

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

APPLICATION FOR OUTDOOR EVENT LICENCE FOR
MULTI-STAGE CONCERT EVENT AT MARLAY PARK
between 14th July and 16th July 2017 (inclusive)

LEGISLATIVE CONTEXT

- i) Part XVI (Events and Funfairs) of the Planning and Development Act, 2000 (as amended);
- ii) Planning and Development Regulations, 2001, as amended.

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

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

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

APPLICATION

Dún Laoghaire-Rathdown County Council received an application for a licence from Festival Republic Ltd., on behalf of MCD Productions on 5th April 2017. The event is known as Longitude. Longitude is described as a three day multi-stage music and arts festival to be held between Friday 14th July and Sunday 16th July (inclusive) at Marlay Park.

The applicant has submitted a Draft Event Management Plan (DEMP).

The anticipated daily audience is 40,000. Expected gate openings are at 13.30, shows beginning at 14.00 and 'curfew' at 23.00. The anticipated attendance of 40,000 is an increase on the 30,000 daily attendances in 2016 and the 21,000 daily attendances in 2014 and 2015. There is no single stage concert proposed this year. There were two in 2016 (40,000 people each day), two in 2015 (36,000 each day) and five in 2014 (41,000 people each day).

The DEMP submitted notes that the following codes of practice have been used as guidance throughout the planning of the event and consideration has been given to the relevant recommendations:

1. Code of Practice for Safety at Outdoor Pop Concerts and Other Outdoor Musical Events (issued by the Department of Education, 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 at Indoor Concerts (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 Plan includes 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 (Incl. 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 the Planning & Development Regulations, 2001 (as amended) in relation to form and content of application.

NOTIFICATION PROCESS

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

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

Note: The application was received by the Planning Authority on the 5th April 2017, and is therefore in excess of 13 weeks prior to the date of the first proposed event on the 14th July 2017.

DECISION ON APPLICATION

Section 231 (3) (a) of the Planning and Development Act, 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, c.1km west of Ballinteer. The park is situated between Grange Road to the north and east and College Road/the M50 motorway to the south. The administrative boundary of South Dublin County Council (Grange Golf Course) adjoins the park to the west. There are two road accesses to Marlay Park - via Grange Road to the north of Marlay House and via College Road to the south of the Park. Beyond Grange Road to the north and east there are extensive residential areas. Marlay Park and House are in the ownership of Dún Laoghaire-Rathdown County Council.

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

The park has accommodated significant public events in recent years with a maximum daily attendance of approximately 41,000 persons. For example, in 2014 there were a total of 8 days of events with capacity being between 21,000 and 41,000 persons.

DEVELOPMENT PLAN

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

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 the Planning & Development Regulations, 2001 (as amended) requires that the licence application be circulated to the prescribed bodies. The Council sent copies of the application to:

1. An Garda Siochana
2. HSE Regional Emergency Management Officer, Millenium Park, Naas
3. Dublin Fire Brigade HQ
4. South Dublin County Council
5. HSE Dublin Mid-Leinster, Environmental Health Service, 8 Corrig Avenue, Dún Laoghaire
6. East Coast Area Health Board, 8 Corrig Avenue, Dún Laoghaire
7. Air and Noise Unit, Fingal County Council
8. HSE Environmental Health Department, 12 Northumberland Avenue, Dún Laoghaire
9. HSE Emergency Management Office, St Mary's Hospital Campus, Phoenix Park
10. Irish Water

An Garda Siochana

A written response was received from the Chief Superintendent (dated 20th April, 2017) which details a number of observations.

HSE Regional Emergency Management Officer, Millenium Park, Naas

No submission received.

Dublin Fire Brigade HQ

A written response was received (dated 12th June 2017) and indicates no objection to the granting of the licence subject to compliance with conditions.

South Dublin County Council

No submission received.

