

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### APPLICATION FOR LICENCE FOR EVENTS AT MARLAY PARK

On dates including 20<sup>th</sup> 23<sup>rd</sup> 24<sup>th</sup> and 28<sup>th</sup> June and 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> of July 2023

**Reg. Ref. OEL/01/23**

#### **LEGISLATIVE CONTEXT**

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

Part XVI of the Planning and Development Acts, 2000, as amended, provides for the requirement of a licence for the holding of outdoor events. Section 231 refers to Regulations relating to matters of procedure and administration for applications and the granting of licences. S.I. No. 600 of 2001 and S.I. No. 116 of 2012 currently pertain. An event is defined in Section 229 of the Act as:

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

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

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

- i. Code of Practice for Safety at Outdoor Pop Concerts and other outdoor musical events  
Department of Education in January 1996.

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- ii. Code of Practice for Safety at Sports Grounds, 1996.
- iii. Code of Practice for Management of Fire Safety in Places of Assembly, Department of Environment.
- iv. Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly, Department of Environment.
- v. Ensure compliance is achieved with the requirements of the Fire Services Act 1981 and Amendment 2003 and the Fire Safety in Places of Assembly (Ease of Escape) Regulations 1985.
- vi. Safety Health and Welfare at Work Act 2005.
- vii. Building Control Acts 1990 to 2014.
- viii. Litter Pollution Act 1997 (as amended in 2017).
- ix. Environmental Protection Agency Act and regulations.

#### **APPLICATION**

On the 15th of February 2023 Dun Laoghaire-Rathdown County Council received an application for an events licence from Festival Republic Ltd., on behalf of MCD Productions. It is proposed that a series of concerts be held on dates including 20<sup>th</sup>, 23<sup>rd</sup>, 24<sup>th</sup> and 28<sup>th</sup> June and 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> of July 2023 at Marlay Park.

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

#### **Summary of Proposal**

The applicant states that the maximum anticipated attendance at each event is 40,000 people. The applicant states that the events will in general be no longer than 9.5 hours in duration and will start at between 13:30 hrs and 15:00hrs. Each event will finish at 23:00hrs.

The Draft Management Plan includes details on the following matters:

- Event Management Structure and Responsibilities

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

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

- Appendix 1 Draft Major Emergency Plan
- Appendix 2 Trader Fire Risk Assessment Form
- Appendix 3 Pre-Event Fire Safety Checklist
- Appendix 4 Draft Traffic Management Plan
- Appendix 5 Draft Water Safety Plan
- Appendix 6 Draft Offsite Stewarding Plan

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

#### **NOTIFICATION PROCESS**

Article 186(1) of the Regulations provides as follows: -

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

The application was lodged on the 15<sup>th</sup> February 2023 and is therefore in excess of 13 weeks

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prior to the date of the first proposed event on the 20<sup>th</sup> June 2023.

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

*"A local authority shall not accept an application for a licence for a proposed event unless a pre-application consultation meeting under article 184 has taken place in relation to the event during the 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."*

The pre-application consultation meeting was held on the 19<sup>th</sup> of October 2022 and therefore this criterion has also been met.

#### **DECISION ON APPLICATION**

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

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

#### **MARLAY PARK AND HOUSE**

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

The park serves the local community but is also used on a regional basis by the wider

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population of the Dublin region. The main activities for which the park is used include walking, children's play, team sports on allocated pitches, golf and tourist type activities associated with the House and its walled gardens.

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

#### **DEVELOPMENT PLAN**

In 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'. There are also specific objectives within the park to 'Protect and preserve trees and woodlands'. Additionally, there is a Specific Local Objective (No. 47) identified; 'To progress the Masterplan for Marlay Demesne with a focus on the conservation of the heritage of Marlay Park, the provision of quality recreational facilities, maintaining the highest standard of horticultural and landscape presentation and increasing accessibility of the Park, Marlay House and its amenities. The Wicklow Way walking route traverses the Park. Marlay Park House is a Protected Structure, which includes the house and stable yard/craft area. Laurelmere House is also a Protected Structure. At the entrance from the R113 into Marlay Park, there is an industrial heritage feature 'letter box'.

