

# 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 between 8<sup>th</sup> July and 17<sup>th</sup> July 2016 (inclusive)

#### **LEGISLATIVE CONTEXT**

- i) Planning and Development Act, 2000, as amended, Part XVI;
- ii) Planning and Development Regulations, 2001, as amended.

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. 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."

#### **APPLICATION**

Dún Laoghaire-Rathdown County Council received an application for a licence from Festival Republic Ltd., on behalf of MCD Productions on the 23<sup>rd</sup> March 2016. It is

proposed that a series of concerts be held between 8<sup>th</sup> July and 17<sup>th</sup> July 2016 (inclusive) at Marlay Park.

The applicant has submitted 2 no. Draft Event Management Plans. One relates to Single Stage Concerts and another to Longitude (a weekend-long event).

#### Single Stage Concerts

There are two single stage concerts proposed, Friday 8<sup>th</sup> and Saturday 9<sup>th</sup> July. The applicant states that the maximum anticipated attendance at each event is 40,000 people. Each event will finish at 23:00hrs. The gates will open on Friday at 15:30hrs and on Saturday at 16.30hrs.

In 2014 there were 5 single stage concerts, with a capacity of 41,000 people. In 2015 there were 2 single stage concerts, with a capacity of 36,000 people.

#### Longitude (weekend event 15<sup>th</sup> -17<sup>th</sup> July inclusive)

The applicant states that the maximum anticipated attendance at each event is 30,000 people. The applicant states that the events will in general be no longer than 9 and a half hours in duration and with gates opening at 14:30 hrs. Each event will finish at 23:00hrs.

Longitude is unchanged from 2014 and 2015 in terms of number of days. The proposed attendance has increased from 21,000 to 30,000.

The Draft Event Management Plans submitted, note that cognisance of the following Codes of Practice and Publications was made in the preparation of the Draft Event Management Plan:

1. *Code of Practice for Safety at Outdoor Pop Concerts and Other Outdoor Musical Events* which is a voluntary Code issued by the Department of Education, January 1996.
2. *Code of Practice for Management of Fire Safety in Places of Assembly* Department of Environment, 1989.
3. *Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly*, Department of Environment, 1989.

4. *Code of Practice for Safety and Indoor Concert*, Department of Environment, 1998.
5. *Code of Practice for Safety at Sports Grounds*, Department of Education, 1996.
6. *Temporary Demountable Structures, Guidance on Procurement, Design and Use*, The Institute of Structural Engineers, 2007.

The application also states that the event will be planned to ensure compliance with the Fire Services Act 1981 and the Fire Safety in Places of Assembly (Ease of Escape) Regulations.

The Draft Management Plans include the following sections:

1. Introduction
2. Organisation and Staffing
3. Safety Strategy
4. The Stage & Temporary Structures
5. Front of Stage Barrier
6. Noise
7. Traffic Management
8. Entry to Site
9. Spectators with Disabilities
10. Stewarding & Site Security
11. Crowd Management
12. Means of Escape and Exit Routes
13. Medical Facilities, First-Aid and Ambulances
14. Emergency Plans
15. Fire Precautions and Safety Measures
16. Communication (Inc. Public Address System)
17. Sanitary Accommodation
18. Environmental Monitoring
19. Electrical Installation and Auxiliary Power and Emergency Lighting
20. Traders and Vendors
21. Miscellaneous Provisions

It is considered that the application complies with requirements set out in Article 187 of S.I. No. 600 Planning and Development Regulations of 2001 in relation to form and content of application.

### **NOTIFICATION PROCESS**

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

“An application must be made at least 13 weeks prior to the date for 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.”

Note: The application was lodged on the 23<sup>rd</sup> March 2016, and is therefore in excess of 13 weeks prior to the date of the first proposed event on the 8<sup>th</sup> July 2016.

### **DECISION ON APPLICATION**

Section 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, MARLAY HOUSE & ENVIRONS**

Marlay Park is a major public park located in the administrative county of Dún Laoghaire-Rathdown, circa 1 k.m. west of Ballinteer. The park is situated between Grange Road to the north and east of it and College Road & Southern Cross Route

motorway to the south. South Dublin County Council (Grange golf course) adjoins the park to the west. There are two road access to Marlay Park - via Grange Road to the north of Marlay House and 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 of the Dublin region. The main activities for which the park is used include walking, park run, 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 public events in recent years with a maximum attendance of approximately 41,000 persons. In 2014 there were a total of 8 days of events with capacity being between 20,000 and 41,000 persons.