HSE Dublin Mid-Leinster, Environmental Health Service, 8 Corrig Avenue, Dún Laoghaire

A written response was received (dated 26th April 2017) which states that the application is acceptable subject to conditions relating to sanitary services, drinking water, tobacco control, food control, noise control and welfare of Environmental Health staff.

East Coast Area Health Board, 8 Corrig Avenue, Dún Laoghaire

No submission received.

Air and Noise Unit, Fingal County Council

A written response was received (dated 13th April 2017) which states that the application is acceptable subject to five conditions.

HSE Environmental Health Department, 12 Northumberland Avenue, Dún Laoghaire

A written response was received (dated 21st April 2017) which details a requirement for an updated site plan including food business locations, details of food business operators and drinking water detail.

HSE Emergency Management Office, St Mary's Hospital Campus, Phoenix Park

No submission received.

Irish Water

A written response was received (dated 10th April 2017), which indicates no objection in principle.

CONTACT DETAILS FOR PRESCRIBED BODIES:

Prescribed Bodies	Address	Telephone
Chief Superintendent Orla McPartlin, An Garda Síochána	D.M.R. South Division, Crumlin Garda Station, Dublin 12.	(01) 666 6292/93
Pat Keaveny, HSE	Regional Emergency Management Officer, Millenium Park, Naas	
Patrick Fleming,	Dublin Fire Brigade HQ, Townsend Street, Dublin 2	
Daniel McLoughlin	South Dublin County Council, Town Centre, Tallaght, Dublin 24	
Kieran Carberry, HSE	HSE Dublin Mid-Leinster, Environmental Health Service, 8 Corrig	(01) 2802566

	Avenue, Dún Laoghaire	
Dora Cronin	East Coast Area Health Board, 8 Corrig Avenue, Dún Laoghaire	
George Sharpson	Air and Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15	
Robert Crossley, HSE	Environmental Health Department, 12 Northumberland Avenue, Dún Laoghaire	(01) 2715113
Brendan Lawlor, HSE	Emergency Management Office, St Mary's Hospital Campus, Phoenix Park	
Suzanne Dempsey, Spatial Planning Strategy Specialist	Irish Water, P.O. Box 6000, Dublin 1	(01) 892 5000

PRE-APPLICATION CONSULTATION

Article 186 (1A) of the Planning & Development Regulations, 2001 (as amended) states that "A local authority shall not accept an application for a licence for an 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 12th October 2016.

THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS

265 no. third party submissions/observations were received within the statutory time period. These do not include the submissions from the statutory bodies. On foot of correspondence from the Local Authority acknowledging their submission 6 no. people contacted the Authority stating that their names and addresses had been impersonated and they had not, in fact, made a submission. 2 no. submissions received were supportive of the proposed event.

263 no. submissions received with objections to the Event.

ISSUES RAISED (grouped for ease of reference):

1. ACCESS

- i. Concern re: access to playground, fairy tree, Grange Road car park, Wicklow Way, model railway, cricket, Co Co Markets, lawn area to the rear of Marlay House, 18th Century heritage pastureland;
- ii. Access to and from local estates;
- iii. Access for wheelchairs and those with audio sensitivities;
- iv. Park is unsafe for users during construction and take-down;
- v. Areas of the park cordoned off – preventing access to the general public;
- vi. Public parks should not be used for commercial events;
- vii. Adverse impact on residential amenity as a result of road closures.

2. ANTI-SOCIAL BEHAVIOUR

- i. DLR should not support events sponsored by alcohol companies or where alcohol is sold and consumed/ advertised;
- ii. DLR should not be promoting the consumption of alcohol in a public park;
- iii. Bye-laws should not be suspended for drinking alcohol in a public park;
- iv. No proper ID checks/underage drinking;
- v. Potential for under-age drinking if U-16's are permitted to attend;
- vi. Public drinking;
- vii. Anti-social behavior outside the venue near residences;
- viii. Complaints to MCD hotline were not included in post concert report;
- ix. Gardaí did not record complaints which were dealt with on the spot by them;
- x. Public urination, no public toilets outside the venue;
- xi. Alleged violence;
- xii. Access to estates and closures;
- xiii. Drug taking;
- xiv. Littering.

