

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

APPLICATION FOR LICENCE FOR

EVENTS AT MARLAY PARK

On dates between 3rd July and 19th July 2015 (inclusive)

LEGISLATIVE CONTEXT

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

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

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

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

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

APPLICATION

Dún Laoghaire-Rathdown County Council received an application for a licence from Festival Republic Ltd., on behalf of MCD Productions on the 15th April 2015. It is proposed that a series of concerts be held between 3rd July and 19th July 2015 (inclusive) at Marlay Park.

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

Single Stage Concerts

There are two single stage concerts proposed, 3rd and 4th July. The applicant states that the maximum anticipated attendance at each event is 36,000 people. The applicant states that the events will in general be no longer than 8 hours in duration. Each event will finish at 23:00hrs. The gates will open at 15:00hrs.

In 2014 there were 5 single stage concerts, with a capacity of 41,000 people. This years application represents a reduction in both capacity and number of single stage concerts.

Longitude (weekend event 17th -19th July inclusive)

The applicant states that the maximum anticipated attendance at each event is 21,000 people. The applicant states that the events will in general be no longer than 9 hours in duration and will start at 14:00 hrs. Each event will finish at 23:00hrs. The gates will open at 13:30hrs.

Longitude is unchanged from 2014 in terms of attendance or number of days.

A report was brought to the Local Area Committee following the Events in 2014. The feedback from last year's events informed this year's proposal.

The application includes 2 no. Draft Event Management Plan, which notes that cognisance of the following Codes of Practice and Publications was made in the preparation of the Draft Event Management Plan:

1. *Code of Practice for Safety at Outdoor Pop Concerts and Other Outdoor Musical Events* which is a voluntary Code issued by the Department of Education, January 1996.
2. *Code of Practice for Management of Fire Safety in Places of Assembly* Department of Environment, 1989.
3. *Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly*, Department of Environment, 1989.
4. *Code of Practice for Safety and Indoor Concert*, Department of Environment, 1998.
5. *Code of Practice for Safety at Sports Grounds*, Department of Education, 1996.
6. *Temporary Demountable Structures, Guidance on Procurement, Design and Use*, The Institute of Structural Engineers, 2007.

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

The Draft Management Plans include the following sections:

1. Introduction
2. Organisation and Staffing
3. Safety Strategy
4. The Stage & Temporary Structures
5. Front of Stage Barrier
6. Noise
7. Traffic Management
8. Entry to Site
9. Spectators with Disabilities
10. Stewarding & Site Security
11. Crowd Management
12. Means of Escape and Exit Routes
13. Medical Facilities, First-Aid and Ambulances
14. Emergency Plans
15. Fire Precautions and Safety Measures

16. Communication (Inc. Public Address System)
17. Sanitary Accommodation
18. Environmental Monitoring
19. Electrical Installation and Auxiliary Power and Emergency Lighting
20. Traders and Vendors
21. Miscellaneous Provisions

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

NOTIFICATION PROCESS

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

“An application must be made at least 10 weeks prior to the date for the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, at least 16 weeks prior to the holding of the first event.”

Note: The application was lodged on the 15th April 2015, and is therefore in excess of 10 weeks prior to the date of the first proposed event on the 3rd July 2015.

DECISION ON APPLICATION

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

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

MARLAY PARK, MARLAY HOUSE & ENVIRONS

Marlay Park is a major public park located in the administrative county of Dún Laoghaire-Rathdown, circa 1 k.m. west of Ballinteer. The park is situated between Grange Road to the north and east of it and College Road & Southern Cross Route motorway to the south. South Dublin County Council (Grange golf course) adjoins the park to the west. There are two road access to Marlay Park - via Grange Road to the north of Marlay House and College Road to the south of the Park. Beyond Grange Road to the north and east there are extensive residential areas. Marlay Park and House are in the ownership of Dún Laoghaire-Rathdown County Council.

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

The park has accommodated significant public events in recent years with a maximum attendance of approximately 41,000 persons. In 2014 there were a total of 8 days of events with capacity being between 20,000 and 41,000 persons.