### **DEVELOPMENT PLAN**

In the Dún Laoghaire-Rathdown County Development 2016-2022, the event site is zoned Objective 'F' - "To preserve and provide for open space and recreational amenities" with a specific objective to protect and preserve Trees and Woodlands. There is a Specific Local Objective (no. 23), '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 traverses the Park. Marlay House is a Protected Structure, which includes the stableyard / craft area. Laurelmere House is also a Protected Structure.

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

### **WRITTEN NOTIFICATION & CONSULTATION WITH PRESCRIBED BODIES**

Article 189 (1) of S.I. 600 requires that the licence application be circulated to certain prescribed bodies. The Council submitted copies of the application to:

1. Environmental Health Officer, Environmental Health Service, HSE (Health Service Executive) Dublin Mid-Leinster
2. Chief Superintendent, An Garda Síochána
3. Assistant Chief Fire Officer, Dublin Fire Brigade
4. Spatial Planning Strategy Specialist, Irish Water
5. Environmental Health Officer, East Coast Area Health Board
6. Environmental Health Officer, Air and Noise Unit, Fingal County Council
7. Chief Emergency Planning Officer, HSE Dublin Mid Leinster
8. Environmental Health Officer, HSE Environmental Health Department
9. Chief Executive, South Dublin County Council

**HSE Dublin Mid-Leinster -Environmental Health Officer**

A written response was received (dated 5th April 2016), which details a number of conditions on which the granting of a licence should be based.

**Irish Water**

A written response was received (dated 8th April 2016), which details a number of conditions on which the granting of a licence should be based.

**An Garda Síochána**

A written response was received from the Chief Superintendent (dated 12<sup>th</sup> April, 2016), which details a number of conditions on which the granting of a licence should be based.

**Dublin Fire Brigade**

A written response was received from the Assistant Chief Fire Officer (dated 8<sup>th</sup> April, 2016), which details a number of conditions on which the granting of a licence should be based.

**Environmental Health Officer- Air and Noise Unit**

A written response was received (dated 8<sup>th</sup> April 2016), which details a number of conditions on which the granting of a licence should be based.

**Health Service Executive-Emergency Management Office**

No submission received.

**South Dublin County Council**

No submission received.

**CONTACT DETAILS FOR PRESCRIBED BODIES:**

<b>Prescribed Bodies</b>	<b>Address</b>	<b>Telephone</b>
Imelda Winters, Environmental Health Officer &Kieran Carberry, Principal E.H.O., Environmental Health Service, HSE Dublin Mid-Leinster.	8 Corrigan Avenue, Dún Laoghaire, Co. Dublin	(01) 280 2566
Chief Superintendent Orla McPartlin, An Garda Síochána	D.M.R. South Division, Crumlin Garda Station, Dublin 12.	(01) 666 6292/93
Vincent Cronly, Emergency Management Officer, Emergency Management Office, Regional Health Office, HSE Dublin Mid-Leinster.	Area Office, Arden Road, Tullamore, Co. Offaly	(057) 93 15875
Richard Hedderman, Assistant Chief Fire Officer, Dublin Fire Brigade	Dublin Fire Brigade H.Q., 165-169 Townsend Street, Dublin 2.	(01) 673 4000
Louise McIntyre, E.H.O.	Air & Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15	(01) 890 5982
Eddie Taaffe, Director of	South Dublin County	(01) 414

Services, Land Use Planning & Transportation	Council, County Hall, Tallaght, Dublin 24	9000
Suzanne Dempsey, Spatial Planning Strategy Specialist	Irish Water, P.O. Box 6000, Dublin 1	(01) 892 5000

### **PRE-APPLICATION CONSULTATION**

Article 186(1)(A) 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 6<sup>th</sup> November 2016.

### **THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS**

128 no. of third party submissions / observations were received within the statutory prescribed period.

1 no. submission was in support of the Event.

#### **ISSUES RAISED:**

- Essential part of cultural strategy of DLR;
- Facilitate the upkeep and further improvement of Marlay Park.

These comments are noted and are taken into consideration in the assessment of the licence application.

#### **RESPONSE:**

Noted.

4 no. submissions received were from Prescribed Bodies and are noted in the section above in relation to Prescribed Bodies.



123 no. submissions received from individuals with objections to the Event.

ISSUES RAISED (grouped for ease of reference):

1. ACCESS

- Concern re access to playground, fairy tree, Grange Road car park, Wicklow Way, model railway, cricket, CoCo Markets, lawn area to the rear of Marlay House, 18<sup>th</sup> Century heritage pastureland;
- Access to and from local estates;
- Access for wheelchairs and those with audio sensitivities.