3. HERITAGE

- i. Impact on 'Brownian' style landscape including the breach of the treeline;
- ii. 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';

- iii. General damage to the Park;
- iv. Damage to the Ha-Ha (landscape design element that creates a vertical barrier while preserving an uninterrupted view of the landscape beyond),

4. FLORA & FAUNA

- i. Incompatible with National Bee Pollination Programme in which DLR County Council has agreed to participate;
- ii. Trees at risk of deadly fungal infection carried on peoples shoes;
- iii. Concern re: impact on wildlife in particular bats and birds which are protected under the Habitats Directive as a result of noise, light and litter.
- iv. Contrary to the Habitats Directive;
- v. Trampling of grassland;
- vi. Public toilets located in areas used for picnics at other times of year;
- vii. Tarmac replacing grass in areas to facilitate concert infrastructure;
- viii. Trees have been removed to facilitate emergency exits;
- ix. Concern re: dredging of pond, erection of pontoons and impact on little grebe and other species;
- x. EIA should be included;
- xi. Legal standing of report carried out by Scott Cawley;
- xii. Re-locate events to the back of Marlay Park which is of less ecological sensitivity;
- xiii. Streams clogged with debris;
- xiv. Concerts take place during the breeding season;
- xv. Disturbance to breeding and resting sites.
- xvi. Bars being placed in woodlands where spreading of mulch supresses regeneration.

5. TRAFFIC

- i. Local roads cannot accommodate congestion;
- ii. Grange Road hazardous to cyclists and pedestrians during concert season;
- iii. Disruption to public transport and commuters;
- iv. Lack of information about disruption to public transport and commuters;
- v. Poor signage re taxis and public transport;
- vi. Concern re: emergency vehicle access;
- vii. Event Management Plan should include arrangements for emergency vehicle access to all surrounding estates and not just event site.

6. LITTER / HYGIENE

- i. Lack of adequate post-concert tidy up including crowd control fencing still in waterways;
- ii. Potential for tick-borne diseases;
- iii. Bodies of water are dangerous features of the site;
- iv. Health and safety breaches e.g. easy to get onto the wrong side of barriers.

7. NOISE & EVENT DURATION

- i. Concert construction 8am-8pm is disruptive;
- ii. During concerts noise begins mid-morning with sound checks until 11pm – loud and disruptive;
- iii. Noise disturbs some residents who work from home;
- iv. No sound barriers included;
- v. No sanction for noise level breaches;
- vi. Query if sound levels are measured;
- vii. Noise is too high during concerts;
- viii. Sound monitoring is not at fixed locations and not taken over the duration of the concerts so is unreliable;
- ix. Previous breach of decibel levels.

8. PLANNING

- i. Public park not concert venue;
- ii. Conflict of interest re: Planning Authority granting licence and receiving financial reward;
- iii. Where do DLR spend the money it receives from the concerts/no accounts published;
- iv. Does not comply with the County Development Plan;
- v. No public meeting for consultation with residents;
- vi. No process of appeal;
- vii. Documentation only released after a decision is made;
- viii. Public notices should be displayed at Marlay Park;
- ix. No public meetings held prior to awarding of contracts for the events;
- x. Inadequate signage informing the public of the dates and extent of restrictions within the park itself and surrounding area.

9. SAFETY

- i. 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;
- ii. Frames for fencing and cables left out could be dangerous;
- iii. Threat of terrorism;
- iv. Smoking in woodland area – risk to trees and people;
- v. Stewarding unsatisfactory;
- vi. Unsafe for park users during concert infrastructure erection and take-down;
- vii. Policing numbers need to be increased;
- viii. Claims that underage stewards are used.

