

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

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

LEGISLATIVE CONTEXT

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

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

(a) "a public performance which takes place wholly or mainly in the open air or in a structure with no roof or a partial, temporary or retractable roof, a tent or similar temporary structure and which is comprised of music, dancing, displays of public entertainment or any activity of a like kind, and

(b) any other event as prescribed by the Minister under section 241"

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

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

PRE-APPLICATION CONSULTATION

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

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

APPLICATION

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

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

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

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

The DEMP contains the following sections:

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

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

MARLAY PARK, MARLAY HOUSE & ENVIRONS

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

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

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

COUNTY DEVELOPMENT PLAN

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

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

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

WRITTEN NOTIFICATION & CONSULTATION WITH PRESCRIBED BODIES

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

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

RESPONSES RECEIVED:

An Garda Síochána

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

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

Irish Water

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

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

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

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

Irish Rail

No submission received.

Dublin Fire Brigade HQ

No submission received.

South Dublin County Council

No submission received.

National Transport Authority

No submission received.

THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS

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

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

MAIN ISSUES RAISED (grouped for ease of reference):

IMPACT TO MARLAY PARK

1. Serious negative impact of twenty years of concerts on the landscape character.
2. Impact on the ha ha.
3. Impact of pontoons on the pond / bankside degradation.
4. Damage to woodland and grassland.
5. Impact on the Brownian landscape around Marlay House.
6. Series of concerts results in cricket ground being not available for a longer period.
7. Removal of Park to use by the public.

IMPACT TO WILDLIFE

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

LICENCING PROCEDURE AND OPERATION OF THE CONCERTS

1. Licencing process flawed, an independent body should assess the application.
2. Clear conflict of interest in the licencing process.
3. Inappropriate for Council to grant a licence for an event that it is promoting.
4. Local Authority is neglecting the park in favour of money generating concerts.

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5. Marlay Park should not be used as a business.
6. Danger to public during setting up and down stages.
7. Lack of Stewards
8. A waste of police time and other front-line resources.
9. Inadequate ID checks where alcohol is being sold.
10. Bye-laws should not be suspended re: alcohol consumption.
11. These concerts are used as a major promotion for the alcohol industry.
12. Make it a licensing requirement that only beverages on a deposit and refund basis, where applicable are supplied.
13. Marlay Park is an unsuitable location for such events.
14. Concerts finish too late.
15. There is too high an attendance at the concerts.

DISTURBANCE IN THE LOCAL AREA

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

MISCELLANEOUS

1. The park is unsafe during construction and take-down periods.
2. Residents associations don't receive grants.
3. Park open to terrorist attacks.
4. People's Park should be used as an alternative venue.

5. The Council should focus on supplying housing instead of Rock Concerts.
6. Event should not take place given the Covid pandemic.
7. Huge energy demands to facilitate concerts.
8. Reference to Christmas tree mulch spread in woodlands causing a loss to flora.

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

PROVISION OF INFORMATION REGARDING APPROPRIATE ASSESSMENT

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

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

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

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

It is concluded that the proposed events are not foreseen to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans

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or projects. This evaluation is made in view of the conservation objectives of the habitats or species for which these sites have been designated. Consequently, a Stage Two is not required for the project."

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

NOTIFICATION PROCESS

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

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

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

DECISION ON APPLICATION

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

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

COVID-19, GLOBAL PANDEMIC

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

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

1. "The planning authority shall notify the event promoter of the contents of Circular PL 04/2020 relating to the Government Decision that event licence applications in respect of events scheduled in the period up to end August should not be considered.

2. (a) In the case where a public consultation on a proposed event is still ongoing, the event promotor can make a submission under Article 190 of the Regulations advising that in light of the changed circumstances, s/he now proposes to re-schedule the proposed event to a later date/ next year.

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

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

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

(a) confirmation of the specific date(s) it is proposed to re-schedule the proposed event;

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

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

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

SUMMARY AND RECOMMENDATION

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

Having regard to the above,

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

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

1. Applicants are requested to provide revised dates for the proposed events.
2. Applicants are requested to confirm whether the scope of events proposed remains the same as that proposed under this application.
3. Applicants are requested to provide an updated consent letter from the venue owner in respect of rescheduled dates for 2021.
4. The planning Authority advises that the re-scheduled events shall be subject to several conditions, as set out below. The applicant is hereby requested to indicate its agreement to same within its response to this request for further information.
 - (i) a further consultation meeting shall take place between the planning authority, the prescribed bodies and the event promoter not earlier than 12 months prior to the proposed re-scheduled date(s),
Note: Such consultation meeting shall take place in accordance with the public health advice prevailing at the time of the meeting,

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- (ii) An updated event management plan, with updated risk assessments, shall be submitted to the planning authority at least 1 week in advance of the proposed consultation meeting,
- (iii) After the consultation meeting, newspaper notices shall be placed, by the applicant, informing the public of the proposed revised date(s) for the events and any further information required by the planning authority,
- (iv) Further to such consultation meeting, the planning authority shall undertake a public consultation on the proposed re-scheduled event consistent with that required under Article 188 of the Regulations,
- (v) the planning authority shall notify all parties who made submissions under the original public consultation on the proposed event of the proposed re-scheduling of the event offering them the opportunity to participate in the public consultation on the proposed re-scheduled event,
- (vi) the planning authority shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application.

