

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

APPLICATION FOR OUTDOOR EVENT LICENCE FOR 2 NO. SINGLE STAGE CONCERTS ON
08 JULY AND 12 JULY 2018 AND A
MULTI-STAGE CONCERT EVENT AT MARLAY PARK
BETWEEN JULY 13 TO JULY 15 2018 (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 29th March 2018. The proposed events are for two single-stage stand-alone concerts and an event known as Longitude. Longitude is described as a three day multi-stage music festival to be held between Friday 13th July and Sunday 15th July (inclusive) at Marlay Park.

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

The anticipated daily audience is 40,000. Gate openings for the stand-alone concerts are at 16.30 with finishing times at 23.00. Gate openings for Longitude are at 13.30, shows beginning at 14.00 and 'curfew' at 23.00. The anticipated attendance of 40,000 at each event/day is the same as Longitude 2017 though there were no stand-alone concerts in 2017. This is an increase on the 30,000 daily attendances in 2016 and the 21,000 daily attendances in 2014 and 2015. There were two single-stage concerts 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 it "has been drafted in accordance with the Planning and Development Regulations 2001 (as amended) and the appropriate codes of practice" covering Event Management Structure and Responsibilities, Event Safety Strategy, Medical Provision and Facilities, Site Security and Stewarding, Traffic Management Plan, Emergency Plans, and environment monitoring programme for before, during and after the proposed event as well as provision for the full clean-up of the area.

The DEMP has the following sections:

1. Summary of Festival
2. Public Safety – Includes crowd management, capacity management, evacuation and emergency access, fire safety, structures, lighting, electrics, medical provision and facilities, alcohol, health and safety, accident and incident reporting and competencies of personnel.
3. Security
4. Environmental – Includes sanitary facilities, noise, litter, liaison with local residents and environmental impact and monitoring.
5. Management Structure.
6. Communications.
7. Site Plan and Site Design.
8. Traffic.

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.”

The application was received by the Planning Authority on the 29th March 2018, i.e. in excess of 13 weeks prior to the date of the first proposed event on the 8th July 2018.

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 such 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 music 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 walking route traverses the Park. Marlay Park House is a Protected Structure which includes the house and stable yard/craft area (RPS No. 1518). Laurelmere House is also a Protected Structure (RPS No. 1592).

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

It is 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. On 04th April 2018 the Council sent copies of the application to:

1. An Garda Siochana
2. Dublin Fire Brigade HQ
3. South Dublin County Council
4. HSE Dublin Mid-Leinster
5. East Coast Area Health Board
6. Air Pollution and Noise Control Unit, Fingal County Council
7. HSE Environmental Health Department
8. Irish Water
9. HSE Emergency Management Office

An Garda Siochana

A written response was received from the Chief Superintendent (dated 20th April, 2018) which details three observations.

Dublin Fire Brigade HQ

A written response was received (dated 25th May 2018) and indicates no objection to the granting of the licence subject to compliance with conditions.

South Dublin County Council

A written response was received (dated 10th April 2018) and details a number of observations.

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

A written response was received (dated 17th April 2018) 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, Dun Laoghaire

No submission received.

Air Pollution and Noise Control Unit, Fingal County Council

A written response was received (dated 16th April 2018) which states that the application is acceptable subject to five conditions.

HSE Environmental Health Department, 12 Northumberland Avenue, Dun Laoghaire

No submission received.

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

No submission received.

Irish Water

No submission received.

CONTACT DETAILS FOR PRESCRIBED BODIES:

Prescribed Bodies	Address
Chief Superintendent Kevin Gralton, An Garda Síochána	Crumlin Garda Station, Crumlin Road, Dublin 12.
Keith Brunkard	Dublin Fire Brigade HQ, Townsend Street, Dublin 2
Chief Executive	South Dublin County Council, Town Centre, Tallaght, Dublin 24
Kieran Carberry	HSE Environmental Health Service, Dublin Mid-Leinster, 8 Corrig Avenue, Dun Laoghaire
Sean Mrozek	East Coast Area Health Board, 8 Corrig Avenue, Dun Laoghaire
George Sharpson	Air and Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15
Linda McDonald	Environmental Health Department, 12 Northumberland Avenue, Dun Laoghaire
Suzanne Dempsey,	Asset Strategy and Sustainability, Irish Water, P.O. Box 6000, Dublin 1
Brendan Lawlor	HSE Emergency Management Office, St Mary's Hospital Campus, Phoenix Park, Dublin 20

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 20th October 2017.

THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS

319 no. submissions were received within the statutory time period. These do not include the submissions from the statutory bodies. 4 no. submissions were subsequently removed as they were unauthorised. People contacted the Local Authority on foot of acknowledgement of receipt stating that they had not made a submission. The breakdown of these 315 no. submissions is as follows; 144 no. from South Dublin (south of the River Liffey), 101 no. from elsewhere in Ireland, 63 no. from the UK and Europe and 4 no. from the rest of the world. 73 no. submissions were received outside the statutory time period. These have not been taken into consideration.

ISSUES RAISED (grouped for ease of reference):

1. DISTURBANCE TO WILDLIFE

- i. Impact and disturbance on protected species (as confirmed by Scott Cawley) including bats, otters, badgers and the little grebe and their habitat during breeding and nesting season from noise and light.
- ii. Hedge cutting and scrub burning.
- iii. Parts of bridges located within ponds.
- iv. Contrary to the EU Habitats Directive and the Irish Wildlife Act.

2. DAMAGE TO WOODLAND AND GRASSLAND

- i. Bar areas located within the woodland.

- ii. Mulch spreading suppresses regeneration.
- iii. Grasslands have been damaged by trampling and heavy vehicles.
- iv. Trees have been removed.

3. IMPACT ON HERITAGE/BROWNIAN LANDSCAPE

- i. The Brownian landscape around Marlay House should be protected. Seventeen years of concerts have damaged the park.
- ii. The ha ha has been damaged (landscape design element that creates a vertical barrier while preserving an uninterrupted view of the landscape beyond).

4. CLOSURE OF GRANGE ROAD / ESTATE LOCKDOWN / TRAFFIC CONGESTION

- i. Delays access and egress of emergency services.
- ii. Disruption to residents.
- iii. Unduly disruptive when concerts occur over consecutive days.
- iv. Restriction of movement causes hardship and inconvenience.
- v. The area already accommodates heavy traffic volumes.
- vi. The Traffic Management Plan is inadequate.
- vii. Traffic and buses must be prevented from parking adjacent to residential areas.
- viii. Car parking areas are closed due to equipment locations.

5. PUBLIC CONSULTATION

- i. A three week public consultation period is too short.
- ii. No consultation with residents prior to awarding the contract for the events.
- iii. No public mandate for use of Marlay Park as a concert venue.
- iv. There is a lack of local support for these concerts.
- v. All pre-planning meetings should be open for public involvement.

6. POLICING

- i. There are inadequate police numbers around the events.
- ii. There are an inadequate number of stewards around the events.
- iii. The use of underage stewards is unsatisfactory.

7. PUBLIC TRANSPORT

- i. Disruption to bus routes and schedules.
- ii. Sufficient public transport needs to be available to adequately cater for the events.

8. NOISE

- i. Concerts and sound checks cause distress.
- ii. Noise levels are excessive.
- iii. Noise levels contribute to hearing loss.
- iv. Noise level limits have been previously exceeded.

9. ANTI-SOCIAL BEHAVIOUR

- i. Drunkenness, drug taking, littering, public urination outside the venue etc.
- ii. Inadequate litter clean-up.
- iii. Adverse effect on vulnerable members of the community.
- iv. Littering must be prevented.

10. ACCESS TO MARLAY PARK

- i. The events disrupt the normal functioning of the park in the summer months.
- ii. Access to a public park should not be disrupted for commercial events.
- iii. There is also restricted access to St. Enda's Park.

11. REVENUE

- i. There is a lack of transparency and accountability regarding concert-generated revenue.
- ii. Queries to the Local Authority under Freedom of Information received a 'no record exists' reply.
- iii. Marlay Park should not be used to generate revenue.
- iv. The indemnification of the Local Authority from damage or claims is unenforceable and leaves the Local Authority open to compensatory claims.
- v. The wider economy suffers as a result of the events.

12. ALCOHOL

- i. The Local Authority should not be supporting events in a public park sponsored by alcohol companies and where alcohol is advertised and sold.
- ii. Consumption of alcohol outside the venue must be eliminated.
- iii. Alcohol should not be sold where underage children are present.