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

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

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### **PUBLIC BODIES AND INTERNAL CONSULTLEES**

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

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

### **DLR Co.Co. INTERNAL CONSULTLEES**

The application was also referred to the following internal consultees:

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

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6. Conservation Department
7. Biodiversity.

Responses were received from the following bodies/internal departments-

#### **HSE Emergency Management Office**

A written response was received from the HSE Emergency Management Office (dated 10th March 2023), with the following comment;

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

1	<i>Any additional requirements of the Emergency Management Office of the Health Service Executive shall be resolved directly with the office prior to the event.</i>
2	<i>The Planning regulations require an Event Management Plan to be produced which should include an event medical plan, in accordance with the Code of Practice for Safety at Outdoor Pop Concerts and Other Musical Events (Dept. of Education – 1996). All event medical plans should be developed in accordance with the recommendations of the Health Service Executive, Emergency Management Office</i>
3	<i>The event medical plan for this event is to be agreed with all medical providers and submitted to the Health Service Executive, Emergency Management Office, no later than two weeks prior to the event.</i>
4	<i>Medical / First aid activity [if any] at the event shall be recorded, compiled in an event medical report and forward directly to the Health Service Executive, Emergency Management Office, within one month after the event to include the following information:</i>

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	<p><i>Number of patrons accessing medical / first aid services.</i></p> <p><i>Number of patrons requiring actual treatment.</i></p> <p><i>Number of patrons removed to hospital.</i></p> <p><i>Types of injury / illness</i></p> <p><i>(Names and personal details are not required)</i></p>
5	<p><i>This licence may be suspended by the Licensing Authority at the request of the Health Service Executive due to issues of public safety in relation to major public health risks.</i></p> <p><i>The HSE Health Protection Surveillance Centre (HPSC) provide the most up to date guidance and supporting documents which are all available at <a href="http://www.hpsc.ie">www.hpsc.ie</a>.</i></p> <p><i>The granting of this licence is subject to the event organisers adhering to government and local public health requirements applicable to the area in which the event is to take place. It must be noted that public health requirements may change between the time of the granting of the licence and the date in which the event is to be held. In this case the most up to date government and local public health requirements must be adhered to by the event organiser.</i></p>
7	<p><i>Access shall be facilitated to the immediate area for Health Service Executive Community Services providing domiciliary care services to the population adjacent to the venue.</i></p> <p><i>Where Hospitals, Health Centres or Residential units are located within Traffic or Pedestrian restricted areas associated with the event, access for Staff, Clients and Visitors must be maintained.</i></p>
9	<p><i>Additional conditions for this event:"</i></p>



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### Environmental Health Office, Air and Noise Unit (HSE)

A written response was received from the Environmental Health Office, Air and Noise Unit (dated 15th February 2023), with the following comment;

*"The application is acceptable to Environmental Health Service subject to the following conditions.*

#### *Sanitary Services*

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

#### *WC*

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

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

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

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

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

*6. There must be wall-mounted receptacles which dispense liquid antibacterial gel. These*

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*must be supplied in sufficient numbers outside each block of toilets, and they must be in proper working order for the duration of the outdoor events. The gel shall be replaced as required. Signs of sufficient size stating "anti-bactericidal gel" must be erected in areas where the public can see.*

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

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

#### *Drinking Water*

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

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

*12. A Drinking Water Contingency (Emergency) Plan must be prepared and implemented in the event of drinking water contamination or an insufficient supply of drinking water. Any*

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*serious incidents shall be notified immediately to Irish Water and Dun Laoghaire Rathdown County Council. The use of emergency potable storage back up tank is advised; such storage tank must be capable of supplying enough water to the event in the case of an emergency and the water must be in compliance with the aforementioned regulations. Adequate disinfection of the emergency supply must be undertaken prior to use.*

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

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

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

#### *Noise Monitoring*

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

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

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

19. *The applicant shall comply with the specific noise levels at the nearest noise sensitive area during rehearsals, sound checks and the event. Sound checks shall be carried out during state exams.*

20. *The applicant shall comply with the specified start time for each event. The events shall end at 22.30 with the exception of events held on a Friday and Saturday which shall end at 22.45.*

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

*(To note a verbal conversation subsequently took place on the 23<sup>rd</sup> and 27<sup>th</sup> of March, whereby the EHO representatives for DLR confirmed they were satisfied for the event to continue to 11pm subject to all other conditions being followed)."*

#### **Dublin Fire Brigade**

A written response was received from Dublin Fire Brigade (dated 2<sup>nd</sup> March 2023).