RESPONSE TO FURTHER INFORMATION

Applicants responded to the Request for Further Information on the 15/02/2021 as follows,

"1. Applicants are requested to provide revised dates for the proposed events.

The proposed rescheduled dates for the Concerts are as follows;

- Tuesday 22/06/2021, Friday 25/06/2021, Saturday 26/06/2021 and Sunday 27/06/2021.
- The proposed rescheduled dates for Longitude Festival are as follows;
Friday 02/07/20201, Saturday 03/07/2021 and Sunday 04/07 2021.

2. Applicants are requested to confirm whether the scope of events proposed remains the same as that proposed under this application, and if not, to provide revised

information to this effect i.e. whether it is the same or reduced / large, venue, proposed attendance capacity etc.

The scope of the Events will remain the same as was proposed for 2020 i.e. the proposed capacity remains at 40,000 attendees per day and the site boundary will be the same.

3. Applicants are requested to provide an updated consent letter from the venue owner in respect of rescheduled dates for 2021.

An updated consent letter from Dún Laoghaire-Rathdown County Council for permission to use Marlay Park has been included in this response.

4. The planning Authority advises that the rescheduled events shall be subject to several conditions... The applicant is hereby requested to indicate its agreement to same within its response to this request for further information.

- We confirm that we will attend a further consultation meeting with the Planning Authority and prescribed bodies in due course and understand the meeting should take place in accordance with public health advice prevailing at the time of the meeting.
- We understand that an updated Event Management Plan and Risk Assessment should be submitted to the Planning Authority and confirm that these shall be submitted no later than one week in advance of the consultation meeting.
- We understand that we are required to place newspaper notices following the consultation meeting to inform the public of the rescheduled Events. The wording of these notices will be agreed with the Planning Authority in advance of being published.
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- We understand that further to the consultation meeting, the Planning Authority shall undertake a public consultation of the proposed rescheduled Events consistent with that required under Article 188 of the Regulations.

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- We understand that the Planning Authority shall contact all parties who made submissions under the original public consultation and offer them the opportunity to participate in the public consultation of the proposed rescheduled Events.

We understand the Planning Authority shall take into account any submissions received during the original public consultation and the subsequent public consultation in its final assessment of the licence application”.

COVID-19:

The Department of Housing, Local Government and Heritage, Circular 02/21: ‘Event Licensing in 2021 in the context of the ongoing Covid- 19 Pandemic’ issued on 02/03/2021, which advised that “in light of the ongoing impact of the Covid-19 pandemic and uncertainty with regard to whether or not it will be possible or feasible for events to be able proceed this year, the Department is further advising that licence applications originally submitted in 2020 may now be further rolled over to 2022 subject to compliance with the procedures and requirements outlined...”

The procedures and requirements were attached as an Appendix and were modelled on the previous advices issued in respect of roll- over to 2021. These are set out below for convenience.

“1. In light of the ongoing situation with the Covid-19 pandemic and associated restrictions on mass gatherings, promoters seeking to postpone their proposed event from 2021 to 2022 shall make a written submission to the relevant local authority to this effect, further requesting that such re-scheduled event be considered on the basis of the pre-existing licence application previously submitted to the local authority.

3. Any pre-planning consultation meeting held in respect of the original proposed event under Article 184 of the Regulations shall still stand and any further consultation meeting in respect of a proposed re-scheduled event shall occur under Article 191 of the Regulations. Such latter meeting shall, as always, be without prejudice to any decision on the proposed re-scheduled event.
4. Further to the receipt of such submission / notification from the event promoter, and unless the below further information has already been submitted as part of the submission / notification under 1. above, the local authority shall request the following further information from the event promoter in accordance with Article 191 of the Regulations

- (a) confirmation of the specific date(s) in 2022 on which it is proposed to re-schedule the proposed event;
- (b) confirmation of the scope of the event i.e. whether it is the same or reduced/ larger, venue, names of acts, proposed attendance capacity, risk profile, audience demographics etc;
- (c) the provision of an updated consent letter from the venue owner/ management in respect of the proposed new date(s);
- (d) any further information that may be relevant. Such further information request should be made prior to the date that it was proposed to hold the event in 2021 (re-scheduled from 2020).

4. When making such further information request, the local authority shall also advise the event promoter that where s/he proposes to re-schedule the event in 2022, it shall be subject to the following conditions to which s/he should indicate agreement:

- (i) a further consultation meeting shall take place between the local authority, the prescribed bodies and the event promoter not earlier than 12 months prior to the proposed re-scheduled date(s). Such consultation meeting shall take place in accordance with the public health advice prevailing at the time of the meeting;
- (ii) the event promoter shall submit an updated event management plan, with updated risk assessments, to the local authority at least 1 week in advance of the proposed consultation meeting;
- (iii) after such consultation meeting, the event promoter shall place newspaper notices informing the public of the proposed revised date(s) for the event, the venue and the acts involved, and any further information required by the local authority;
- (iv) further to such consultation meeting, the local authority shall undertake a public consultation on the proposed re-scheduled event consistent with that required under Article 188 of the Regulations;

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(v) the local authority shall notify all parties who made submissions under the original public consultation on the proposed event of the proposed (further) rescheduling of the event offering them the opportunity to participate in the public consultation on the proposed re-scheduled event;

(vi) the local authority shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application”.