13. SAFETY

- i. The park is unsafe for users during the construction and take-down periods.
- ii. Construction vehicles share pathways with the public and they speed.

14. PARKS

- i. The erection of hoardings is unsightly.
- ii. Granting a licence without the submission of an Environmental Impact Assessment is in breach of European law.
- iii. These events are not in line with the objectives of the Parks Department.
- iv. These events are not in line with the Local Authority's Green Infrastructure Strategy.
- v. The events reduce enjoyment of the park.
- vi. The park is an unsuitable concert venue.
- vii. Smaller concerts in the walled garden area on Friday and Saturday are more suitable.
- viii. There is an excessive number of events and they are of an excessive scale.

15. WICKLOW WAY

- i. The events affect the trail head and this should remain accessible.
- ii. There should be signage in place explaining why the Wicklow Way trail head is not accessible and advising of an alternative route.

16. MISCELLANEOUS

- i. It is unethical for the Local Authority to profit from an event over which they issue the event licence.
- ii. There is no provision of supervised cycle parking facilities during the events.
- iii. Events on week nights are disruptive.
- iv. Lyme disease can be easily picked up in Marlay Park.

- v. Festival Republic is an unsuitable recipient of an event licence.

There have been other issues raised which are considered to be outside the scope of the event licence application and which relate more to the running of Marlay Park rather than the events e.g. the Saturday market selling fast-food, use of the paths as roads, inadequate number of park wardens, dogs off leashes, hedge cutting at inappropriate times, expenditure on the golf course and the length of duration of Part 8 developments. These issues are not relevant to the event licence application process.

The comments raised in the submissions are noted and are taken into consideration in the responses below.

RESPONSES:

1. DISTURBANCE TO WILDLIFE

- 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, 2016 and 2017 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 and also monitoring of bird species during the concerts, monitoring bat activity before, during and after the concert period to record any changes in activity to supplement data collected in 2015, 2016 and 2017, 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, 2016 and 2017, survey post-event activity and mapping of potential tree roosts to inform park staff of precautions during felling. The results of the 2015, 2016 and 2017 surveys are available on www.dlrcoco.ie and formed part of the reports to the Dundrum Area Committee in 2015, 2016 and 2017. The provision of screening of

pontoons and concert goers from nesting birds will aim to reduce the potential for disturbance on birds using the areas around the pontoons.

2. DAMAGE TO WOODLAND AND GRASSLAND

- Any management of woodland areas is carried out as part of the normal park maintenance regimes and is not connected to the concert activity. No trees have been removed to facilitate the concerts. All grass areas within Marlay returned to normal within a month of the concerts.

3. IMPACT ON HERITAGE/BROWNIAN LANDSCAPE

- 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.

4. CLOSURE OF GRANGE ROAD / ESTATE LOCKDOWN / TRAFFIC CONGESTION

- 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*'.
- The Traffic Management Plan is agreed with all relevant statutory bodies.
- 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.
- DLR in conjunction with An Garda Síochána and the concert promoters have developed a robust policing, security and stewarding plan which endeavours to minimise disruption caused by the concerts.

- Free parking is provided for concert traffic and buses at the College Road entrance to the Park. It is intended that this, in conjunction with the Traffic Management Plan, will minimise disruption.

5. PUBLIC CONSULTATION

- 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, meetings have been held between the Local Authority and Residents Associations and also with the event promoter.
- Pre-planning consultation minutes are made public following a decision on the event licence application as per the Planning and Development Regulations 2001 (as amended).
- Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.
- Pre-concert meetings are held with 13 Residents' Associations that provide an opportunity to residents to give feedback on the management of the concerts in the previous year and to feed into the management of the external environment for the current concert production.

6. POLICING

- The numbers of Gardai for these events have increased in recent years and there is a robust policing, security and stewarding plan in place in order to minimise disruption as far as possible.

7. PUBLIC TRANSPORT

- Marathon Travel offers a special concert shuttle bus service from Custom House Quay in Dublin to the event site as well as a shuttle service from Dundrum Luas to Stonemasons Way. The Luas augments 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.

8. NOISE

- 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 Noise and Air Pollution 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, averaged over a fifteen minute period.
- The Local Authority act on advice from the Noise and Air Pollution Unit as specialists in this area.
- The noise reports are available to view on www.dlrcoco.ie
- Decibel level restrictions have not been exceeded in the preceding three years.