2. ANTI-SOCIAL BEHAVIOUR

- DLR should not support events sponsored by alcohol companies or where alcohol is sold and consumed/ advertised;
- No proper ID checks/ underage drinking;
- Public drinking;
- Anti-social behavior outside the venue near residences;
- Complaints to MCD hotline were not included in post concert report to Councillors;
- Gardaí did not record complaints which were dealt with on the spot by them;
- Public urination, no public toilets outside the venue;
- Uneven number side of Heather Lawn subject to anti-social behavior to the rear of their properties;
- Alleged attempted car theft;
- Alleged violence;
- Access to estates and closures.

3. HERITAGE

- Impact on 'Brownian' style landscape;
- View from Marlay House to Dublin Mountains blocked during preparation and dismantling of main concert sites. Not compatible with the aims and objectives of County Development Plan Section 4.1.2.5 'Views and Prospects';

4. FLORA & FAUNA

- Incompatible with National Bee Pollination Programme in which DLR County Council has agreed to participate;
- Trees at risk of deadly fungal infection carried on peoples shoes (Kilmacurragh Park given as example);
- Concern re impact on wildlife in particular bats and birds which are protected under the Habitats Directive;
- Spread of plantain weed due to trampling of grassland;
- Tarmac replacing grass in areas to facilitate concert infrastructure;
- Concern re dredging of pond, pontoons and impact on little grebe and other species;
- EIA should be included;
- Legal standing of report carried out by Scott Cawley;
- Re-locate events to the back of Marlay Park which is of less ecological sensitivity;
- Streams clogged with debris.

#### 5. TRAFFIC

- Local roads cannot accommodate congestion;
- Grange Road hazardous to cyclists and pedestrians during concert season due to heras fencing;
- Disruption to public transport and commuters;
- Poor signage re taxis and public transport;
- Concern re emergency vehicle access;
- Event Management Plan should include arrangements for emergency vehicle access to all surrounding estates and not just event site.

#### 6. LITTER / HYGIENE

- Lack of post-concert tidy up.

#### 7. NOISE & EVENT DURATION

- Concert construction 8am-8pm is disruptive;
- During concerts noise begins mid-morning with sound checks until 11pm – loud and disruptive;
- Noise disturbs some residents who work from home;
- No sound barriers included;

- No sanction for noise level breaches;
- Query if sound levels are measured.

#### 8. PLANNING

- Public park not concert venue;
- Conflict of interest re Planning Authority granting licence and receiving financial reward;
- Does not comply with the County Development Plan;
- No public meeting for consultation with residents;
- No process of appeal;
- Documentation only released after a decision is made;
- Public notices should be displayed at Marlay Park.

#### 9. SAFETY

- Safety concerns re construction vehicles exceeding park speed limit, obstructing Grange Road car park, crossing pedestrian path between Grange Road Park car park and concert sites; driving along woodland pathways;
- Frames for fencing and cables left out could be dangerous;
- Threat of terrorism;
- Smoking in woodland area – risk to trees and people;
- Stewarding unsatisfactory;
- Unsafe for park users during concert infrastructure erection and take-down

#### 10. MISCELLANEOUS

- Disruption to local business;
- Devalue houses;
- Concert information newsletter not widely enough distributed. Should be available to all residents within a five kilometer radius of the park, published in all local and national newspapers, available in public libraries within five kilometer radius of park, on Council's website;
- Mental health – lack of access to the Park during the concerts deprives those with mental health issues of a valuable resource;
- Marlay Park not suitable venue – alternative should be found;
- Request concert tickets as compensation;

- Concert funds not needed by DLR County Council – no public accounts published;
- An alternative venue should be considered.

These comments are noted and are taken into consideration in the responses below.

#### RESPONSE:

##### 1. ACCESS

- The access arrangements will be the same as last year where the stage was moved to give as much access as possible to park users. The new location of the stage avoided moving the stage during Longitude which helped to reduce disruption. There will be full access to the playground, fairy tree, Wicklow Way, model railway, croquet and pastureland maintained outside concert days. The CoCo Markets will not operate for 2 weeks, which equates to 4 days total, with only one day being a non-concert day. It is part of market licence between Council and market vendors that the court yard is not available during concert period.
- There will be some restrictions to the Grange Road Car Park and lawn area for just over 3 weeks but these will be kept to a minimum.
- Barriers and stewards will be in place on show days from 1p.m. Residents will be notified by leaflet drop, communications with Residents Associations and on the DLR website.
- Access to shows for wheelchair users can be arranged directly with the concert promoter. There is a wheelchair friendly area and free parking for people with disabilities.

##### 2. ANTI-SOCIAL BEHAVIOUR

- The sale of alcohol is not adjudicated on as part of the event licence under the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, and therefore does not form part of this application. This issue is dealt with under a separate judicial process.