FURTHER CORRESPONDANCE EVENT ORGANISER:

A Letter was received on Tuesday the 06th April 2021 from the event organiser requesting to reschedule the proposed events to similar dates in 2022 and that consideration be given to the holding of these events under the licence application currently before the Local Authority.

PLANNING COMMENT:

It is considered that applicants have adequately addressed the issues raised in the Request for Further Information, however the prevailing health advice regarding Covid-19, global pandemic takes precedence.

Therefore and having regard to the Further Information submitted, the contents of Circular 02/21: 'Event Licensing in 2021 in the context of the ongoing Covid- 19 Pandemic' and the request by the event organiser that consideration be given to the holding of these events under the licence application currently before the Local Authority; it is hereby recommended that the event licence originally submitted in 2020 be further rolled over to 2022 and that the following further information be sought from the event promoter in accordance with Article 191 of the Planning and Development Regulations 2001 (as amended):

FURTHER INFORMATION:

1. Applicants are requested to provide revised dates for the proposed events.
2. Applicants are requested to confirm whether the scope of events proposed remains the same as that proposed under this application.
3. Applicants are requested to provide an updated consent letter from the venue owner in respect of rescheduled dates for 2022.
4. The planning Authority advises that the re-scheduled events shall be subject to several conditions, as set out below. The applicant is hereby requested to indicate its agreement to same within its response to this request for further information.
 - (i) a further consultation meeting shall take place between the planning authority, the prescribed bodies and the event promoter not earlier than 12 months prior to the proposed re-scheduled date(s),
Note: Such consultation meeting shall take place in accordance with the public health advice prevailing at the time of the meeting.
 - (ii) An updated event management plan, with updated risk assessments, shall be submitted to the planning authority at least 1 week in advance of the proposed consultation meeting,
 - (iii) After the consultation meeting, newspaper notices shall be placed, by the applicant, informing the public of the proposed revised date(s) for the events and any further information required by the planning authority,
 - (iv) Further to such consultation meeting, the planning authority shall undertake a public consultation on the proposed re-scheduled event consistent with that required under Article 188 of the Regulations,
 - (v) the planning authority shall notify all parties who made submissions under the original public consultation on the proposed event of the proposed re-scheduling of the event offering them the opportunity to participate in the public consultation on the proposed re-scheduled event,
 - (vi) the planning authority shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application.

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RESPONSE TO FURTHER INFORMATION

Applicants responded to the Request for Further Information on the 10/02/2022 as follows,

"1. Applicants are requested to provide revised dates for the proposed events.

The proposed rescheduled dates for the Concerts are as follows; Monday 27th June, Tuesday 28th June and Wednesday 29th June 2022.

The proposed rescheduled dates for Longitude Festival are as follows; Friday 1st July, Saturday 2nd July and Sunday 3rd July 2022.

2. Applicants are requested to confirm whether the scope of events proposed remains the same as that proposed under this application, and if not, to provide revised information to this effect i.e. whether it is the same or reduced / large, venue, proposed attendance capacity etc

The scope of the Events will remain the same as was proposed for 2020 i.e. the proposed capacity remains at 40,000 attendees per day and the site boundary will be the same.

5. Applicants are requested to provide an updated consent letter from the venue owner in respect of rescheduled dates for 2021.

An updated consent letter from Dún Laoghaire-Rathdown County Council for permission to use Marlay Park has been included in this response.

4. The planning Authority advises that the rescheduled events shall be subject to several conditions, as set out below. The applicant is hereby requested to indicate its agreement to same within its response to this request for further information.

(i) A further consultation meeting shall take place between the planning authority, the prescribed bodies and the event promoter not earlier than 12 months prior to the

proposed rescheduled date(s). Note: Such consultation meeting shall take place in accordance with the public health advice prevailing at the time of the meeting.

We confirm that we will attend a further consultation meeting with the Planning Authority and prescribed bodies in due course and understand the meeting should take place in accordance with public health advice prevailing at the time of the meeting.

(ii) An updated event management plan, with updated risk assessments, shall be submitted to the planning authority at least 1 week in advance of the proposed consultation meeting.

We understand that an updated Event Management Plan and Risk Assessment should be submitted to the Planning Authority and confirm that these shall be submitted no later than one week in advance of the consultation meeting.

(iii) After the consultation meeting, newspaper notices shall be placed, by the applicant, informing the public of the proposed revised date(s) for the events and any further information required by the planning authority.

We understand that we are required to place newspaper notices following the consultation meeting to inform the public of the rescheduled Events. The wording of these notices will be agreed with the Planning Authority in advance of being published.

(iv) Further to such consultation meeting, the planning authority shall undertake a public consultation of the proposed reschedule event consistent with that required under Article 188 of the Regulations.

We understand that further to the consultation meeting, the Planning Authority shall undertake a public consultation of the proposed rescheduled Events consistent with that required under Article 188 of the Regulations.

(v) The Planning Authority shall notify all parties who made submissions under the original public consultation of the proposed event of the proposed rescheduling of the

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event offering them the opportunity to participate in the public consultation of the proposed rescheduled event.

We understand that the Planning Authority shall contact all parties who made submissions under the original public consultation and offer them the opportunity to participate in the public consultation of the proposed rescheduled Events.