9. ANTI-SOCIAL BEHAVIOUR

- 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.
- 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.
- 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.

10. ACCESS TO MARLAY PARK

- 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, and model railway outside concert days. The CoCo Markets will not operate for the weekends 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 30 June to 22 July, with the car park closed on concert days, but restrictions will be kept to a minimum.
- The operation of St Enda's Park is a matter for the Office of Public Works.

11. REVENUE

- The income generated from these concerts is invested in Parks and Recreation and has contributed towards vast improvements in Marlay Park, such as playgrounds, hospitality facilities, sports facilities, parking facilities and some of the other events held (e.g. Samhain and Movies in the Park) as well as public realm improvements around Marlay Park. The 2017 Concerts in Marlay Park yielded €460,000 in income to the Council. These funds were invested in the restoration of the Marlay Craft Courtyard, the redevelopment of the College Road Car Park, the removal of breton slabs from the Marlay Ha-Ha, improvements to Marlay Estate railings and improvements to footpaths in the Grange Road area.

12. ALCOHOL

- The policing of alcohol consumption is a matter for An Garda Síochána. An Garda Síochána has a policy of confiscating open alcoholic drinks from members of the

public where these are identified. Large bins are provided to facilitate the Gardai in the confiscation of alcohol.

13. SAFETY

- The concerns in relation to works and 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.

14. PARKS

- 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 (as amended), 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.
- Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.
- Funding from the concerts has enabled the Council to run a number of small local music evenings in Marlay House and Walled Garden in 2018.

15. WICKLOW WAY

- There is disruption to access to the trail head and the initial stretch of the Wicklow Way during the concert period, which is necessary for the safety of park users. The circulation route to the back of the Park is maintained on all days and until 12 noon on concert days.

16. MISCELLANEOUS

- The County Council are the licensing body as prescribed in the Planning and Development Act and Regulations, 2000 (as amended).
- None of the parking is supervised during the concerts. Bicycle racks are available at the College Road carpark.
- DLR is unaware of any instances of Lyme disease having been contracted in Marlay Park at any time of the year.

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. Dun 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 all European sites".

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, Knocksink 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. Though it is noted

that the proposed events are an intensification in terms of the number of and combined attendance on the 2017 events the reports received, including from An Garda Síochána and Dublin Fire Brigade, do not raise any concern in this regard. The events are also substantially less in terms of the number of stand-alone concerts (two as opposed to five) and cumulative attendance (200,000 as opposed to 265,000) permitted in Marlay Park in 2014. 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 two stand-alone concerts and one weekend-long event, 'Longitude', which shall be held on the following dates: Sunday 8th July, Thursday 12th July, Friday 13th July, Saturday 14th July and Sunday 15th July 2018. The Outdoor Event Licence shall be for a maximum capacity of 40,000 people each day. All plans and proposals submitted as part of the application shall be implemented in full save as may be required by other conditions attached hereto.
2. A Final Event Management Plan shall be formally agreed with Dún Laoghaire-Rathdown County Council, Dublin Fire Brigade H.Q., Health Service Executive and An Garda Síochána a minimum of two weeks (10 working days) before the first event and written confirmation of agreement shall be submitted to the Council prior to commencement of the event. Subsequently, the agreed Final Event Management Plan shall be implemented in full.
3. While the Draft Traffic Management Plan states that road closures will commence at 22.30 hours this may vary depending on the circumstances of the day and if public duty dictates. An Garda Síochána shall make any decision in this regard.
4. In the event of a dispute between An Garda Síochána and the promoter regarding any aspect of the concerts the requirements of the Chief Superintendent DMR shall take precedence.

5. Sufficient Garda personnel shall be employed at the events to ensure that they are properly policed. All Garda costs associated with the Policing Plan shall be defrayed by the event promoter. The numbers of members of An Garda Síochána to be deployed shall be decided by Chief Superintendent, DMR South Division.

6. (a) The numbers of sanitary accommodation (including 2 no. disabled toilets per toilet block) 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' shall be erected in areas where the public can clearly view.

(d) The location and design specification of the sanitary accommodation shall be agreed with the Environmental Health Officer prior to the 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 events. The gel shall be replaced as required. Signs of sufficient size stating 'anti-bactericidal gel' must be erected in areas where the public can see.