DEVELOPMENT PLAN

In the Dún Laoghaire-Rathdown County Development 2010-2016, the event site is zoned Objective 'F' - "To preserve and provide for open space and recreational amenities" with a specific objective to protect and preserve Trees and Woodlands. It is noted that the Wicklow Way traverses the Park. Marlay House is a Protected Structure, which includes the stableyard / craft area.

It is considered that the licence complies with the provisions of the Dún Laoghaire Rathdown County Development Plan 2010-2016.

WRITTEN NOTIFICATION & CONSULTATION WITH PRESCRIBED BODIES

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

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

A consultation with persons and bodies which must be consulted in relation to a licence, as per Section 231 of the Planning and Development Act 2000, as amended, was held in Marlay House on Tuesday 2nd June 2015 and they have assessed the licence application and recommended conditions.

Health Service Executive-Emergency Management Office

A written response was received (dated 9th June 2015), which stated that the HSE are satisfied with the Event Medical Plans.

HSE Dublin Mid-Leinster -Environmental Health Officer

A written response was received (dated 7th May 2015), which details a number of conditions on which the granting of a licence should be based.

Dublin Fire Brigade

A written response was received from the Assistant Chief Fire Officer (dated 14th May, 2015), which details a number of conditions on which the granting of a licence should be based.

South Dublin County Council

A written response was received from the Director of Services for Land Use Planning & Transportation (date stamped 20th May, 2015) stating that the matter was discussed at the Rathfarnham, Templeogue-Terenure Area Committee of South Dublin County Council. The submission details a number of conditions which should be attached to any grant of permission. Regard has been had to these issues within the conditions and the Event management Plan.

An Garda Síochána

A written response was received from the Chief Superintendent (dated 2nd June, 2015), which details a number of conditions on which the granting of a licence should be based. A second report was received from the Chief Superintendent (dated 18th June, 2015), which details further conditions.

Environmental Health Officer- Air and Noise Unit

A written response was received (dated 20th May, 2015), which details a number of conditions on which the granting of a licence should be based.

CONTACT DETAILS FOR PRESCRIBED BODIES:

Prescribed Bodies	Address	Telephone
Imelda Winters, Environmental Health Officer &Kieran Carberry, Principal E.H.O., Environmental Health Service, HSE Dublin Mid-Leinster.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin	(01) 280 2566
Chief Superintendent Orla McPartlin, An Garda Síochána	D.M.R. South Division, Crumlin Garda Station, Dublin 12.	(01) 666 6292/93
Vincent Cronly, Emergency Management Officer, Emergency Management Office, Regional Health Office,	Area Office, Arden Road, Tullamore, Co. Offaly	(057) 93 15875

HSE Dublin Mid-Leinster.		
Richard Hedderman, Assistant Chief Fire Officer, Dublin Fire Brigade	Dublin Fire Brigade H.Q., 165-169 Townsend Street, Dublin 2.	(01) 673 4000
Selina Gallagher, E.H.O.	Air & Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15	(01) 890 5982
Eddie Taaffe, Director of Services, Land Use Planning & Transportation	South Dublin County Council, County Hall, Tallaght, Dublin 24	(01) 414 9000
Suzanne Dempsey, Asset Strategy and Sustainability	Irish Water, P.O. Box 6000, Dublin 1	(01) 892 5110

THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS

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

11 no. submissions were in support of the Event.

ISSUES RAISED:

- Enjoyed previous years concerts;
- Disappointed with reduction in number of concerts;
- Concern that the number will continue to decrease;
- Enjoyable and affordable for students in the local area without having to pay extensive travel and accommodation costs;
- Marlay park should be for the enjoyment of the many and not just the few;
- Support from local resident with young children and elderly mother;
- Concerts are well run, policed and finish at a reasonable hour;
- Increase business for local shops;
- Profits go towards upkeep of park for all including playgrounds and coffee shop facilities;

- Still have access to park during the season;
- There will always be some problems but note these are marshalled well.