10. MISCELLANEOUS

- i. Disruption to local business;
- ii. 120,000 people over three days is unsustainable;
- iii. Devalue houses;
- iv. 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;
- v. Mental health – lack of access to the Park during the concerts deprives those with mental health issues of a valuable resource;
- vi. Marlay Park not suitable venue – alternative should be found;
- vii. Concert funds not needed by DLR County Council – no public accounts published;
- viii. Busses and coaches parking and idling lead to pollution in the surrounding area.
- ix. Should be postponed until the inquest of a person who died last year has been carried out;
- x. MCD should not be permitted to hold a concert because decibel levels were exceeded;
- xi. Unresolved issues should be investigated and resolved including locals and interest groups.

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

RESPONSES:

1. ACCESS

- The access arrangements will be the same as last year. The location of the stages will be broadly similar to last year in order to give as much access as possible to park users on concert days. There will be full access to the playground, fairy tree, Wicklow Way, and model railway outside concert days. The CoCo Markets will not operate for the weekend of the concerts.
- On concert days a circulation route around the park will be maintained until 12 noon. Following this, access will be restricted until the park closes at 6pm or earlier should An Garda Síochána consider that this is necessary.
- There will be some restrictions to the Grange Road Car Park and lawn area from 5 to 23 July, with the car park closed on concert days, but restrictions will be kept to a minimum.
- 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
- Residents are welcome to contact their residents committees with whom DLR liaise or to contact the Local Authority directly in relation to estate access. Barriers and stewards will be in place on show days from 1p.m. This is the same arrangement as last year. Residents will be notified by leaflet drop, communications with Residents Associations and on the DLR website prior to the concerts.
- The concerns in relation to the construction and take down periods are noted. Management of this is governed by the event management plan and under health and safety legislation. This is a local management issue.
- All safety procedures are followed during construction and take down of events and during events.

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.
- DLR is 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.
- DLR will continue to work with the concert promoter and An Garda Síochána to ensure any instances of anti-social behaviour 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. Additional Gardaí, security and stewards helped ensure access and egress from the concert happened in a controlled and safe manner. There is also a resident's hotline which is provided by the concert promoter. Residents can report any anti-social behaviour and this will be dealt with immediately.

- 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 4 no. locations outside the venue last year which reduced the amount of public urination. The same arrangement is proposed for this year.
- The Local Authority/the Gardaí/MCD 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 has no reports in relation to drug taking. This is an issue for An Garda Síochána.
- 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.

3. HERITAGE

- The Conservation Section of DLR has 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 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 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 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 was employed in 2015 and 2016 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 before, during and after the concert period to record any changes in activity to supplement data collected in 2015 and 2016, 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 behaviour at pontoon to supplement data collected in 2015 and 2016, survey post-event activity and mapping of potential tree roosts to inform park staff of precautions during felling. The results of the 2015 and 2016 surveys are available on www.dlrcoco.ie and formed part of the reports to the Dundrum Area Committee in 2015 and 2016.
- The Parks and Landscape Section have upgraded some of the paths 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/weed from the pond following professional advice. DLR is also working on a management plan for the waterways in the near future.
- 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 reports carried out by Scott Cawley were 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.

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.
- Marathon Travel offers a special concert shuttle bus service from Custom House Quay in Dublin to the event site. Dublin Bus augments 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 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 3 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 is sent to the EHO within three working days of the event. Sanctions are applied where there is found to be a breach of the noise level restrictions.
- The Air & Noise Unit also advises that there is a permanent monitor within Marlay Park and the Unit will also carry out monitoring throughout the concert from the nearest noise sensitive locations. Levels are set at 72db at the nearest noise sensitive location. This is lower than normal as normally it would be 75db from the nearest noise sensitive location.

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.

- Residents are notified by leaflet drop, communications with Residents Associations and on the DLR website prior to the concerts. Notices will also be placed in the park.