(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

7. PUBLIC TRANSPORT

- i. Disruption to bus routes and schedules.
- ii. Sufficient public transport needs to be available to adequately cater for the events.

8. NOISE

- i. Concerts and sound checks cause distress.
- ii. Noise levels are excessive.
- iii. Noise levels contribute to hearing loss.
- iv. Noise level limits have been previously exceeded.

9. ANTI-SOCIAL BEHAVIOUR

- i. Drunkenness, drug taking, littering, public urination outside the venue etc.
- ii. Inadequate litter clean-up.
- iii. Adverse effect on vulnerable members of the community.
- iv. Littering must be prevented.

10. ACCESS TO MARLAY PARK

- i. The events disrupt the normal functioning of the park in the summer months.
- ii. Access to a public park should not be disrupted for commercial events.
- iii. There is also restricted access to St. Enda's Park.

11. REVENUE

- i. There is a lack of transparency and accountability regarding concert-generated revenue.
- ii. Queries to the Local Authority under Freedom of Information received a 'no record exists' reply.
- iii. Marlay Park should not be used to generate revenue.
- iv. The indemnification of the Local Authority from damage or claims is unenforceable and leaves the Local Authority open to compensatory claims.
- v. The wider economy suffers as a result of the events.

12. ALCOHOL

- i. The Local Authority should not be supporting events in a public park sponsored by alcohol companies and where alcohol is advertised and sold.
- ii. Consumption of alcohol outside the venue must be eliminated.
- iii. Alcohol should not be sold where underage children are present.

13. SAFETY

- i. The park is unsafe for users during the construction and take-down periods.
- ii. Construction vehicles share pathways with the public and they speed.

14. PARKS

- i. The erection of hoardings is unsightly.
- ii. Granting a licence without the submission of an Environmental Impact Assessment is in breach of European law.
- iii. These events are not in line with the objectives of the Parks Department.
- iv. These events are not in line with the Local Authority's Green Infrastructure Strategy.
- v. The events reduce enjoyment of the park.
- vi. The park is an unsuitable concert venue.
- vii. Smaller concerts in the walled garden area on Friday and Saturday are more suitable.
- viii. There is an excessive number of events and they are of an excessive scale.

15. WICKLOW WAY

- i. The events affect the trail head and this should remain accessible.
- ii. There should be signage in place explaining why the Wicklow Way trail head is not accessible and advising of an alternative route.

16. MISCELLANEOUS

- i. It is unethical for the Local Authority to profit from an event over which they issue the event licence.
- ii. There is no provision of supervised cycle parking facilities during the events.
- iii. Events on week nights are disruptive.
- iv. Lyme disease can be easily picked up in Marlay Park.

- v. Festival Republic is an unsuitable recipient of an event licence.

There have been other issues raised which are considered to be outside the scope of the event licence application and which relate more to the running of Marlay Park rather than the events e.g. the Saturday market selling fast-food, use of the paths as roads, inadequate number of park wardens, dogs off leashes, hedge cutting at inappropriate times, expenditure on the golf course and the length of duration of Part 8 developments. These issues are not relevant to the event licence application process.

The comments raised in the submissions are noted and are taken into consideration in the responses below.

RESPONSES:

1. DISTURBANCE TO WILDLIFE

- 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, 2016 and 2017 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 and also monitoring of bird species during the concerts, monitoring bat activity before, during and after the concert period to record any changes in activity to supplement data collected in 2015, 2016 and 2017, 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, 2016 and 2017, survey post-event activity and mapping of potential tree roosts to inform park staff of precautions during felling. The results of the 2015, 2016 and 2017 surveys are available on www.dlrcoco.ie and formed part of the reports to the Dundrum Area Committee in 2015, 2016 and 2017. The provision of screening of

pontoons and concert goers from nesting birds will aim to reduce the potential for disturbance on birds using the areas around the pontoons.

2. DAMAGE TO WOODLAND AND GRASSLAND

- Any management of woodland areas is carried out as part of the normal park maintenance regimes and is not connected to the concert activity. No trees have been removed to facilitate the concerts. All grass areas within Marlay returned to normal within a month of the concerts.

3. IMPACT ON HERITAGE/BROWNIAN LANDSCAPE

- 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.