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

RESPONSE:

MCD Productions are responsible for the number of concerts proposed in each Event Licence application. The role of Dún Laoghaire Rathdown County Council is to assess these applications rather than propose them.

6 no. submissions received were in support of the Event but had some comments for response.

ISSUES RAISED:

- Marlay Grange House (a Protected Structure) – support concerts into the future – but requires extra security / stewarding to stop trespassing for entry to event venue and to prevent material damage;
- Increase transport for concert goers to and from concerts;
- Reduce unnecessary road closures;
- Notice strong investment in the park over the last number of years – commended;
- Disabled parking should be available during course of concerts – overlooked last year;
- Access for National Butterfly Monitoring Scheme requested;
- Arthritis Ireland request advance notification of road closures so that they can reorganise their scheduled meet ups within the park.

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

RESPONSE:

- In response to the submission from Marlay Grange House, conditions will be attached to ensure the protection of this historic property.
- Please see the following section for responses to the request for additional transport for concert goers and in relation to local road closures.
- The event organisers will ensure that temporary disabled parking bays are in place in Grange Road car park during the concert build and break. On concert

days there will be a disabled car park for concert attendees within the College Road car park, this will be at the tennis court end of this field. Park users displaying a disabled parking badge will also be able to use this facility.

- Access for the National Butterfly Monitoring Scheme (one person) can be arranged through contact with the County Council. The Council will contact the relevant person to arrange access.
- Concert dates, Park restrictions, traffic management and any other relevant information is available online and at the planning counter in Dún Laoghaire Rathdown County Council offices. All groups who are regular users of the park are contacted in regard to the timing of the Events. The Council will contact Athritis Ireland to notify them of the Event and any restrictions within the Park as a result.

92 no. submissions received from individuals with objections to the Event, with some making multiple submissions.

ISSUES RAISED (grouped for ease of reference):

1. SECURITY & ACCESS

- What process in place to ensure that people ejected from the event don't cause problems outside venue?;
- Reputable security firm should be used – teenage stewards are not trained to deal with incidents;
- More foot patrol/ garda presence requested;
- Stewards required on Barton Road East;
- Health and safety issue with concert vehicles using park lanes when pedestrians in park;
- Gardaí / stewards to be in place earlier to stop people parking in estates;
- Threat to security of homes;
- Gardaí off duty too early;
- Concern re first concert and artists history of performances;
- Broadford estate not properly policed except for unattended railings.

2. FLORA & FAUNA

- Trees cut down to facilitate event;

- Interference with wildlife;
- Any impact on wildlife should be obvious after 9 years therefore an EIS is unnecessary;
- Impact on bats and their habitats;
- Damage to park;
- Rat infestation;
- Concern re impact on nesting water birds;
- EIS should be included.

3. ANTI-SOCIAL BEHAVIOUR

- Anti-social behavior;
- Personal safety of residents;
- Graffiti on wall adjacent to Grange Road entrance;
- Public drinking.

4. TRAFFIC

- Concern that infrastructure cannot cope with increased numbers;
- Concern re emergency vehicle access;
- Planned road closures should be advised to residents in precise details, well in advance by letter;
- Dún Laoghaire Rathdown County Council passes should allow Pine Valley residents drive to their homes;
- Concern re new road layout and traffic light sequence at College Road;
- Taxi parking;
- Clamping / fines for illegally parked cars;
- There was no gating of Broadford Walk last year;
- Coach traffic needs to be better controlled;
- Public transport is not sufficient;
- No. 14 re-routed – inconvenient for local residents;
- Coaches stopping on Whitechurch Road – not acceptable.

5. LITTER / HYGIENE

- Increase number of public toilets inside and outside venue;
- Rubbish / waste in surrounding areas and park following concert;
- Broken glass – concern for cyclists.

6. NOISE & EVENT DURATION

- Production set up – long and loud – disruptive;
- Noise impact – particularly on vulnerable residents;
- Closure times need to be adhered to;
- Announcements after concerts by organisers attempting to clear park;
- Decibel levels exceeded.