In summary the 3 part report from the Senior Executive Fire Prevention Officer raised a number of queries about the proposed development including clarification on the role of the event safety coordinator and term, confirmation on the hydrant certs, and certs for Marlay house, clarification on the use of the spin stage, details on the event controller's responsibilities, space/location for Dublin Fire Brigade staff and parking arrangement, a risk assessment in accordance with MOE and IS EN 13200 part 1 2019, confirmation on the

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location of electrical units from gas units etc.

The Dublin Fire Brigade issued a subsequent report on the 31st of March 2023 advising the following condition should be applied to event license; *"The requirements of Dublin Fire Brigade in connection with these events shall be complied with. Reason: in the interests of public safety."*

#### **DLR Co.Co. Drainage Planning**

A written response was received from Drainage Planning (dated 6<sup>th</sup> March 2023), with the following comment;

*"Drainage Planning does not have any objections to this event, as described and noted in the attached documents".*

#### **DLR Co.Co. Parks**

A written response was received from Parks (dated 30<sup>th</sup> March 2023), with the following comment;

#### **"Safety and security**

*Similar security measures will be put in place for 2023 as provided in previous years. External policing and stewarding will be provided by An Garda Síochána, licensed security engaged by Festival Republic and stewards from local sports clubs in order to minimise disruption as far as possible.*

*Traffic management measures will be put in place at the entrance to the venue off Grange Road to reinforce security in this area where crowds tend to gather.*

*Fencing and barriers will be placed in the estates outlined below in an attempt to deter concert goers accessing these estates during and after the event:-*

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- *The Priory and Hermitage Estate*
- *Eden Estate*
- *Marlay Grange*
- *Marlay Court*
- *Llewellyn Estate*
- *Grange Wood*
- *Grangebrook*
- *Whitechurch*
- *Marlay Grove House*
- *Broadford Estate*
- *Marlay Wood*
- *Grangefield Estate*
- *La Touche Court*
- *Pine Valley*
- *Grange Cottages*
- *Taylor's Hill Apartments*
- *Grange Cottages*
- *Brehon's Chair*

*Parking permits will be issued to the estates listed above in an attempt to prevent non-residents from using housing estates for parking.*

*A mobile security response team will be put in place to augment security as and when required to respond to anti-social issues in a timely manner.*

*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.*

#### *Transport*

*A comprehensive Traffic Management Plan will be in place for the concerts and Longitude. The priority will be to ensure that concert goers can access and exit the concert venue as quickly and safely as possible while still maintaining traffic flows for regular road users. The*

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*Traffic Management Plan will be developed in partnership with An Garda Síochána and the National Transport Authority, who have responsibility over the licensing oversee the bus licensing to the events and will emphasise the use of public transport as the preferred mode of transport to the venue.*

*The plan will include the following: -*

- *Park & Ride Shuttle bus service from Dundrum Town Centre*
- *Shuttle bus service to Dundrum Luas Stop at the end of the concerts*
- *Shuttle bus service to City Centre at the end of the concerts*
- *Bus/Coach parking will be confined within Marlay Park*
- *The junctions on the M50, northbound and southbound, will be split between bus and vehicular transport to optimise the capacity of these junctions*
- *Signage, both internally and externally will be improved to guide concert goers to their preferred transport mode*
- *Bicycle racks are available at the College Road car park.*

#### Noise

*Noise levels will be monitored by Festival Republic's sound engineers and the HSE. Noise levels will be measured throughout the day of each event. The noise levels should not exceed 72db (a) LAeq over a period of fifteen minutes. The HSE's noise report will be made available on the Councils website after the concerts.*

#### Antisocial matters

*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. 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*

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*amount of public urination. The same arrangement is proposed for this year.*

*Festival Republic will, as in previous years, provide a dedicated off-site litter picking team. This will be augmented by the Council's own resources. Litter management will be monitored by the Council's Litter Wardens Service.*

#### Scale of Event

*Marlay Park is considered to be a suitable venue by both the Local Authority and the statutory agencies.*