(vi) The Planning Authority shall take account of all submissions received under the original public consultation and the subsequent public consultation in its final assessment of the licence application.

We understand the Planning Authority shall take into account any submissions received during the original public consultation and the subsequent public consultation in its final assessment of the licence application.

PLANNING COMMENT ON FURTHER INFORMATION SUBMITTED:

The request for further information effectively comprised of two parts, the first (items 1 – 3) related to the provision of information relating to revised dates, the scope of the events as well as the provision of a letter of consent from the landowner. The second part (item 4) related to the applicant being requested to indicate agreement to the rescheduled events being subject to several conditions within its further information request response.

Applicants provided all information sought and also indicated willingness to the rescheduled events being subject to conditions as outlined in the Request for Further Information.

It is therefore considered that applicants have adequately addressed the issues raised in the Request for Further Information in accordance with Article 191 of the Planning and Development Regulations 2001 (as amended).

COVID-19:

All COVID-19 restrictions have ended in Ireland; therefore, the rescheduled dates can now be considered in accordance with item four (4) of the Request for Further Information.

RESCHEDULED EVENTYS PLANNING ASSESSMENT:

As outlined above and in accordance with item four (4) of the Request for further information

- a further consultation meeting took place between the planning authority, the prescribed bodies and the event promoter on the 03rd of March 2022,
- an updated Draft Event Management Plan, with updated risk assessments, was submitted to the planning authority on the 24th of February 2022,
- newspaper notices were placed on the 09th of March, by the applicant, informing the public of the proposed revised date(s) for the events,
- the planning authority undertook a public consultation of the proposed reschedule event consistent with that required under Article 188 of the Regulations. The consultation period ended on 31/03/2022.

Further correspondence was received from two prescribed bodies and other agencies as well as a further 49 submissions from other interested parties.

The further correspondence from the prescribed bodies and external agencies have been included in full, while the issues raised in the other submissions have been collated under specific headings for ease of reference.

PRESCRIBED BODIES:

An Garda Síochána

"That the following conditions are included in the Licence:

1. In the event of a dispute between An Garda Síochána and the promoter regarding any aspect of the concerts the requirements of Chief Superintendent, DMR South, shall take precedence.
2. Sufficient Garda personnel numbers as determined by the Chief Superintendent, DMR South, shall be employed at the events to ensure that they are properly policed. All Garda costs associated with the Policing Plan shall be defrayed by the event promoter. The number of members to be deployed shall be decided by the relevant Chief Superintendent, DMR South."

Dublin Fire Brigade

"Non-public hydrants to be tested to IS 391 by Local Authority.

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Egress routes to EN 13200 i.e. 82 persons per minute for 8 minutes etc.

Gas IS 820.

Certification.

Any product that was already on the market in Ireland prior to 31st December 2020 and was certified to UK standards is still acceptable here. Once certificate is within the last 5 years.

Products put on the market after that date will require certification to an EU notified body.

Please also note general requirements

- 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,) to 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 1m² light duty fire blanket as a minimum.

Deep Fat Frying units must have 6 litre wet chemical extinguisher, 2 x 2 kg ABC dry powder fire extinguisher, 1 x 2kg CO₂ fire extinguisher and a 1.8m² 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 standard 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 to be fully trained in emergency and evacuation procedures, fire hazards and the use of fire extinguishers by a suitably qualified and competent expert. This must be completed prior to the site opening to the general public. Records of such training shall be 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 to be provided with a conspicuously located emergency knock-off switch, for shutting off the gas / electricity in the event of an emergency. All staff to be aware of its location.

We require that generators be properly earthed, bonded and signed off by a competent and registered electrician RECI/IS 10101cert; 2 extinguishers (1 CO2 and 1 Dry powder extinguisher) located by same tested within last year and certs for same available at all material times the event is running (certs should note, when they were serviced, if this is not possible it should note that they have been serviced in the previous 11 months; certs only dated on day issued). 3 metres space around generator i.e. not against buildings or other generators. Manual test of emergency stop shall be done by event safety officer and records kept and available.

Safety advice and use and safe storage of Alcohol had sanitiser.

RECORDS

A safety file to be provided to include:

- LPG Installation (where appropriate) to IS 820
- Installation records to IS 10101/RECI
- Emergency Lighting Records to IS 3218
- PAT Certs
- Hydrants to IS 391- DLRDCC responsibility.

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- Safety check of emergency stop generators
- Staff training-Catering, in house and security.
- Lining Materials (staging/marquees/furniture etc.) within the last 5 years to a recognised standard.
- Bespoke Installation materials within the last 5 years to a recognised standard.
- Fire Fighting Equipment to IS 291

Any other appropriate safety certificates appertaining to or impinging on fire safety”.

HSE - Environmental Health Services:

“Please note that the remit of this report only refers to matters relating to Tobacco Control.

The following are the observations and submissions of the Environmental Health Service (Food Control) with regard to the above application for an outdoor event licence:

Tobacco Control

1. All internal areas/enclosed structures are to have comprehensive no smoking signs displayed, including the name of the proprietor or event organiser and an onsite name with contact details so 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).
2. It is advisable that any area used for smoking should be verified by this office as suitable for exemption 24 hours before the concerts start. Areas/structures that are deemed exempted under current public health tobacco legislation and acceptable for use as smoking areas are to be clearly indicated and signage directing people to these areas clearly displayed.
3. All staff are to be briefed, including casual labour, regarding their legal responsibilities under the public health tobacco legislation.
4. All visiting artists and performers are to be told of their legal responsibilities under the public health tobacco legislation and that they cannot smoke inside buildings etc.