- There are no over 18 shows this year. In response to the submissions regarding 2015 event, Avicii DLR are advised that there were ID checks carried out by both concert security and An Garda Síochána.
- DLR is working with An Garda Síochána, concert promoter and other statutory agencies to ensure public drinking is kept to a minimum.
- There were very few instances of reported anti-social behavior near residences in 2015. 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. Free parking for buses and coaches was provided on site last year and will be provided again this year, thus containing more concert goers within the Park. DLR anticipate that more buses will use the free parking this year as bus drivers know that the system worked well in 2015 and are familiar with it. Additional Gardaí, security and stewards helped ensure access and egress from the concert happened in a controlled and safe manner. There is also a residents hotline which is provided by the concert promoter. Residents can report any anti-social behavior and this will be dealt with immediately.
- The complaints to MCD hotline can be included in post-concert report to Councilor's.
- An Garda Síochána are responsible for complaints made to them on the spot and it is not a matter for the Local Authority to deal with as part of the Event Licence procedure.
- Public toilets were placed in 3 locations last year which reduced the amount of public urination. This year it is proposed to increase this to 4 locations.
- No anti-social behavior was referred to the Local Authority in relation to Heather Lawn. The Local Authority will deal with issues that are highlighted to them during the events and the Residents Hotline should be utilised for rapid response to any issues arising.
- DLR have no reports in relation to an alleged car theft. This is an issue for An Garda Síochána but the Local Authority would like to be made aware of these instances as soon as possible in order to be able to follow up in a constructive manner.
- Again in relation to alleged violence, this is a matter for An Garda Síochána but DLR would like to be notified of these instances also as soon as possible.

- Residents will be notified about access to their estates prior to the concerts. They are welcome to contact their residents committees who DLR regularly liaise with or to contact the Local Authority directly.

### 3. HERITAGE

- The Conservation Section of DLR have no major concerns in relation to the impact of the events on the heritage and special character of Marlay Park. The events are temporary in nature and are of a similar character to many events in Ireland which are held in the grounds of Protected Structures.
- The Planning Authority do not consider the impact on the view from Marlay Park to be unacceptable in relation to the protection of views and prospects as the concerts are temporary in nature and do not permanently impact on the views.

### 4. FLORA & FAUNA

- The All Ireland Pollinator Plan 2015-2020 is a non-statutory document aimed at fostering shared actions to make Ireland more pollinator friendly. It is not considered that the events in Marlay Park will have an impact in terms of the achieving the objectives of the Plan.
- The issue of fungal infection has been identified and DLR has found no trace of it in Marlay Park. The concert goers make up a very small fraction of the visitors to this public park every year and would not be the main concern in relation to fungal infection.
- The Local Authority have 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 was employed 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. 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, monitoring bat activity over period 15<sup>th</sup> June to 27<sup>th</sup> July to record any changes in activity to supplement data collected in 2015, installation of static bat detectors, meeting with DLR and licensee re lighting controls in woodland, manual surveys on nights

of concerts including infra-red video footage of bat behavior at pontoon to supplement data collected in 2015, survey post-event activity 23<sup>rd</sup> July and mapping of potential tree roosts to inform park staff of precautions during felling. The results of 2015 survey is available on [www.dlrcoco.ie](http://www.dlrcoco.ie) and formed part of the report to the Dundrum Area Committee in 2015.

- The number of concert goers in relation to the overall number of park users during the year is quite small and is therefore not considered that the biggest threat in relation to spread of plantain weed.
- The Parks and Landscape Section upgraded some of its paths last year to facilitate better parks access for buggies and wheelchair users.
- For clarification there was no dredging of the pond. Work was carried out recently to remove debris from the pond following professional advice.
- An Environmental Impact Statement (EIS) is required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2011 which exceeds a limit, quantity or threshold set for that class of development. An EIS will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (article 103). The Local Authority do not consider that the proposed events fall under the classes set out in Schedule 5 and also do not consider that the proposed events would be likely to have significant effects on the environment.
- The report carried out by Scott Cawley was requested following concerns raised in relation to wildlife in the park, in particular the bat and waterfowl population. The recommendations of these professionals have been implemented and further reporting and works will be carried out as detailed above.
- The entire park is considered ecologically sensitive which is why professional advice is sought in order to minimise any impact on the flora and fauna in the park. Some areas at the back of the park are 'wilder' and therefore could be more sensitive.
- DLR recently engaged a professional to remove debris from the waterways and will do so again later in the year after nesting season. DLR are also working on a management plan for the waterways in the near future.