9. SAFETY

- The concerns in relation to vehicular movements in the park during the construction and take down periods are noted. Management of this is governed by the event management plan and under health and safety legislation. This is a local management issue.
- 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 is concert security placed throughout the woods to ensure that there are no risks to people or trees from smoking or any other incident.
- The submission received from the Garda Siochana notes that the capacity for each concert is 40,000; a large increase on previous years. The number of police to safely police each of these will be the same as the stand-alone concerts.
- 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.
- Revenue from the concerts is spent on recreation and amenity in Marlay Park and other park services in the area. 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 is not currently considering any alternative venue.
- The 2016 concerts did not exceed the decibel level restrictions.

PROVISION OF INFORMATION REGARDING APPROPRIATE ASSESSMENT

The Local Authority sought and received documentation in relation to the provision of information regarding Appropriate Assessment for the proposed Outdoor Event Licence. The report contains information for the competent authority i.e. Dún Laoghaire-Rathdown County Council, to undertake a screening exercise for Appropriate Assessment for the concerts and set up/take down periods. The conclusion reached is that "it is possible to rule out likely significant effects on European sites and that a full Stage 2 Appropriate Assessment is not required".

Based on the documentation received it is reasonable to conclude that the activities involved with the Outdoor Event Licence, individually or in combination with other plans or projects, would not be likely to have a significant effect on Wicklow Mountains SAC, South Dublin Bay SAC, Glenasmole Valley SAC, Knocksinck Wood SAC, Ballyman Glen SAC, North Dublin Bay SAC, Rockabill to Dalkey Island SAC, Bray Head SAC, Wicklow Mountains SPA, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, Dalkey Islands SPA or any European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

SUMMARY AND RECOMMENDATION

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). 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).

1. The Outdoor Event Licence shall be for a maximum of one weekend-long event, 'Longitude', which shall be held on the following dates: Friday 14th July, Saturday 15th July and Sunday 16th July 2017. 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. 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 Event Management Plan shall be implemented in full.
3. Sufficient Garda personnel shall be employed at the events to ensure that they are properly policed. This shall be provided and paid for by the concert promoters and/or Dún Laoghaire Rathdown County Council. The numbers of members of An Garda Síochána to be deployed to be decided by Chief Superintendent, DMR South Division.
4. The following facilities shall be provided at the concert site:
 - (a) Tented accommodation, complete with wooden flooring, for the searching of persons detained pursuant to the Misuses of Drugs Acts. This tent to contain separate areas for the searching of male and female detainees.
 - (b) Tented accommodation, complete with wooden flooring, for the holding of persons detained for safety reasons due to their level of intoxication.
 - (c) Two security staff to be stationed at the entrance to the toilet blocks. CCTV camera(s) covering the entrance to the toilet blocks.
 - (d) 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.
 - (e) 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.
5. (a) The numbers of sanitary accommodation (including 2 no. 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.

- (b) Toilet blocks shall be placed at all stage areas.
- (c) Signage of sufficient size stating 'Sanitary Accommodation' or 'Toilets' must be erected in areas where the public can clearly view.
- (d) The location and design specification of the sanitary accommodation must be agreed with the Environmental Health Officer prior to concerts. All sanitary accommodation units must be in-situ and in proper working order 24 hours before the gates open.
- (e) A suitable non-slip surface, adequately drained, must be provided at all sanitary accommodation areas.
- (f) No non-flush chemical toilets shall be used.
- (g) There must be wall-mounted receptacles which dispense liquid antibacterial gel. These must be supplied in sufficient numbers outside each block of toilets. They shall be in proper working order for the duration of the event. 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.
- (h) 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.
- (i) Cleaning staff must be supplied with adequate personal protective equipment (PPE).
- (j) The requirements of the Irish Water in relation to the disposal of waste water from sanitary accommodations and urinals shall be adhered to.

(k) 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.