5. It is advisable that any marquee style tent where concerts are held are to have allocated security staff in that area in order to prevent smoking occurring in that area and to ensure that the persons smoking do not contravene public health tobacco legislation.

6. It is advisable that Tobacco Control, including responsibilities & duties should be incorporated into the event management plan.

7. Any stall, shop or kiosk must be registered for the sale of tobacco products and comply with all current legislation regarding display, offering for sale and age checks to prevent under age sales”.

FURTHER SUBMISSIONS: (46 online five hard copy)

Impact on Marlay Park - Landscape

- Marlay Park is perhaps the sole remaining Brownian-style landscape in the Republic and is the most important significant walled demesne in the public ownership of DLRCoCo.
- The Park has been badly damaged by the concerts, particularly the tree line, which forms part of the late 18th and early 19th century designed landscape of immense architectural and historical significance.
- Pontoon bridges are completely unnecessary.
- The ha-ha's retaining wall has been damaged by a heavy load placed across it each year.
- Concerts totally out of scale with the character of Marlay Park.
- Marlay needs to be designated, as a matter of urgency, an Architectural Conservation Area.
- Leopardstown Race Course would be a more suitable venue.

Impact on Marlay Park - Ecology

- Dún Laoghaire Rathdown Co Co has declared a climate emergency, yet these events will impact wildlife and biodiversity.
- The Council should not facilitate high-energy large-scale events during breeding season of protected birds, bats and waterfowl is not acceptable.
- Damage is caused to the woodlands by the use of heavy concert construction machinery.
- The placing of bark mulch on the woodland floor inhibits natural regeneration.
- Grass is cut back to provide for widened footpaths.

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- Disturbance to local wild life and park users and the park will take nearly 6 months to return to pre event conditions.
- No reference to the impact of noise nor the impact of pyro-technics on bats is evident in ecological report.
- No environmental study submitted. Need to assess at the the impact on bats and breeding birds.
- Toilet blocks should not be located near water courses or the main lake, due to risk of chemical leach into the waterways.

Impact on Marlay Park for Park Users

- Circulation routes inadequate with poor signage.
- Obstructions on entrances to the park.
- Paths obstructed.
- Lack of information for Park users as to what paths are closed.
- Seating and resting areas in the Park are closed off.
- Particularly difficult for elderly people and those with young children.
- Construction traffic intimidating for park users.
- Construction traffic shares road space with park users.
- Trailhead for the Wicklow Way becomes inaccessible at set up at set down periods of events.
- Camping by event personnel detracts from Park.
- Alcohol consumption in the Park outside of event site.
- Fire hazard from pyrotechnics and smoking.
- Smoking in undesignated areas.

Traffic Issues

- Traffic congestions due to difficulty in accessing Marlay Park
- Need to encourage use of public transport
- Make more provision for cycle parking.
- Improved directional signage.
- Access to be via main roads, not through housing estates.
- Residents need to be able to access their properties at all times.

Impact on Residents

- Antisocial activity impacting on residents.
- Too many concerts in a short time period and over two weekends.
- Smaller concerts should be held.
- Additional waste bins required.
- Request for urinals to be placed at bus stops.
- Support for level of stewarding in the past but could more attention be given to the level of drunkenness that occurs over the days of Longitude particularly on Grange Road.
- Noise issues.
- Residents should be compensated for level of noise pollution and disturbance.
- Access blocked to residents' homes in the past, with no recourse from the Local Authority, event organisers or police.
- Access needs to be maintained at all times to neighbouring estates, in particular emergency access.

Accessibility:

- Will events be deaf-accessible? It's illegal not to.
- Need for more wheelchair space and more wheelchair accessible toilets.

Health and Safety:

- The concerts should be postponed another year because of Covid.

Support for Events

- Support for application as it has been two years since last event, and it will provide entertainment for people.
- Support for concerts as funds raised have been used to great effect in improving Malay Park.
- Support for concerts as long as past levels of Stewarding and Police presence is maintained.
- Benefits to the community far outweigh disturbance caused.

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- Residents should welcome and show generosity towards music fans enjoying music and being with their friends in a safe and convenient location at well organised events.

Licensing Procedure:

- Dún Laoghaire Rathdown assesses the license for the concerts, and also benefits from the revenue. This does not strike me as being a fair and equitable approach.
- No record of pre-planning consultation included in the application.
- Contrary to the County Development Plan.
- Lack of transparency in relation to revenue raised by Dún Laoghaire Rathdown Co Co from events.
- Other Parks and maintained without the need for concert revenue.

Miscellaneous:

- General request for tickets.
- Residents should be given tickets given the severe disruption caused.
- Can it be a licensing requirement for concerts that beverages are supplied on a deposit and refund basis, where applicable.
- No energy audit has been included as part of the application.

RESPONSES

The comments raised in the submissions are noted and all relevant issues are taken into consideration in the responses below where not addressed within the submission from the prescribed bodies.