#### Impact on Park and Park users

*Marlay Park will remain open to all visitors except on concert days. On concert days, a pedestrian route around the park will be maintained until 12 noon. The site layout and build schedule will be similar to 2022. This layout aims to keep people safe during the construction stage while also maximising the availability of the park to other park users and minimise disruption. There will be some restrictions on walking routes but in general park walking routes will remain open. These routes will be clearly signposted at the various entrances to the Park.*

- Marlay Craft Courtyard – will remain open for business except on concert days when it will be closed.*
- Bolands Café and The Wicklow Way Cafe -will remain open except on concert days when they will be closed.*
- Playgrounds – will remain open as normal except on concert days when they will close at 12.00pm.*
- All-Weather pitches and Grass Pitches – will operate as normal except on concert days when they will be closed.*
- Tennis Courts –will operate as normal except on concert days when they will be closed.*
- Coco Markets –will relocate to College Road Carpark for June and July 2023. The markets will be closed on Saturday 24th June, Saturday 1st July and Sunday 2nd July.*



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*The Council have plans to move the Cricket pitch. However, to ensure playability this year, dlr have ordered a new cricket crease and are carrying out repairs to the pitch.*

*The Park Runs can be facilitated by utilising alternative routes within the park. We cannot facilitate Park Runs on Saturday 24th June and Saturday 1st July.*

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

*In 2023 the Council will retain an ecologist to:*

- Monitor the impact of the concerts on the wildlife in the Park.*
- To address concerns raised by members of the public.*

#### *Other*

*Tickets are regularly sold for large events "Subject to Licence".*

*There are no specific sensory areas within the venue.*

*The County Council are the licensing body as prescribed in the Planning and Development Act and Regulations, 2000, as amended."*

### **WRITTEN SUBMISSIONS / OBSERVATIONS**

The application was also subject to third party submissions/observations. 50 third-party submissions / observations were received in the prescribed period. The issues raised can be summarised as follows:

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#### Positive attributes of concerts

- Disruption is small for the enjoyment the concerts bring.
- Welcome events in public spaces.
- Support hosting of events in Marlay Park and diversity of events held in general.
- The concerts are great for the area.
- Positive experience of concerts at Marlay Park. Enjoyed going to gigs when younger and now, and wonderful to have events like this locally.
- The park is underutilized at present.

#### Safety and security

- Lack of security and oversight of residential areas when concerts are taking place.
- Lack of stewarding and toilets of local area.
- Difficulty leaving the venue and poor stewarding.
- Local streets become inaccessible during concerts.
- Only one entrance to get out at the end of the concert and this is unsafe.
- Safety of children/school going pupils in the area from concert goers.

#### Transport

- Lack of management of car parking for the event.
- All transport to and from the event should be done via public transport or bike/foot.
- There should be a park and ride facility to and from the event.
- Taxis dropping and collecting members of the public should be more coordinated.
- Special bus routes across the city should be offered for the event.
- Ticket sales should be linked to transport to and from the event.
- Shuttle buses from the Luas Green line and Red line should be provided throughout the day and evening.
- More public transport and better traffic management are needed.
- Secure biking parking is needed for events.

#### Noise

- Noise leading up to concerts is excessive.
- Music events are very loud.

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- Concerts disturb local resident's sleep.
- House vibrating from noise coming from concert.
- Sound checks do not bear any resemblance to noise experienced.

#### Antisocial matters

- Lack of control of the sale of alcohol to children from local shops.
- Private gardens/roadside used as toilets and for other antisocial behavior.
- Loutish behavior from concert goers.
- Rubish left all over the place.
- The area should be cleaned up better and sooner.

#### Scale of Event

- Scale of event is out of keeping with residential nature of the area.
- 7 events are too many.
- There are too many concerts at Marlay Park.
- There are other venues that are more suitable to host the event.
- Concert period is too long over the summer.

#### Impact on park and park users

- Negative impact of concerts on wildlife in the area.
- Park grounds are not accessible for weeks leading up to events.
- Marlay Park should be kept open for walkers during events.
- Important amenity taken away for commercial gain.
- Marlay Craft Courtyard hugely disrupted by annual concerts. Can't access premises and there is a loss of customers/revenue during that period. No compensation.
- The impact on the cricket club is unacceptable. The cricket ground will be unavailable for 16 weeks of the 24 it is scheduled to be 'open'. DLR Co. Co. should move the cricket ground. The club wants to start a youth facility but can't with this taking place and the lack of playing time.
- Negative impact on Park Run and GAA as park and pitches will be closed during preparation stage and events.
- Dangerous to have machinery using paths used by pedestrians in the park.
- Damage of concerts on the park.