7. RESTRICTED PARK ACCESS

- Restricted access to Park.

8. PLANNING

- Lack of consultation;
- Public park not concert venue;
- Conflict of interest re Planning Authority granting licence and receiving financial reward;
- Impact on residential amenity;
- Contract with applicant for 10 years – how can Dún Laoghaire Rathdown be objective?

9. MISCELLANEOUS

- Where is revenue spent?;
- Concerts held over consecutive weekends would reduce time and disruption;
- Money & tickets to Residents Associations to buy support;
- Numbers of tickets and events should be reduced;
- Impact on property price;
- Possibility of using other parks in Dún Laoghaire Rathdown;
- Fireworks should not be permitted;
- In any new contract issues should be addressed;
- Impact on markets;
- Contract should not be renewed;
- Profits should be used in the local area.

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

RESPONSE:

1. SECURITY & ACCESS

- External security and stewarding has increased significantly across all of the concert days, and the offsite provision, i.e. outside Marlay Park, has increased also increased in comparison to 2014. The figure shall be agreed in the Final Event Management Plan to be submitted 8 days prior to each Event.
- External policing and stewarding will be provided by a combination of An Garda Síochána, licenced security and stewards from Ballinteer St Johns GAA.
- Fencing and barriers will be put in place in the estates outlined below to deter concert goers accessing these estates during and after the event.
 - The Priory & Hermitage Estate;
 - Eden Estate;
 - Marlay Grange;
 - Marlay Court;
 - Llewellyn Estate;
 - Grange Wood;
 - Marlay Grove House;
 - Broadford Estate;
 - Grangefield Estate;
 - La Touche Court;
 - Pine Valley;
 - Grange Cottages;
 - Taylors Hill Apartments;
 - Brehon's Chair.
- Open space areas will also be secured on Stonemasons Way to avoid concert goers taking short cuts to the concert venue. Additional fencing and barriers will be provided. A draft external stewarding plan has been circulated to all residents associations in the area, for comments and feedback.
- Parking permits for residents will be issued to prevent non-residents from using housing estates for parking.
- Security will stand down an hour later than last year, at 01:00hrs, for the stand alone concerts to be held on 3rd and 4th July. This timing shall be agreed in the Final Event Management Plan to be submitted 8 days prior to each Event.

- In relation to stewarding on Barton Road East, there was never a requirement at this location during previous events but this area is monitored by security and the Council and there is an external mobile security team and they will concentrate on this area.
- There are signal men on all pedestrian routes within the park to ensure safety of pedestrians when concert vehicles are in motion.
- Gardaí / stewards can be arranged to be in place earlier to deter people parking in estates who are not residents. This will form part of the Final Event Management Plan to be agreed with the stakeholders.

2. FLORA & FAUNA

No trees or shrubs are proposed to be cut down or removed as part of this year's event.

The rat problem is being managed and has abated as a result of interventions by the Council.

Impact on Bats Habitats

An expert response was sought from Scott Cawley Ltd. Ecological Consultants in relation to the possible impact on birds and their response was as follows:

'The impact of the concerts on bats has been considered by Scott Cawley Ltd at the request of Dún Laoghaire-Rathdown County Council. It is known that most bats react adversely to strong lighting and high noise levels and respond by being displaced from the area during the period of disturbance.'

This displacement of bats could constitute disturbance as suggested in the submission, albeit on a temporary and reversible basis during the proposed concerts.

This is extremely unlikely to have a long-term effect on the local bat population given that a) the timing of the concerts is after the main birthing period and by mid-July many juvenile bats will be on the wing and b) the footprint of the individual disturbed areas is unlikely to occupy all of the available foraging habitat and c) the finishing time for the concerts will be one hour after sunset (2300) which is when Brown Long Eared bats (species known to roost at Marlay Park buildings) tend to emerge, thereby avoiding any significant risk of conflict.

There is no evidence to suggest that the bat population has been adversely affected by 10 years of concerts at the Park, Dún Laoghaire Rathdown County Council organise bat walks there every summer and attendees are always as rewarded by at least three species of bats in healthy numbers.