1. Impact on Marlay Park - Landscape

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 Parks and Landscape Services Dept carry out ongoing maintenance and monitoring activities, before, during and after each event.

2. Impact on Marlay Park - Ecology

The Local Authority has been proactive in addressing the concerns raised in relation to the protection of protected species and wildlife within the Park during and outside of concert times. As in previous years an Ecologist, using the same protocol for ecological monitoring, has been employed to carry out extensive surveys and to advise the Local Authority on the impact on the wildlife population and steps to be taken to improve habitats and to protect wildlife. This requirement is a condition of the licence.

3. Impact on Marlay Park for Park Users

At the outset it should be noted that the provision of such events is going to temporarily impact on the use of this regional park, however and as outlined in the Event Management Plan submitted as part of the application, the concert layout and build schedule aims to maximise the availability of the Park for public use. As stated, circulation routes will be maintained in so far as is possible, and in particular the provision of routes on the periphery of the park.

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.

A new pedestrian entrance has been installed on Grange Road to improve pedestrian circulation throughout the park in order to mitigate the potential for conflict between vehicular and pedestrian traffic.

As per the Draft Event management plan, Contractors, Partners and Staff employed on the site will be provided with detailed health and safety information via the health and safety documentation in advance of the build. A Banksman is required when machinery is moving in shared area and is added as specific condition

It is considered that a condition can be included in the event of permission being granted that applicants consult and agree circulation routes and signage with Dún Laoghaire Rathdown's Parks and Landscape services Department, prior to and during the site set up.

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4. Traffic Issues

As in previous years, the Traffic Management Plan will be agreed with all relevant statutory bodies in advance of the events being held. An Garda Síochána, local residents and the concert promoters have contributed to the policing, security and stewarding plan which endeavors to minimise disruption caused by the concerts. The Traffic Section and the Local Authority continues to engage with the prescribed bodies in order to improve implementation. While road closures will take effect, these do not apply to responding Emergency Service vehicles and all efforts will be made to accommodate local access. Provision for cycle parking has not been made within the Event Management Plan.

5. Impact on Residents

While some impact on adjoining residents is inevitable, the Draft Event Management Plan outlines measures to ensure that disturbance to the local area is kept to a minimum. Pre-concert meetings are and will be held with local Residents' Associations in order to provide an opportunity to feed into the management of the external environment for the proposed event. A dedicated Residents' Hotline will also be operational on Event days.

It is proposed to have cleaning teams work during the shows and the following morning to ensure that no litter remains inside or outside the venue. The Dún Laoghaire Rathdown Litter Wardens also monitor the situation.

Sound levels are monitored and measured by a noise control consultant. The Environmental Health Officer has access to the results of the monitoring and a copy of these will be sent to the EHO within three working days of each event. Sanctions are applied where there is found to be a breach of the noise level restrictions.

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 acts on advice from the Noise and Air Pollution Unit as specialists in this area and noise reports for previous years are available to view on www.dlrcoco.ie

Marlay Park is considered to be a suitable venue by both the Local Authority and prescribed bodies, while event opening times, finishing times, and attendance numbers are also considered to be acceptable by both the Local Authority and the prescribed bodies.

6. Accessibility:

The documentation submitted in support of the application makes no reference to accessibility in relation to the deaf community. It will be brought to the event organisers' attention and can be included in future events.

The Draft Event Management Plan sets out provisions for disabled patron, including the provision of Accessible Viewing Platforms and toilets at the Main Stage and Stage 2 (Longitude only).

Contact details will be provided for patrons requiring disabled access patrons in relation to further information relating to access.

7. Health and Safety:

All Covid restriction have been lifted in Ireland therefore this is not a reason to further postpone these events.

8. Licensing procedure and operation of concerts

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).

It is understood that informal meetings have been held between the Local Authority and Residents Associations and also with the event promoter and under the Planning and Development (Licensing of Outdoor Events) Regulations, 2001 (as amended) Article 190 of the Regulations allows any person to make a submission or observation in writing to the local authority in respect of the application within 3 weeks of receipt of the application by the local authority.

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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).

There is continued investment into Marlay Park and these works are part funded from concert revenues, including improvement of the playing pitches, ongoing pavement

improvements and resurfacing works, drainage works, restoration and improvement works to the windows and the drainage/sewers connections of Marlay House, as well as concert related funds on the 'grow in' and completion of the new putting green.

9. Miscellaneous:

While it is not a licensing requirement for these events that beverages are supplied on a deposit and refund basis, all traders have been advised on acceptable packaging used. Strictly no glass bottles/glasses will be allowed, all cups, food containers, napkins etc are compostable, along with food waste. Traders will dispose of waste generated into 3 bins (recyclables, residual & compostable waste streams). It is noted that deposit and return schemes exists at other events and it can be brought to the event organisers' attention and can be included in future events.

COUNTY DEVELOPMENT PLAN

Since the original application was made a new County Development Plan has been adopted and the policy objectives relating to Marlay Park and the Event Licence Application are set out here.

On Map 5 of the Dún Laoghaire-Rathdown County Development 2022-2028, the event site is zoned 'Objective 'F'; to preserve and provide for open space with ancillary active recreational amenities'. 'Cultural use', that is 'use of a building or part thereof or land for cultural or purposes to which the public may be admitted on payment of a charge or free of charge...' is identified as being 'permitted in principle'.