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#### Other

- Tickets to event sold before consultation process to application ended.
- Workers at the event are rude to locals.
- Would welcome an autism friendly section at the event.
- Concert tickets should be offered to locals for inconvenience of events.
- Should be a sensory area for the event.
- Query conflict of interest given DLR Co. Co. receives revenue for event and is the license application decision maker.
- Query availability of a report that reviews 2022 concerts.

#### **ASSESSMENT**

##### 1. IMPACT TO MARLAY PARK

- DLR Co. Co. raises no major concerns in relation to the impact of the event on the heritage and special character of Marlay Park. The event is temporary in nature and is of a similar character to many events in Ireland which are held in the grounds of Protected Structures and large parks.

##### 2. IMPACT TO WILDLIFE

- The Local Authority has been proactive in addressing the impact raised in relation to the maintenance of the park and protection of protected species and wildlife within the park during and outside of concert times. An Ecologist was employed in 2015, 2016, 2017 and 2018 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. This year the Council will similarly retain the expertise of an ecologist to: Monitor the impact of the concerts on the wildlife in the Park and to address concerns raised by members of the public. Services which have been sought include installation of bat boxes in core areas of woodland to supplement roosting opportunities for existing population, checks for locations of nesting waterfowl (March/April),

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surveys of properties to identify maternity roosts in the Park, pre-installation of pontoon checks for nestling fledglings and also monitoring of bird species during the concerts, monitoring bat activity before, during and after the concert period to record any changes in activity, installation of static bat detectors, survey post-event activity, and mapping of potential tree roosts to inform park staff of precautions during felling.

#### 3. OPERATION OF THE CONCERTS

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

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#### 4. DISTURBANCE IN THE LOCAL AREA

- Disturbance to the local area is anticipated to be kept to a minimum and is covered in the draft Event Management Plan.
- A comprehensive Traffic Management Plan will be in place for the concerts and Longitude.
- The Traffic Section of Municipal Services Department DLR Co. Co. have previously stated that the traffic management plan worked in other years and DLR Co. Co. continue to engage with the prescribed bodies to improve its implementation and workings.
- DLR Co. Co. in conjunction with An Garda Síochána and the concert promoters have developed a robust policing, security and stewarding plan which endeavours to minimise disruption caused by the concerts.
- Sound levels are monitored and measured by the appointed noise control consultant. A detailed Noise Management Plan will be sent to the Environmental Health Noise Department and to the Local Authority in advance of the Event. Sanctions can be applied where there is found to be a breach of the noise level restrictions.
- The Noise and Air Pollution Unit also advises that the appointed noise control consultant shall monitor the music noise levels to ensure noise levels are not exceeded and that the Environmental Health Officer (s) shall have access to the results of the monitoring at any time and a copy of these shall be forwarded to the Environmental Health Officer(s) within 3 working days after the event. The Local Authority act on advice from the Noise and Air Pollution Unit as specialists in this area and noise reports for previous years are available to view on [www.dlrcoco.ie](http://www.dlrcoco.ie)
- The location of the stages will be broadly similar to previous years which was so planned to give as much access as possible to park users on concert days.
- There will be some restrictions to local roads as part of the event. The final plan will be prepared in consultation with the relevant statutory bodies and residents associations.
- Cleaning teams work during the shows and after to ensure that no litter remains inside or outside the venue.
- Dedicated hotline numbers are made available to local residents to allow effective handling of complaints and concerns.

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#### 5. MISCELLANEOUS

- Contractors, Partners and Staff employed on the site will be provided with detailed health and safety information via the health and safety documentation in advance of the build.
- Free parking for buses and coaches was provided on site at the College Road entrance to the park in previous years and will be provided again this year.
- The concert promoters have proposed a detailed security and stewarding plan for the event, which endeavours to maintain good order and public safety.
- All traders have been advised on acceptable packaging used. Strictly no glass bottles/glasses will be allowed, all cups, food containers, napkins etc are compostable, along with food waste. Traders will dispose of waste generated into 3 bins (recyclables, residual & compostable waste streams).
- In accordance with the Planning & Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), Dún Laoghaire-Rathdown County Council is the licencing authority for Outdoor Events in its jurisdiction.
- DLR will continue to work with the concert promoter and An Garda Síochána to ensure any instances of Anti-Social behavior are kept to a minimum and dealt with immediately.
- It is also noted that Marlay Park will remain open to all visitors except on concert days.