## 5. TRAFFIC

- The Traffic Section of Municipal Services Department DLR have stated that the traffic management plan worked very well last year and DLR continue to engage with the prescribed bodies to improve its implementation and workings.
- The heras fencing was on the grass area and not on the cycle paths or pedestrian path. This will be the case again this year. The fencing will remain in place for 2 weeks. No issues were reported to officials while it was in place last year but positive feedback was received from residents groups as it was thought to be helpful in reducing drinking, litter and public urination occurrences.
- Marathon travel offer a special concert shuttle bus service from Georges Quay in Dublin to the event site. Dublin Bus augment their services throughout the day and at the end of the evening. The Luas also augment their service at the end of the concerts – previously there hasn't been a need during the day. These measures all serve to reduce disruption as much as possible for commuters.
- Large VMS signage was used last year and will be utilised again this year. An issue arose with the taxi rank last year but that is acknowledged and will be addressed this year. Increased signage is proposed this year.
- An Garda Síochána have stated that there will be no difficulty pre, during or post event for any emergency vehicles to access the concert site and surrounding estates. If an escort is required for an ambulance it will be facilitated. Road closures will not affect this. The event organisers have also stated that there will be ambulances on the event site that could be deployed to the local area if required.
- The Draft Event Management Plan notes that '*Road closures do not apply to responding Emergency Service vehicles, An Garda Síochána will facilitate safe access to these vehicles at all times*'.

## 6. LITTER / HYGIENE

- Cleaning teams work during the shows and the next morning to ensure that no litter remains inside or outside the venue. The DLR Litter Wardens also monitor the situation.

## 7. NOISE & EVENT DURATION

- Concert and concert construction noise is limited as much as possible with prescriptive time and decibel level restrictions;



- Residents are made aware of when concerts are scheduled. The events are for a short period over the entire year, generally 2 weeks, with 5 no. days of music events this year.
- The Local Authority act on advice from the Noise and Air Pollution Unit as specialists in this area. Noise barriers are not recommended or required as decibel levels are set and not exceeded.
- Sound levels are monitored and measured by the appointed noise control consultant. The Environmental Health Officer has access to the results of the monitoring and a copy of these are sent to the EHO within three working days of the event.

#### 8. PLANNING

- Under zoning objective 'F', 'To preserve and provide for open space with ancillary active recreational amenities', Cultural Use is Permitted in Principle. Cultural Use is defined with the Dún Laoghaire Rathdown County Development Plan 2016-2022 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 the opinion of the County Council that the zoning of the site allows for such use as that proposed.
- The County Council are the licensing body as prescribed in the Planning and Development Act and Regulations, 2000, as amended.
- 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. A public meeting does not form part of the requirements under the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended. Notwithstanding this, public meetings have been held between the Local Authority and Residents Associations and also with the event promoter and local interest groups.
- No process of appeal is allowed for under the current legislation.
- 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.

- It is considered that the public are notified by way of prescribed public notices as set out in the legislation. Local residents are also notified through Residents Associations and leaflet drops.

## 9. SAFETY

- The concerns in relation to the construction vehicles is noted. The use of these are governed by the event management plan and under health and safety legislation. This is a local management issue. There were no issues in relation to this item last year. There has never been an accident involving concert traffic and pedestrian or park users.
- All safety procedures are followed during construction and take down of events and during events.
- The risk of terrorism does not fall under the remit of the Local Authority in their capacity as Event Licensor.
- There are concert security placed throughout the woods to ensure that there are no risks to people or trees from smoking or any other incident.
- Stewarding worked well last year and there are plans to improve it this year.

## 10. MISCELLANEOUS

- These events bring a lot of business to the area and are considered to be a boost to the local economy.
- It is considered that proximity to Marlay Park can only be a positive influence on house prices in the area.
- The information newsletter is distributed by DLR. It is not intended to expand its delivery however it will be available on the Council website, Facebook and Twitter.
- The Local Authority have worked over the past years to increase the amount of access for public to the park during the events and try to maintain as much access as possible. St. Enda's Park is also located in this area and has no restrictions during the event period.
- Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.
- A limited number of concert tickets are issued to Residents Associations affected by the impact of the concerts. Residents who have requested tickets through the

submission process should contact their Residents Associations as this is not a function of the Event Licence process.

- Revenue from the concerts is spent on recreation and amenity in Marlay Park and other park services. While it may not be considered to be needed it does help carry out projects in Marlay Park which there may not otherwise be funding for.
- DLR are not currently considering any alternative venue.
- It is part of market licence between Council and market vendors that the court yard is not available during concert period.