4. CLOSURE OF GRANGE ROAD / ESTATE LOCKDOWN / TRAFFIC CONGESTION

- 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*'.
- The Traffic Management Plan is agreed with all relevant statutory bodies.
- 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.
- DLR in conjunction with An Garda Síochána and the concert promoters have developed a robust policing, security and stewarding plan which endeavours to minimise disruption caused by the concerts.

- Free parking is provided for concert traffic and buses at the College Road entrance to the Park. It is intended that this, in conjunction with the Traffic Management Plan, will minimise disruption.

5. PUBLIC CONSULTATION

- 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, meetings have been held between the Local Authority and Residents Associations and also with the event promoter.
- Pre-planning consultation minutes are made public following a decision on the event licence application as per the Planning and Development Regulations 2001 (as amended).
- Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.
- Pre-concert meetings are held with 13 Residents' Associations that provide an opportunity to residents to give feedback on the management of the concerts in the previous year and to feed into the management of the external environment for the current concert production.

6. POLICING

- The numbers of Gardai for these events have increased in recent years and there is a robust policing, security and stewarding plan in place in order to minimise disruption as far as possible.

7. PUBLIC TRANSPORT

- Marathon Travel offers a special concert shuttle bus service from Custom House Quay in Dublin to the event site as well as a shuttle service from Dundrum Luas to Stonemasons Way. The Luas augments 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.

8. NOISE

- 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 Noise and Air Pollution 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, averaged over a fifteen minute period.
- The Local Authority act on advice from the Noise and Air Pollution Unit as specialists in this area.
- The noise reports are available to view on www.dlrcoco.ie
- Decibel level restrictions have not been exceeded in the preceding three years.

9. ANTI-SOCIAL BEHAVIOUR

- 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.
- 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.
- 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.

10. ACCESS TO MARLAY PARK

- 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, and model railway outside concert days. The CoCo Markets will not operate for the weekends 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 30 June to 22 July, with the car park closed on concert days, but restrictions will be kept to a minimum.
- The operation of St Enda's Park is a matter for the Office of Public Works.

11. REVENUE

- The income generated from these concerts is invested in Parks and Recreation and has contributed towards vast improvements in Marlay Park, such as playgrounds, hospitality facilities, sports facilities, parking facilities and some of the other events held (e.g. Samhain and Movies in the Park) as well as public realm improvements around Marlay Park. The 2017 Concerts in Marlay Park yielded €460,000 in income to the Council. These funds were invested in the restoration of the Marlay Craft Courtyard, the redevelopment of the College Road Car Park, the removal of breton slabs from the Marlay Ha-Ha, improvements to Marlay Estate railings and improvements to footpaths in the Grange Road area.

12. ALCOHOL

- The policing of alcohol consumption is a matter for An Garda Síochána. An Garda Síochána has a policy of confiscating open alcoholic drinks from members of the

public where these are identified. Large bins are provided to facilitate the Gardai in the confiscation of alcohol.

13. SAFETY

- The concerns in relation to works and 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.

14. PARKS

- 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 (as amended), 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.
- Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.
- Funding from the concerts has enabled the Council to run a number of small local music evenings in Marlay House and Walled Garden in 2018.

15. WICKLOW WAY

- There is disruption to access to the trail head and the initial stretch of the Wicklow Way during the concert period, which is necessary for the safety of park users. The circulation route to the back of the Park is maintained on all days and until 12 noon on concert days.

16. MISCELLANEOUS

- The County Council are the licensing body as prescribed in the Planning and Development Act and Regulations, 2000 (as amended).
- None of the parking is supervised during the concerts. Bicycle racks are available at the College Road carpark.
- DLR is unaware of any instances of Lyme disease having been contracted in Marlay Park at any time of the year.

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. Dun 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 all European sites".