Notwithstanding the above we would recommend that the impact of the concerts on bat emergence patterns and activity be monitored in 2015 using appropriate techniques to determine if such disturbance is evident.”

This advice will be complied with and will form a condition of the licence should one be issued.

Impact on birds

An expert response was sought from Scott Cawley Ltd. in relation to the above and their advice was as follows:

'The impact of the concerts on breeding and roosting birds has been considered by Scott Cawley Ltd at the request of Dún Laoghaire-Rathdown County Council. We are aware of the use of the ponds by Little Grebe for breeding and note that this species has been breeding at other parkland ponds including Dublin Zoo, Airfield Trust and Carysfort Park. Other waterbirds such as Coot and Moorhen are also known to breed there.

The potential to cause adverse impacts on birds depends on how sensitive the species is and what it is doing. Recent observations of breeding birds has suggested that many chicks have now fledged and are now mobile around the landscape which make them less vulnerable to direct disturbance compared to when they were nest-bound. However young birds are often not able to fly well or manoeuvre in the dark and this may be an issue if birds are startled.

The fact that birds nest year after year in the same locations and that the concerts have been happening for several years suggested that there would be no evidence for long-term population effects. However there may be the potential for short-term effects and in the worst case scenario for nests or chicks to be directly affected.

In order to minimise risk, Scott Cawley ecologists will survey the lakes as soon as possible to identify where there are nests present. It is not feasible to protect mobile fledglings as these can move around. Checks for nests prior to the emplacement of the pontoons will allow the best location for the pontoons to be chosen and in some case it may be useful to shield the nest from the bridge by placement of brashings in the water by an ecologist. Controlled disturbance of fledglings in the vicinity immediately prior to emplacement of the pontoons may also be of some use in reducing risk of unnecessary disturbance.'

This advice will be complied with and will form a condition of the licence should one be issued.

3. ANTI-SOCIAL BEHAVIOUR

- To address issues of anti-social behaviour particularly when concert goers are leaving the event when the risk of anti-social behaviour intensifies, free parking will be available onsite this year for private buses and coaches. An area has been designated between the top and lower car parks off College Road in Marlay Park. This will avoid concert goers leaving the park to access private coaches keeping as many people as possible within the Park.
- The Council is working closely with the National Transport Authority (NTA). The NTA is issuing licences to private bus operators to park in the car park off College Road only. The NTA will be monitoring compliance on concert days.
- External security will be increased, both professional and Garda security, for the concert on the 3rd July. On the 3rd July external security is 6% (8 staff) higher than the 4th July and 21% (25 staff) higher than Longitude. The Gardaí have made assurances that the numbers are higher for this date also. This will form part of the Final Event Management Plan to be agreed with the relevant stakeholders.
- A robust communications plan will be in place between the Gardaí, professional security and stewards for concerts in Marlay 2015 to ensure there is a rapid and effective response to incidents of anti-social behaviour outside the venue.

- A resident's hotline will be set up. The number will be issued to all residents to report any issues that arise on concert days. This will form part of the final Event Management Plan.
- In relation to the graffiti on the wall adjacent to the Grange Road entrance – this event occurred and the graffiti was removed within a few days.

4. TRAFFIC

- A comprehensive Traffic Management Plan (TMP) is being developed for the concerts. The main focus of the plan will be to ensure that concert goers can access/exit the venue as quickly and safely as possible while still maintaining traffic flows for regular road users.
- The TMP emphasises the use of public transport as the preferred mode of travel to the venue. Use of public transport is emphasised in all marketing material issued by the concert promoter, the Council and An Garda Síochána. Concert goers will be encouraged to pre book and plan their journey in advance of the concerts.
- There will be a return concert shuttle bus service running from the city centre into Marlay Park, which is operated by Marathon Travel.
- Public transport has been augmented and there will be a shuttle bus transferring concert goers from the venue to the local Luas stations following the two standalone concerts. Negotiations are ongoing with the Principal of Ballinteer Girls National School to allow for additional taxi capacity in the yard of the school located on Ballinteer Avenue.
- The junction at Taylors Three Rock, College Road, Grange Road and Harolds Grange Road has been completed and traffic management measures will improve traffic movement for Marlay 2015. The Gardai also plan to override traffic lights this year to ensure free flowing traffic.
- The junctions on the M50, northbound and southbound, will be split between bus and car based traffic to ensure that junction capacity is maximised.
- Signage will be improved and the local stewards will be used to guide people effectively to their preferred transport mode.
- The council is actively working with the Residents Associations in the neighbouring area. It is proposed that a liaison from each residents association will be appointed and we can advise this liaison person on the