### **SUMMARY AND RECOMMENDATION**

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

1. The Outdoor Events Licence shall be for a maximum of 2 Single Stage Concerts and one weekend-long event 'Longitude', which shall be held on the following dates: Friday 8<sup>th</sup> July, Saturday 9<sup>th</sup> July, Friday 15<sup>th</sup> July, Saturday 16<sup>th</sup> July and Sunday 17<sup>th</sup> July 2016. The Outdoor Events Licence shall be for a maximum capacity of 40,000 people each day for the Single Stage Concerts and 30,000 each day for the weekend-long event 'Longitude'. 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. An 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 before the first event and written confirmation of agreement shall be submitted to the Council prior to commencement

of the event. Subsequently, the agreed Management Plan shall be implemented in full.

#### AN GARDA SÍOCHÁNA

3. Sufficient Garda Personnel to be employed at the events to ensure that they are properly policed in relation to the proposed policing plan and traffic management plan. This shall be provided and paid for by the concert promoters and / or Dún Laoghaire Rathdown County Council. Numbers of members of An Garda Síochána to be deployed to be decided by Chief Superintendent, DMR South Division.
  
4. An Garda Síochána require the following facilities at the concert site:
  - Tented accommodation, complete with wooden flooring, for the searching of persons detained pursuant to the Misuse of Drugs Acts, this tent to contain separate areas for the searching of male and female detainees.
  - Tented accommodation, complete with wooden flooring, for the holding of persons detained for safety reasons due to their level of intoxication.
  - Two security staff to be stationed at the entrance to the toilet block. Cctv camera covering the entrance to the toilet block.
  - DLR County Council to erect signage along Grange Road, Taylors Lane, College Road, Stonemasons Way and local residential areas setting out that it is an offence to consume alcohol in a public place.
  - DLR County Council to provide sufficient bins along Grange Road, Taylors Lane, College Road, Stonemasons Way for disposal of litter including drink bottles, cans, food, wrappers etc.

#### HEALTH SERVICE EXECUTIVE (ENVIRONMENTAL HEALTH SERVICE)

##### 5. (Sanitary Services)

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

Females: 10 per 1,000:

Males: 10 per 1,000/ Urinals 3.6m per 1,000

It is a licence requirement that toilet blocks be placed at all stage areas during the Longitude Festival.

Signage of sufficient size stating 'Sanitary Accommodation' or 'Toilets' must be erected in areas where the public can clearly view.

b) The location and design specification of the sanitary accommodation must be agreed with Environmental Health Officer, Kieran Carberry (contact no. 01 280 2566) (prior to concerts). All sanitary accommodation units must be in-situ and in proper working order 24 hours before the gates open.

c) A suitable non-slip surface, adequately drained must be provided at all sanitary accommodation areas.

d) It is recommended that no non-flush chemical toilets be used.

e) There must be wall-mounted receptacles, which dispense liquid antibacterial gel. These must be supplied in sufficient numbers outside each block of toilets. 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.

f) Cleaning staff must be supplied in sufficient numbers and trained commensurate with their duties. A copy of the Companies cleaning manual, training manual and check sheet (stating that all toilets have been cleaned, equipped with hand drying facilities and filled to recommended level) must be supplied to the Environmental Health Officer on duty 24 hours prior to the commencement of each event. (A copy of this condition must be sent to the Sanitary Service Contractor and Cleaning Contractor (if different)). Another cleaning check sheet is required to be drawn up by the cleansing company. It must be filled in during each event. This must state the time, method of cleaning, the toilet block and person who cleaned each block.

g) Cleaning staff must be supplied with adequate personal protective equipment (PPE).

h) The requirements of the Irish Water in relation to the disposal of waste water from sanitary accommodations and urinals shall be adhered to.

i) The contact details of at least two members of the Cleansing Company (on duty at each event) must be supplied and submitted to the Environmental Health office.

## 6. (Drinking Water)

a) 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 Final Event Management Plan. This Drinking Water Safety Management Plan shall include independent Microbiological and Chlorine sampling of the proposed water source, samples must be taken a minimum of fourteen days before the date of

the event. Samples must also be taken from the drinking water outlets (after the pipes have been flushed) prior to each event. Results of these analyses must be faxed through to the Environmental Health section one week prior to the event in the case of the water source samples and 24 hours prior to the event in the case of the drinking water outlets (where pipes have been flushed). (Contact Kieran Carberry ph. no. 01 280 2566)

b) The applicant must confirm what precautions will be taken to ensure that the water supply is and remains fit for human consumption throughout the duration of all events.