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, Glensmole Valley SAC, Knocksink 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. Though it is noted

that the proposed events are an intensification in terms of the number of and combined attendance on the 2017 events the reports received, including from An Garda Síochána and Dublin Fire Brigade, do not raise any concern in this regard. The events are also substantially less in terms of the number of stand-alone concerts (two as opposed to five) and cumulative attendance (200,000 as opposed to 265,000) permitted in Marlay Park in 2014. 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 two stand-alone concerts and one weekend-long event, 'Longitude', which shall be held on the following dates: Sunday 8th July, Thursday 12th July, Friday 13th July, Saturday 14th July and Sunday 15th July 2018. The Outdoor Event Licence shall be for a maximum capacity of 40,000 people each day. All plans and proposals submitted as part of the application shall be implemented in full save as may be required by other conditions attached hereto.
2. A Final Event Management Plan shall be formally agreed with Dún Laoghaire-Rathdown County Council, Dublin Fire Brigade H.Q., Health Service Executive and An Garda Síochána a minimum of two weeks (10 working days) before the first event and written confirmation of agreement shall be submitted to the Council prior to commencement of the event. Subsequently, the agreed Final Event Management Plan shall be implemented in full.
3. While the Draft Traffic Management Plan states that road closures will commence at 22.30 hours this may vary depending on the circumstances of the day and if public duty dictates. An Garda Síochána shall make any decision in this regard.
4. In the event of a dispute between An Garda Síochána and the promoter regarding any aspect of the concerts the requirements of the Chief Superintendent DMR shall take precedence.

5. Sufficient Garda personnel shall be employed at the events to ensure that they are properly policed. All Garda costs associated with the Policing Plan shall be defrayed by the event promoter. The numbers of members of An Garda Síochána to be deployed shall be decided by Chief Superintendent, DMR South Division.

6. (a) The numbers of sanitary accommodation (including 2 no. disabled toilets per toilet block) 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' shall be erected in areas where the public can clearly view.

(d) The location and design specification of the sanitary accommodation shall be agreed with the Environmental Health Officer prior to the 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 events. The gel shall be replaced as required. Signs of sufficient size stating 'anti-bactericidal gel' must be erected in areas where the public can see.

(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 concert. (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 cleaning 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 Cleaning Company (on duty at each event) must be supplied and submitted to the Environmental Health Service.

7. (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. 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 sent by email or faxed through to the Environmental Health Service 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 Service 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) An 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 the Environmental Health Service. 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 connections and who flushed them. The map shall be submitted to the Environmental Health Service 1 no. week prior to the concerts 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 Service.

(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.

8. (a) All internal areas/enclosed structures shall have comprehensive no smoking signs displayed including the name of the proprietor or event organiser and an on-site name, telephone number and email address that the public can contact in case of complaints. This includes all temporary structures such as tents, prefabs and vehicles i.e. catering tents, food vans, vehicles, first-aid tents, administration offices, pop-up dance/disco areas, bars, kiosks, stalls etc.

(b) Any area used for smoking must be verified by the Environmental Health Service as suitable for exemption 48 hours before the concerts start. The event organiser shall contact the Tobacco Control Environmental Health Officers to arrange a pre-event inspection and make any necessary modifications within that time frame to the structure before the start of the concert. Areas/structures that are deemed exempted under current legislation and acceptable for use as smoking areas are to be clearly indicated and signage directing people to these areas clearly displayed.

(c) Security personnel, including casual security personnel, are to be briefed before the concerts as to their responsibilities in preventing people smoking in enclosed areas. This shall be included in their list of duties. They must be responsive to any request by the Environmental Health Officer on duty to prevent an individual from smoking in any enclosed area.

(d) All working personnel, including casual labour, are to be briefed regarding their responsibilities under the Tobacco Acts. This shall be included in their list of duties.

(e) A key security person(s) shall be directly responsible for enforcement of the Tobacco Acts and the Environmental Health Officers shall be able to contact them via radio or phone during the events in case of breaches. Detail of the relevant security person(s) shall be forwarded in writing to the Tobacco Control Section of the HSE prior to the first event. Any changes of personnel or contact details shall be notified to the lead Environmental Health Officer at least 24 hours prior to the concert taking place.

(f) All visiting artists, performers and staff shall be informed of their responsibility under the Tobacco Acts.

(g) Any marquee style tent where concerts are to be held shall have allocated security staff in that area to prevent smoking occurring in that area and to ensure that the persons smoking does not contravene the Tobacco Acts.

(h) Regular automatic announcements shall be made in any area as described in subsection (g) and additional no smoking signage shall be positioned above head height and clearly visible to be displayed in that area.

(i) Tobacco control responsibility and duties shall be incorporated into the Final Event Management Plan.

(j) Any stall, shop or kiosk shall be registered for the sale of tobacco products and comply with all current legislation regarding display, offering for sale and age checks.