Note – Contact Kieran Carberry, Principal Environmental Health Officer or Imelda Winters, Environmental Health Officer Tel. (01) 2802566 with regard to queries relating to Condition 5.

6. (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 Event Management Plan. The 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 first 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).

(b) The applicant must confirm to the Environmental Health Officer prior to the event 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) A 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 and water must be in compliance with the aforementioned regulations. 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 no. week prior to the first 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.

(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.

(e) Where water is provided from containers as opposed to the rising main adequate disinfection of the containers must be undertaken prior to use. Where water is handled by others e.g. by stewards at the front of the pit, it must be handled and stored in a manner that protects it from contamination. Any cups that are to be given to patrons must be stored in a manner that protects them from contamination.

(f) All water provided to food business operators must be potable. Any water point to be used by a food business should be included on the chlorine sample log.

Note - Contact Kieran Carberry, Principal Environmental Health Officer or Imelda Winters, Environmental Health Officer Tel. (01) 2802566 or Robert Crossley, Environmental Health Officer Tel. (01) 2715113 with regard to queries relating to Condition 6.

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

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

(c) All security staff shall be made aware of the above Acts and shall be trained where appropriate to 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.

(e) 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).

(f) 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)]

or

- '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)].

Note – Contact Kieran Carberry, Principal Environmental Health Officer or Imelda Winters, Environmental Health Officer Tel. (01) 2802566 with regard to queries relating to Condition 7.

8. Any passes required to gain entrance to the events shall be submitted to the Environmental Health Office at least 48 hours prior to the commencement of each concert. Such passes shall permit access to all areas covered by the event licence and shall facilitate parking by all the authorised staff.

Note – Contact Kieran Carberry, Principal Environmental Health Officer or Imelda Winters, Environmental Health Officer Tel. (01) 2802566 with regard to queries relating to Condition 8.

9. An up to date site plan including food business locations is to be submitted to Robert Crossley, Environmental Health Officer, 12 Northumberland Avenue, Dún Laoghaire, Co. Dublin prior to the commencement of the event.

10. A list of all bars and food traders is to be submitted to Robert Crossley, Environmental Health Officer, 12 Northumberland Avenue, Dún Laoghaire, Co. Dublin no later than two weeks prior to the event. The list must include the following information:

- HSE reference number for each food stall.
- Name of food business.
- HSE reference number for each food business.
- List of the activities to be carried on at each food business and the types of food to be sold.
- Food business registered outside Ireland – Where a food business is registered outside Ireland they must produce documentation that shows they are registered by/have notified the relevant authority in their respective country. Details of the registered proprietor and address must be provided for businesses not registered in Ireland.

KMG

and agreed

11. A finalised Event Management Plan, ^{as set out in Condition 2,} shall be submitted to Dublin Fire Brigade a minimum of two weeks in advance of the first event ^{and agreed as set out in condition 2.}

12. The following shall be submitted to Dublin Fire Brigade a minimum of two weeks 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) Gridlined 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. 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. (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 shall 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 shall 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 kept on site and available for inspection. Concessionary units unable to produce such records shall not be permitted to open for business.

(e) All concessionary units shall be provided with a conspicuously located emergency knock-off switch, for shutting off the gas/electricity in the event of an emergency. All staff shall 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. 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. 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 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. 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

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

24. The music level shall not exceed 72dB (a) LAeq, over a fifteen minute period, at 1 metre from the façade of any noise sensitive location during rehearsals, sound checks and the events themselves.

25. The promoter shall appoint 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 30 minute 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.

27. The promoter shall comply 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.

28. 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.

29. 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.

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

Date: 13/6/17

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 14th July and 16th July 2017 (inclusive) in Marlay Park is hereby approved subject to the 30 conditions contained on the foregoing report of the Senior Planner.

Date: 13.6.17

Approved Officer: [Signature]

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún-Laoghaire-Ráth An Dúin, Order No. 003, dated 13/6/17, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.