c) The Drinking Water Safety Emergency Contingency Plan shall be adopted in the event of non-compliance with the European Communities (Drinking Water) Regulations 2014. The use of emergency potable water 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. Adequate disinfection of the emergency supply must be undertaken prior to use. Competent personnel must be employed to oversee this plan and names of personnel must be supplied to Environmental Health. One member of personnel shall develop a map of all pipe connections (permanent and temporary) and location of original water sources must be drawn up. This map must be accompanied by a list stating the date and time the pipe was flushed, the method used to flush the pipe and who flushed them. The map shall be submitted to the Environmental Health Office 1 week prior to the event and the list shall be submitted 24 hours prior to the concerts. Drinking water points must be specified and located near front of stage areas. A copy of this Drinking Water Safety Emergency Contingency Plan must be submitted to the Environmental Health Office, 8 Corrig Avenue, Dún Laoghaire, Co. Dublin.

d) 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 have adequate waste drainage. A suitable non-slip surface that is adequately drained must be provided at each location. Adequate signage must be put in place to indicate drinking water supply points.

7. (Tobacco Control)

a) Each event must be in compliance with the Public (Health) Tobacco Acts 2002 – 2014.

b) All main buildings, marquees, temporary workplaces, kitchens, canteens, offices, restrooms, dressings rooms must be fitted with no smoking signs.

c) All security staff shall be made aware of the above Acts and shall deal with individuals who contravene this legislation.

d) Specific security staff must be allocated to aid and assist the Environmental Health Officers on duty during the event and mobile phone numbers provided.

8. The promoter is required to confirm in writing to Environmental Health that all of these requirements will be in place a minimum of 24 hours prior to the event. Contact Kieran Carberry, Principal Environmental Health Officer, ph. 01 280 2566.

9. Any outdoor smoking area shall be in compliance with the Public Health (Tobacco) (Amendment) Act 2004 which allows for 2 types of outdoor smoking facility:

- 'a place or premises, or part of a place or premises, that is wholly uncovered by any roof, whether fixed or movable' [Art. 16 (7) (c)]
- 'an outdoor part of a place or premises covered by a fixed or movable roof, provided that not more than 50 per cent of the perimeter of that part is surrounded by one or more walls or similar structures' (inclusive of windows, doors, gates or other means of access to or egress from that part) [Art. 16 (7) (d)].

10. (Food Control)

The Principle Environmental Health Officer HSE must be consulted with. Requirements set out must be adhered to.

**DUBLIN FIRE BRIGADE**

11. Finalised Event Management Plan to be submitted a minimum of two weeks (10 working days) in advance of the event.

12. Finalised drawings to be submitted a minimum of two weeks (10 working days) in advance of the event:

- a) Site Layout Plans should be to a minimum scale of 1:500.
- b) A list of key personnel (event controller, event safety officer, etc) and their telephone numbers should be included on the site layout plan.
- c) 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.
- d) 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.
- e) The estimated peak occupancies for the general standing/ seating areas should be clearly indicated.
- f) 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.

13. Exit routes:

- a) Exit routes and means of escape shall comply with the requirements of Chapter 15, *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events*, 1996.
- b) At all times while the premises is in use the ground surfaces, including exit routes must be maintained in a safe condition, free from slip or trip hazards etc. This may necessitate the installing of suitable ground coverings. Exit routes must be available for immediate use and capable of safely evacuating the capacity crowd regardless of weather conditions.

14. Signage:

- a. Sign design and size should be consistent throughout the venue (refer to S.I. No. 132/1995 and BS5499-4: 2000).
- b. All exit signs should be illuminated. The green figure on signs is preferred for externally illuminated signs. The white figure is preferred for internally illuminated signs (BS5499-4: 2000).
- c. Directional arrows should be as per standards referred.



- d. Exits to be labeled e.g. 'Exit #', etc.
- e. Exit signage to be separated from signage for other facilities i.e. toilets, drinking water, etc.

15. 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 Musical Events, 1996*).

16. Concession Units and Staff Training:

- a. Concession units using gas fired cooking equipment to be sited at least 6 metres from any other unit in accordance with Section 22.5 of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events, 1996*.
- b. The gas supply to the above units (including all associated safety cages, chains for securing, etc.) to be provided by a suitably qualified and competent expert.
- c. All concession units to have a fire blanket and fully working fire extinguisher.
- d. All concessionary staff to be fully trained in emergency and evacuation procedures, fire hazards and the use of fire extinguishers by a suitably qualified and competent expert. This must be completed prior to the site opening to the general public. Records of such training shall be available for inspection. Concessionary units unable to produce such records shall not be permitted to open for business.
- e. All concessionary units to be provided with a conspicuously located emergency knock-off switch, for shutting off the gas / electricity in the event of an emergency. All staff to be aware of its location.
- f. Generators are to be provided with a minimum of 3 metres spacing from any concession unit / tented structure / stage, etc.