opening and closing of Grange Road and a text alert then activated to residents.

- There will be access for emergency vehicles at all times during road closures and other times.
- Where there are issues around illegal parking, the Gardai will fine the owners of illegally parked cars and the Council's Traffic Wardens are on call to enforce illegal parking.

5. LITTER / HYGIENE

- Festival Republic will provide a dedicated off site litter picking team. This will be augmented by the Council's own resources. Residents who want to collect any litter in their own areas will be issued with bags and these bags will be collected as was the case last year. Difficult litter to access will be collected by the Council's own contractor.
- Additional toilets are to be conditioned as part of the event licence. Toilets will be provided outside the event on the Grange Road.

6. NOISE & EVENT DURATION

- The Event Licence provided in 2014 required that the music level should not exceed 72dB (A) LAeq, over a fifteen minute period as set out by the Environmental Health Officer, Health Service Executive. The noise levels will be strictly monitored throughout the concert period. It was reported in 2014 that for the majority of the concerts, the music level was well below 72dB the prescribed noise levels.
- The concert finish time was set at 11 pm, but in general all concerts finished at 10.45 pm.
- Announcements after concerts by organisers attempting to clear park will be kept to a minimum.

7. RESTRICTED PARK ACCESS

- The stage has been moved this year to give as much access as possible to park users to the Park and in particular to Marlay House, Bolands Cafe and its environs.
- The new location for the stage avoids moving the stage during Longitude which helps to reduce disruption.

8. PLANNING

- 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.
- Under zoning objective 'F', 'To preserve and provide for open space with ancillary active recreational amenities', Cultural Use is Permitted in Principle. Cultural Use is defined with the Dún Laoghaire Rathdown County Development Plan 2010-2016 as 'Use of a building or part thereof or land for cultural purposes to which the public may be admitted on payment of a charge or free of charge'. It is therefore the opinion of the County Council that the zoning of the site allows for such use as that proposed.
- The County Council are the licensing body as prescribed in the Planning and Development Act and Regulations, 2000, as amended.
- It is considered that an Event as applied for would not significantly impact residential amenity due to its temporary nature.

9. MISCELLANEOUS

- Revenue from the concerts is spent on recreation and amenity in Marlay Park and other park services.
- The concerts are being held over two weekends, though not consecutive, this is consistent with previous years. This represents a reduction on three weekends last year.
- A limited number of concert tickets are issued to Residents Associations affected by the impact of the concerts.
- The capacity of the single stage concerts are reduced from 41,000 persons in 2014 to 36,000 persons in 2015.
- The possibility of using other parks in Dún Laoghaire Rathdown can be looked at but is not an issue for the current event licence process.

- Fireworks will not be permitted.
- It is part of market licence between Council and market vendors that the court yard is not available during concert period.
- Profits are invested in the local area in particular Marlay Park.

SUMMARY AND RECOMMENDATION

The Local Authority have had regard to the information relating to the application furnished to it by the applicant in accordance with Section 231 subsection (2)(d) of the Planning and Development Act, 2000, as amended. It is considered that the application for an event licence complies with the requirements of the Planning and Development Act and Regulations. It is recommended that the outdoor event licence is to be granted, subject to the following conditions, which accord with Section 231, Sub Section 3 and 4 of the Planning & Development Acts 2000, as amended.