#### **THIRD PARTIES**

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

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### **APPROPRIATE ASSESSMENT (AA) SCREENING**

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

The proposed event is located c. 3.5 km away from the nearest European site. The AA screening process has considered the potential effects which may arise during the construction, operational and decommissioning phases as a result of the implementation of the proposed event. The proposed site is connected to a number of European sites in Dublin Bay via an indirect hydrological pathway through an existing surface water network. Through an assessment of the pathways for effects and an evaluation of the project characteristics, taking account of the processes involved and the distance of separation from European sites, it has been evaluated that there are no likely significant adverse effects on the qualifying interests, special conservation interest or the conservation objectives of any designated European site. The ecological integrity of the European site/s is not foreseen to be significantly affected by the project.

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

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

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING**

Similar to the above, having regard to the nature and scale of the proposed development, which comprises an event license for a temporary cultural event, in a fully serviced urban location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact



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assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

#### **SUMMARY**

The Local Authority has had regard to the pre-application consultation, the information relating to the application furnished to it by the applicant in accordance with the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended).

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

#### **CONDITIONS**

1. The Outdoor Event Licence shall be for the following dates 20th 23rd 24th and 28th June and 1st, 2nd and 4th of July 2023. 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.

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#### AN GARDA SIOCHANA

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

#### HSE

6. Any additional requirements of the Emergency Management Office of the Health Service Executive shall be resolved directly with the office prior to the event.
7. The Planning regulations require an Event Management Plan to be produced which should include an event medical plan, in accordance with the Code of Practice for Safety at Outdoor Pop Concerts and Other Musical Events (Dept. of Education – 1996).
8. All event medical plans should be developed in accordance with the recommendations of the Health Service Executive, Emergency Management Office
9. The event medical plan for this event is to be agreed with all medical providers and submitted to the Health Service Executive, Emergency Management Office, no later than two weeks prior to the event.

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

- a. Number of patrons accessing medical / first aid services.
- b. Number of patrons requiring actual treatment.
- c. Number of patrons removed to hospital.
- d. Types of injury / illness

(Names and personal details are not required)

11. This licence may be suspended by the Licensing Authority at the request of the Health Service Executive due to issues of public safety in relation to major public health risks. The HSE Health Protection Surveillance Centre (HPSC) provide the most up to date guidance and supporting documents which are all available at [www.hpsc.ie](http://www.hpsc.ie). The granting of this licence is subject to the event organisers adhering to government and local public health requirements applicable to the area in which the event is to take place. It must be noted that public health requirements may change between the time of the granting of the licence and the date in which the event is to be held. In this case the most up to date government and local public health requirements must be adhered to by the event organiser.

12. Access shall be facilitated to the immediate area for Health Service Executive Community Services providing domiciliary care services to the population adjacent to the venue. Where Hospitals, Health Centres or Residential units are located within Traffic or Pedestrian restricted areas associated with the event, access for Staff, Clients and Visitors must be maintained.

#### EHO

13. The numbers of sanitary accommodation (including a minimum 2 disabled toilets) must

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

14. All sanitary accommodation units must be in situ and in proper working order a minimum of 24 hours prior to the commencement of the outdoor events and are accessible for inspection by the Environmental Health Service.
15. Separate sanitary facilities (including wash hand basins and hand drying facilities) for food workers must be provided in addition to and separate from sanitary facilities for other users.
16. A suitable non-slip surface, adequately drained, must be provided to all sanitary accommodation areas.
17. It is recommended that no non-flush chemical toilets are to be used.
18. There must be wall-mounted receptacles which dispense liquid antibacterial gel. These must be supplied in sufficient numbers outside each block of toilets, and they must be in proper working order for the duration of the outdoor events. The gel shall be replaced as required. Signs of sufficient size stating "*anti-bactericidal gel*" must be erected in areas where the public can see.
19. It is the responsibility of the Event Organiser to ensure that all sanitary facilities are maintained in a clean and hygienic condition. Record keeping of the cleaning programme may be reviewed by the Environmental Health Service.
20. The requirements of the Drainage Section of Dun Laoghaire Rathdown County Council in relation to the disposal of wastewater from the sanitary accommodation and urinals shall be adhered to.
21. Drinking water must be in compliance with the European Union (Drinking Water)