There is an an objective indicated throughout Marlay Park 'to protect and preserve Trees and Woodlands'.

Marlay Park is now a Candidate Architectural Conservation Area and there are also a number of additional structures that have been added to the Record of Protected Structures.

The Wicklow Way walking route also traverses the Park

Policy Objective EI14: Air and Noise Pollution seeks to implement the provisions of national and EU Directives on air and noise pollution and other relevant legislative requirements in conjunction with other agencies as appropriate in order to support the implementation of objectives of the 'Dublin Agglomeration Environmental Noise Action Plan 2018-2023. In the regard it is noted that issues in relating to noise have been addressed with the report of the Environment Health Office.

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 2022-2028.

APPROPRIATE ASSESSMENT

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

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. The reports from the prescribed bodies do not raise any concerns in principle. 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 and Development Act 2000, (as amended).

1. The Outdoor Event Licence shall be for three stand-alone concerts which shall be held on the following dates: Monday 27th June, Tuesday 28th June and Wednesday 29th June 2022 and one weekend-long event, 'Longitude', which shall be held on the following dates: Friday 1st July, Saturday 2nd July and Sunday 3rd July 2022. 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.

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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. AN GARDA SÍOCHÁNA

- (a) • The Event Traffic Management Plan, including detail of signage to be provided, shall be agreed with An Garda Síochána in consultation with Dún Laoghaire Rathdown County Council and a copy of same shall be provided to South Dublin County Council. Road closure times cited in the Draft Traffic Management Plan may vary depending on the circumstances of the day and if public duty dictates. An Garda Síochána shall make any decision in this regard.
- (b) • 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 South shall take precedence.
- (c) • Sufficient Garda personnel numbers as determined by the Chief Superintendent DMR South shall be employed at the events to ensure that they are properly policed. All Garda costs associated with the Policing Plan shall be defrayed by the event promoter. The number of members of An Garda Síochána to be deployed shall be decided by the relevant Chief Superintendent, DMR South.

4. ENVIRONMENTAL HEALTH

- (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:
- (b) • Females: 10 WCs per 1,000.
- (c) • Males: 2 WCs per 1,000/ Urinals – 8 per 1,000 or 3.6 metres per 1,000.

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- (D) o Toilet blocks shall be placed at all stage areas.
 - (E) o Signage of sufficient size stating 'Sanitary Accommodation' or 'Toilets' shall be erected in areas where the public can clearly view.
 - (F) o All sanitary accommodation units must be in-situ and in proper working order 24 hours prior to the commencement of the outdoor event and shall be accessible for inspection by the Environmental Health Service.
 - (G) o A suitable non-slip surface, adequately drained, shall be provided at all sanitary accommodation areas.
 - (H) o ~~X~~ No non-flush chemical toilets shall be used.
 - (I) o ~~X~~ There shall be wall-mounted receptacles which dispense liquid antibacterial gel. These shall 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' shall be erected in areas where the public can see.

- (J) • The Event Organiser shall ensure all sanitary facilities are maintained in a clean and hygienic condition. Record keeping of the cleaning programme shall be maintained and be available for inspection by the Environmental Health Service.
- (K) • Separate sanitary facilities (including wash hand basins and hand drying facilities) for food workers shall be provided in addition to and separate from sanitary facilities for other users.
- (L) • Waste water collected from the temporary sanitary facilities shall be disposed of in an appropriately licenced waste or waste water treatment facility.
- (M) • Drinking water must be in compliance with the European Union (Drinking Water) Regulations 2014 (as amended). A Drinking Water Safety Management Plan must be contained within the Final Event Management Plan. The Drinking Water Safety Management Plan shall include microbiological and chlorine sampling of the proposed water source. Microbiological sampling must be carried out on the mains water public supply to confirm that the drinking water complies with the above regulations. Sampling must be taken a minimum of fourteen days before the date of the first event. Microbiological sampling must also be taken from the drinking water outlets (after the pipework/distribution system has been flushed) prior to the commencement of the outdoor events. The water distribution network shall be superchlorinated and flushed prior to use

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in order to ensure that the network is sanitised and suitable for the distribution of potable water and a record of this shall be maintained by the Event Organiser. Results of all water analyses shall be sent to the Environmental Health Service prior to the commencement of the outdoor events.

- (M) • A Drinking Water Contingency (Emergency) Plan shall be prepared and implemented in the event of drinking water contamination or an insufficient supply of drinking water. Any serious incidents shall be notified immediately to Irish Water and Dun Laoghaire Rathdown County Council. The use of emergency potable water storage back up tank is advised.
- (V) • 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.
- (P) • A map of all drinking water pipe connections (permanent and temporary) and the location of original water sources shall be drawn up and maintained by the Event Organiser.
- (Q) • Chlorine testing shall be taken throughout each day of the events at the point of use locations around the site to ensure that adequate levels of chlorine are reaching all areas of the site. The chlorine results shall be documented and maintained by the Event Organiser. If inadequate levels of chlorine are recorded, appropriate remedial action should be taken as a matter of priority.
- (R) • 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. Drinking water points must be located near the main stage areas and adequate signage must be in place to indicate all drinking water supply points. The drinking water points must be thoroughly cleaned and sanitised prior to the commencement of the outdoor events and also during each day of the events. A suitable non-slip surface that is adequately drained must be provided at each location.

