first event.

23. Microbiological sampling must also be taken from the drinking water outlets (after the pipework/distribution system has been flushed) prior to the commencement of the outdoor events. The water distribution network should be super chlorinated and flushed prior to use in order to ensure that the network is sanitised and suitable for the distribution of potable water and a record of this should be maintained by the event Organiser. Results of all water analysis must be sent to the Environmental Health Service prior to the commencement of the outdoor events.

24. A Drinking Water Contingency (Emergency) Plan must be prepared and implemented in the event of drinking water contamination or an insufficient supply of drinking water. Any serious incidents shall be notified immediately to Irish Water and Dun Laoghaire Rathdown County Council. The use of emergency potable storage back up tank is advised, such storage tank must be capable of supplying enough water to the event in the case of an emergency and the water must be in compliance with the aforementioned regulations. Adequate disinfection of the emergency supply must be undertaken prior to use.

25. A map of all drinking water pipe connections (permanent and temporary) and the location of original water sources must be drawn up and maintained by the Event Organiser.

26. It is recommended that chlorine testing should be taken throughout each day of the event, at the point of use locations around the site to indicate that

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adequate levels of chlorine are reaching all areas of the site. The chlorine results should be documented and maintained by the Event Organiser. If low levels of chlorine are recorded, then remedial action should be taken as a matter of priority.

27. A minimum of one drinking water supply point shall be provided per thousand persons attending each event. The drinking water facilities should be dispensed through spring-loaded taps and should have adequate waste drainage. The drinking water points must be located near the main stage areas and adequate signage must be put in place to indicate the drinking water supply points. The drinking water supply points must be thoroughly cleaned and sanitised prior to the commencement of the outdoor events and also during each day of the events. A suitable non-slip surface that is adequately drained must be provided at each location.

Noise Monitoring

28. The music noise level shall not exceed 75 dB LAeq) over a fifteen – minute period, at 1m from the façade of any noise sensitive premises for the events being held.

29. The applicant shall appoint a qualified and experienced noise control consultant to liaise between the event promoter, the sound engineer and the Environmental Health Officer for Noise control on all matters relating to the noise control prior to and during the event.

30. The appointed noise control consultant shall monitor the music noise levels at 30min intervals to ensure noise levels are not exceeded. The Environmental Health Officer (s) shall have access to the results of the monitoring at any time and a copy of these shall be forwarded to the Environmental Health Officer(s) within 3 working days after the event.

31. The applicant shall comply with the specific noise levels at the nearest noise sensitive area during rehearsals, sound checks and the event. Sound checks shall not be carried out during state exams.

32. There shall be no activities carried outside of the permitted hours that are likely to cause a noise nuisance to residents such as dismantling the stage, movement of equipment etc.

Dublin Fire Brigade

33. The requirements of Dublin Fire Brigade including the necessary fire certs, fire management plans, drawings, signage, stewarding, access arrangements, risk assessment (MOE), and fire safety standards etc. as per their reports in connection with these events shall be complied with.

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34. The applicant shall comply with the 'Guide to Gas Usage at Events, 2021' with staff to sign off Tables O1&O2/N1&N2 of IS 820:2019/Appendix 2 of guide to gas and 'Code of Practice for Safety at Outdoor Pop Concerts and other outdoor musical events, Dept of Education 1996'

Transportation/Traffic

35. A final Traffic Management Plan shall be agreed with DLRCC Traffic section prior to the event.

36. Provision shall be made to facilitate and prioritise transport to the venue insofar as possible. Transport options shall be clearly communicated to attendees prior to the event.

37. Provision of secure, supervised and well-lit cycle parking shall be made for attendees. This provision should also be clearly communicated to attendees prior to the event.

38. The provision of accessible car parking shall be located as close to the destination venue as practicably possible.

Other

39. A suitably qualified ecologist(s) shall be engaged to carry out environmental monitoring of the park area with regard to wildlife, bats, birds etc. during the period from construction to take down of the concert structures including during the concerts themselves. All costs associated with this monitoring shall be defrayed by the event promoter. Detail in relation to this environmental monitoring shall be agreed with the Local Authority at least one week prior to the first concert. Monitoring information and results/comments following this monitoring shall be submitted to the County Council for their information within twelve weeks of the date of the final concert.

40. Non-compliance with any of the above conditions shall result in a fine not exceeding €10,000 for each and every occurrence.

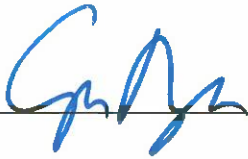
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Dara Holohan,
a/Senior Executive Planner,
Planning Department



Ger Ryan,
Senior Planner
Planning Department

Order: License to be granted in accordance with Article 192 of the Planning and Development Regulations 2001 (as amended).

Dated: 17/05/24 Approved Officer: 

There unto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoighaire-Ráth An Dúin, Order No. 2515, dated 28/04/22, delegating to me all the powers, functions, and duties in relation to the County Council of Dún Laoghaire- Rathdown in respect of this matter.