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

22. Microbiological sampling must also be taken from the drinking water outlets (after the pipework/distribution system has been flushed) prior to the commencement of the outdoor events. The water distribution network should be super chlorinated and flushed prior to use in order to ensure that the network is sanitised and suitable for the distribution of potable water and a record of this should be maintained by the event Organiser. Results of all water analysis must be sent to the Environmental Health Service prior to the commencement of the outdoor events.
23. A Drinking Water Contingency (Emergency) Plan must be prepared and implemented in the event of drinking water contamination or an insufficient supply of drinking water. Any serious incidents shall be notified immediately to Irish Water and Dun Laoghaire Rathdown County Council. The use of emergency potable storage back up tank is advised; such storage tank must be capable of supplying enough water to the event in the case of an emergency and the water must be in compliance with the aforementioned regulations. Adequate disinfection of the emergency supply must be undertaken prior to use.
24. A map of all drinking water pipe connections (permanent and temporary) and the location of original water sources must be drawn up and maintained by the Event Organiser.
25. It is recommended that chlorine testing should be taken throughout each day of the event, at the point of use locations around the site to indicate that adequate levels of chlorine are reaching all areas of the site. The chlorine results should be documented and maintained by the Event Organiser. If low levels of chlorine are recorded, then

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remedial action should be taken as a matter of priority.

26. A minimum of one drinking water supply point shall be provided per thousand persons attending each event. The drinking water facilities should be dispensed through spring-loaded taps and should have adequate waste drainage. The drinking water points must be located near the main stage areas and adequate signage must be put in place to indicate the drinking water supply points. The drinking water supply points must be thoroughly cleaned and sanitised prior to the commencement of the outdoor events and also during each day of the events. A suitable non-slip surface that is adequately drained must be provided at each location.
27. The music noise level shall not exceed 72 dB LAeq) over a fifteen-minute period, at 1m from the façade of any noise sensitive premises for the events being held.
28. The applicant shall appoint a qualified and experienced noise control consultant to liaise between the event promoter, the sound engineer and the Environmental Health Officer for Noise control on all matters relating to the noise control prior to and during the event.
29. The appointed noise control consultant shall monitor the music noise levels at 30min intervals to ensure noise levels are not exceeded. The Environmental Health Officer (s) shall have access to the results of the monitoring at any time and a copy of these shall be forwarded to the Environmental Health Officer(s) within 3 working days after the event.
30. The applicant shall comply with the specific noise levels at the nearest noise sensitive area during rehearsals, sound checks and the event. Sound checks shall be carried out during state exams.
31. The applicant shall comply with the specified start time for each event. The events shall end no later than 23.00.

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32. No activity shall be carried out that is likely to cause a 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 this license.

#### Dublin Fire Brigade

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

34. The applicant shall comply with the 'Guide to Gas Usage at Events, 2021' and 'Code of Practice for Safety at Outdoor Pop Concerts and other outdoor musical events, Dept of Education 1996'

#### Other

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

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

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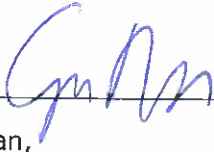
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Julieanne Prendiville

Senior Executive Planner/Acting,  
Planning Department



Ger Ryan,

Senior Planner,  
Planning Department

### Order:-

The granting of a licence to Festival Republic Ltd., on behalf of MCD Productions under Section 231 of the Planning and Development Act, 2000 ( as amended) for the holding of a series of concerts which shall be held on dates including 20<sup>th</sup>, 23<sup>rd</sup>, 24<sup>th</sup> and 28<sup>th</sup> June and 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> of July 2023 in Marlay Park is hereby approved subject to the 36 conditions contained in the foregoing report of the Senior Planner.

Date:

03/05/23

Approved Officer:



Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2482, dated 25/04/23, delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.