17. Bar Facilities Layout:

The layout of the proposed bar facilities shall be such that all bar counters shall afford a minimum of two means of escape for staff, generally located at opposite ends of the counter.

18. Stage Layout:

The layout of all proposed stages shall be such that they shall afford a minimum of two means of escape, generally located at opposite ends of such stages.

19. Vehicle Parking:

Vehicle parking shall not obstruct exit routes, fire brigade access routes or facilities for firefighting. Vehicles to be parked in designated parking areas only and are not to be parked within 3 metres separation distance of concession units.

20. Certification:

The promoter / event licence holder is responsible for appointing a Fire Safety Consultant, who must be a qualified independent professional with experience and competency in fire prevention and safety in the event of fire with regard to large concerts.

21. The Fire Safety Consultant must be assigned to check and certify the fire safety of the concert site. Such checking and certification must be completed at least 2 hours before the opening of the site to the public or 2 hours before the scheduled opening (whichever is earlier).

22. The Fire Safety Consultant must also certify in advance the fire safety precautions of any proposed pyrotechnic display and certify that the display is prepared for in accordance with Guidance Document on Organised Pyrotechnic Displays – 2011, published by the Department of Justice.

23. Certification related to fire safety by other parties must also be checked by the Fire Safety Consultant for example with regard to:

- Staff training
- LPG (liquefied petroleum gas) Installation
- Electrical Installation
- Emergency Lighting
- Lining Materials
- First Aid Fire Fighting Equipment (fire extinguishers, fire blankets, etc.)
- Fireworks / Pyrotechnics
- Etc.

All certification should be kept on site in the safety file, available for inspection. A copy of any certificate must be submitted on request.

HEALTH SERVICE EXECUTIVE (ENVIRONMENTAL HEALTH OFFICER, AIR & NOISE UNIT)

24. The music level should not exceed 72dB (a) LAeq, over a fifteen minute period, at 1m from the façade of any noise sensitive premises for events being held.

25. The appointment of a qualified and experienced noise control consultant to liaise between the event promoter, Festival Republic Ltd, the sound engineer and the Environmental Health Officer for Noise Pollution on all matters relating to the noise control prior to and during the event.

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

27. Compliance with specific noise levels at the nearest noise sensitive area during rehearsals, sound checks and the event.

28. Compliance with the specified start time and for each event held:

- I. All events to finish no later than 23.00 hrs.
- II. No activity shall be carried out that is likely to cause a noise nuisance to residents, such as dismantling the stage, movement of equipment etc. Details of the times during which the above mentioned activities will be carried out shall be included in the Final Event Management Plan as required under condition number 2.

(Contact Louise McIntyre, Ph. 01-8905982)

ECOLOGY

29. All recommendations from Scott Cawley Ltd. relating to bats and birds within Marlay Park shall be adhered to.

Monitoring information and results/ comments following this monitoring shall be submitted to the County Council for their information.

TRAFFIC MANAGEMENT GENERAL

30. The Event Traffic Management Plan shall be agreed with An Garda Síochána in consultation with Dublin Bus, Luas, DLR County Council and South Dublin County Council Traffic Section.

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

Date: 31/5/16

Louise McGauran  
Louise McGauran,  
Senior Planner,  
Planning and Organisational Innovation.

**ORDER:** The Granting of a Licence to MCD Productions under Section 231 of the Planning and Development Act, 2000 (as amended) for the holding of concerts which shall be held between the following dates between 8th July and 17th July 2016 (inclusive) in Marlay Park is hereby approved subject to the 31 conditions contained on the foregoing report of the Senior Planner.

Date: 31/5/16

Approved Officer: M. Kelly

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2003, dated 3/4/15, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

Addendum to

**Report on Application for License for events at Marlay Park on dates between 8<sup>th</sup> July and 17<sup>th</sup> July 2016 (inclusive).**

On page two of the Event Licence report a typographical error was made in relation to the gate opening times for 'Longitude'. The documents submitted to the Local Authority referred to gate opening times of 13.30hrs. This was incorrectly referred to within the Local Authorities report as 14.30hrs. This typographical error does not affect the conditions attached to the grant of permission for the events. The conditions refer to the plans and proposals submitted with the application, which correctly state the gate opening times as 13.30hrs.

Louise McGauran 2 June 2016

Louise McGauran. Senior Planner

Mary Henchy 2/6/16

Mary Henchy, Director of Planning and Organisational Innovation