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5. ENVIRONMENTAL HEALTH - TOBACCO CONTROL

- (a) • All internal areas/enclosed structures shall have no smoking signs displayed including the name of the 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 outdoor events 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) • Tobacco control responsibility and duties shall be incorporated into the Final Event Management Plan.
- (d) • 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.
- (e) • The requirements of the Principal Environmental Health Officer, Food Control, located at the Environmental Health Service, Silverstone House, Ballymoss Road, Sandyford Industrial Estate, Dublin 18, with regard to food control, shall be complied with.

6. ENVIRONMENTAL HEALTH - NOISE

- (a) • 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.
- (b) • A qualified and experienced noise control consultant shall be appointed to liaise between the event promoter, 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.

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- (c) • 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.
- (d) • ~~(c)~~ All events to finish no later than 23.00 hours.
- (e) • 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.

7. DUBLIN FIRE BRIGADE

- (a) • All egress routes shall accord with EN 13200 - Spectator facilities – 2019.
- (b) • The design and operation of all gas installations shall comply with IS 820. Non-domestic gas installations 2019.

Other requirements

- (c) • 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.
- (d) • 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 in line with Dublin Fire Brigade's Guide to Gas at events.
- (e) • 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 1m2 light duty fire blanket as a minimum.

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- (F) • Deep Fat Frying units must have 6 litre wet chemical extinguisher, 2 x 2 kg ABC dry powder fire extinguisher, 1 x 2kg CO2 fire extinguisher and a 1.8m2 heavy duty fire blanket as a minimum.
- (G) • Portable fire extinguishers shall be in accordance with the recommendations of IS 291 2015 and are to be manufactured to the appropriate standard such as IS EN3-7. Fire Blankets shall be to BS EN 1869: 1997 (light) and BS 7944:1999 (heavy) as appropriate.
- (H) • All concessionary staff to be fully trained in emergency and evacuation procedures, fire hazards and the use of fire extinguishers by a suitably qualified and competent expert. This must be completed prior to the site opening to the general public. Records of such training shall be kept on site and available for inspection. Concessionary units unable to produce such records shall not be permitted to open for business.
- (I) • All concessionary units to be provided with a conspicuously located emergency knock-off switch, for shutting off the gas / electricity in the event of an emergency. All staff to be aware of its location.
- (J) • All generators to be properly earthed, bonded and signed off by a competent and registered electrician RECI/IS 10101cert; 2 extinguishers (1 CO2 and 1 Dry powder extinguisher) located by same tested within last year and certs for same available at all material times the event is running (certs should note, when they were serviced, if this is not possible it should note that they have been serviced in the previous 11 months; certs only dated on day issued). A 3 metre space around generator must be maintained, i.e. not against buildings or other generators. Manual test of emergency stop shall be done by event safety officer and records kept and available.
- (K) • 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.
- (L) • Certification shall be kept on site in the safety file and available for inspection for:
 - (i) a. Staff training,
 - (ii) b. LPG (liquefied petroleum gas) Installation,
 - (iii) c. Electrical Installation,

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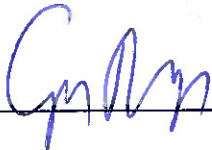
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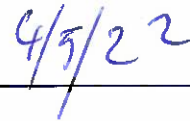
- (iv) d. Emergency Lighting,
- (v) e. Lining Materials/Marquees in the last 5 years, to appropriate standards and in English,
- (vi) f. First Aid Fire Fighting Equipment (fire extinguishers, fire blankets etc.),
- (vii) g. Fireworks/Pyrotechnics.

All certification shall note when the item was serviced or if this is not possible it should note that they have been fully serviced in the last 11 months (as applicable).

8. The Final Event Management Plan shall include a Litter Management Plan with regard to off-site litter management to include a map of the strategic locations of bin placement in the local area including areas within the South Dublin County Council administrative area.
9. Applicants shall consult with and agree internal circulation routes and signage with the Planning Authority (Parks and Landscape Services Department), prior to and during the site set up.
10. A Banksman shall be in attendance when event machinery is moving within and through shared areas at all times.
11. A suitably qualified ecologist(s) to be agreed with the Planning Authority shall be engaged to carry out environmental monitoring of the park area with regard to wildlife, bats, birds etc. during the period from construction to take down of the concert structures including during the concerts themselves. All costs associated with this monitoring shall be defrayed by the event promoter. Detail in relation to this environmental monitoring shall be agreed with the Local Authority at least one week prior to the first concert. Monitoring information and results/comments following this monitoring shall be submitted to the County Council for their information within twelve weeks of the date of the final concert.
12. Non-compliance with any of the above conditions shall result in a fine not exceeding €10,000 for each and every occurrence.



Ger Ryan,
Senior Planner,
Planning Department



Date

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 on the following dates, Monday 27th June, Tuesday 28th June and Wednesday 29th June 2022, Friday 1st July, Saturday 2nd July and Sunday 3rd July 2022 in Marlay Park is hereby approved subject to the 12 conditions contained in the foregoing report of the Senior Planner.

Date: 06/05/22

Approved Officer: Carroll

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2406, dated 28/04/22, delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.