9. The requirements of the Principal Environmental Health Officer located at 12 Northumberland Avenue, Dun Laoghaire, with regard to food control, shall be complied with.

10. 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.

11. A Final Event Management Plan, as set out in Condition 2, shall be submitted to Dublin Fire Brigade a minimum of two weeks (10 working days) in advance of the first event.

12. The following shall be submitted to Dublin Fire Brigade a minimum of two weeks in advance of the event:

(a) Site layout plans to a minimum scale of 1:500.

(b) A list of key personnel (event controller, event safety officer etc.) and their telephone and mobile telephone numbers shall be included on the site layout plan.

(c) Stage barriers including the sightline barriers shall 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 shall 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 shall 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.

(g) There shall be one site plan with gridlines, exit widths, contact details (event controller and event safety officer), emergency access routes, hazards and control centre marked so all parties can easily reference information and communicate same.

14. (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.

15. (a) Sign design and size shall 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 shall be as per standards referred.

(d) Exits to be labeled e.g. 'Exit #', etc.

(e) Exit signage shall be separated from signage for other facilities i.e. toilets, drinking water etc.

16. Stewards are to be trained in emergency and evacuation procedures. In particular the duties and responsibilities of stewards shall 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*.

17. 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* and shall comply with Dublin Fire Brigade's Guide to Gas at events.

(b) The gas supply to the above units (including all associated safety cages, chains for securing etc.) shall be provided by a suitably qualified and competent expert in line with Dublin Fire Brigade's Guide to Gas at events.

(c) All concession units, if non-cooking units, must have 1 x 2kg dry powder extinguisher and 1 x 2kg CO fire extinguisher as a minimum. Hot food units must have 1 x 4kg dry powder extinguisher and 1 x 1sqm light duty fire blanket as a minimum. Deep fat frying units must have a 6 litre wet chemical extinguisher, 2 x 2kg ABC dry powder fire extinguisher, 1 x 2kg CO2 fire extinguisher and a 1.8sqm heavy duty fire blanket as a minimum. Portable fire extinguishers shall be in accordance with the recommendations of IS 291 2015 and are to be manufactured to the appropriate standards such as IS EN3-7. Fire blankets shall be to BS EN 1869:1997 (light) and BS 7944:1999 (heavy) as appropriate.

(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.

18. The layout of the proposed bar facilities shall be such that all bar counters afford a minimum of two means of escape for staff, generally located at opposite ends of the counter.
19. The layout of the proposed stages shall be such that they afford a minimum of two means of escape, generally located at opposite ends of such stages.
20. Vehicle parking shall not obstruct exit routes, fire brigade access routes or facilities for firefighting. Vehicles shall be parked in designated parking areas only and are not to be parked within 3 metres separation distance of concession units.
21. 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.
22. 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).

23. The Fire Safety Consultant must 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.

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

25. The Event Safety Officer and/or the Event Controller or their deputies shall make themselves available to meet with Dublin Fire Brigade approximately two weeks prior to the first event to discuss the event and answer any questions from the Fire Brigade.

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

27. A qualified and experienced noise control consultant shall be appointed to liaise between the event promoter, Festival Republic, 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.

28. The appointed noise control consultant shall monitor the music 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.
29. There shall be compliance with the specified start and finish time for each event held:
- (a) All events to finish no later than 23.00 hours.
 - (b) No activity shall be carried out that is likely to cause a noise nuisance to residents after 23.00 hours, 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.
30. The Event Traffic Management Plan shall be agreed with An Garda Síochána in consultation with Dublin Bus and Dún Laoghaire Rathdown County Council.
31. The Final Event Management Plan shall include a Litter Management Plan with regard to off-site litter management.
32. A suitably qualified ecologist(s) shall be engaged to carry out environmental monitoring of the park area with regard to wildlife, bats, birds etc. during the period from construction to take down of the concert structures including during the concerts themselves. Detail in relation to this environmental monitoring shall be agreed with the Local Authority at least one week prior to the first concert. Monitoring information and results/comments following this monitoring shall be submitted to the County Council for their information within twelve weeks of the date of the final concert.

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

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

Date: 7/6/18

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 15th July 2018 (inclusive) in Marlay Park is hereby approved subject to the 33 conditions contained on the foregoing Report of the Senior Planner.

Date: 7/6/18

Approved Officer: M. Healy

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No: 2108, dated: 14/8/17, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