1. The Outdoor Events Licence shall be for a maximum of 2 Single Stage Concerts and one weekend-long event 'Longitude', which shall be held on the following dates: Friday 3rd July, Saturday 4th July, Friday 17th July, Saturday 18th July and Sunday 19th July 2015. The Outdoor Events Licence shall be for a maximum capacity of 36,000 people each day for the Single Stage Concerts and 21,000 each day for the weekend- long event 'Longitude'. All plans and proposals submitted, as part of the application shall be implemented in full save as may be required by other conditions attached hereto.

2. An Event Management Plan shall be formally agreed with Dún Laoghaire-Rathdown County Council, Dublin Fire Brigade H.Q., Health Service Executive and An Garda Síochána - a minimum of eight 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 Management Plan shall be implemented in full.

The Event Management Plan will include but not exclusively:

- a) An increase in security and stewarding across all of the concert days;
- b) The time at which security will stand down;

C/A) The setting up of a resident's hotline.

AN GARDA SÍOCHÁNA

Traffic Management:

3. The proper and comprehensive management of traffic is required to ensure that all patrons travelling to and from the event arrive and leave Marlay Park with the minimum of delay. It will be important that the concert traffic does not interfere with the expected normal traffic volumes. Particular attention is to be paid to the events to be held on the 3rd and 17th of July which are both week days and will impact with normal rush hour traffic.
4. No charge should apply to those patrons availing of the parking facilities provided at Marlay Park.
5. Stewards are to be appointed by the promoter at all entrances to the concert venue and at all other locations as agreed with Superintendent Tallaght.
6. Arrangements in relation to the parking of staff vehicles, private cars, private coaches and the City Centre shuttle bus service require agreement in advance with An Garda Síochána.
7. A 'Car Park Controller' is to be appointed by the promoter for each car park and the details of this nominated person provided to An Garda Síochána in advance of the events.
8. Adequate lighting is to be provided by the promoter at all access and egress locations.
9. Advance warning signs are to be placed by the promoter to provide information/directions regarding the concert. This is for the benefit of patrons and normal road users. The location and volume of these signs has been decided between An Garda Síochána and the promoter.

10. All emergency routes are to be kept clear of any obstructions. Stewarding is to be provided by the promoter to ensure this.

11. All media releases regarding traffic management in connection with the concerts are to be approved by An Garda Síochána.

Alcohol Sales:

12. The location of alcohol sales within the concert grounds are to be strictly controlled and monitored by stewards to the satisfaction of An Garda Síochána.

13. It has been agreed that at both stand-alone concerts only beer and wine shall be made available for sale.

14. At the Longitude Festival beer, wine and vodka products shall be made available for sale.

Security:

15. Identifiable numbered tabards are to be worn by all security personnel. Tabards are not to be exchanged between personnel.

16. Photographs are to be taken by the concert promoters of each security officer with his/her numbered tabard. These records are to be retained by the promoter and made available to An Garda Síochána if required.

17. A full and comprehensive list of security personnel (to include duties assigned to them and any vehicle used) is to be provided to the Superintendent at Tallaght not less than 8 days prior to each concert. Increased security personnel shall be supplied on 3rd July (8 additional staff).

18. Senior Officer of An Garda Síochána is to be entitled to attend at and contribute to the pre event briefing of security personnel.

19. A suitable discreet location near both entrances within the concert site will be made available to An Garda Síochána to conduct drug searches. (Tents as provided in recent years will be adequate)

Other Garda Requirements:

20. Promoter to agree to pay for the policing costs in respect of An Garda Síochána employed in the policing of these concerts. Numbers of members of An Garda Síochána to be deployed to be decided by Chief Superintendent, DMR South Division.

21. The promoter should be specifically required to discharge non-public policing costs with the numbers of Gardai required for this duty to be determined at the sole discretion of Chief Superintendent DMR South.

22. The promoter will provide for fully functioning telephone, radio, fax and CCTV at the concert control room to the satisfaction of Superintendent Tallaght.

23. The promoter will provide a complete and final event management plan including site plans, traffic routes etc to the Superintendent at Tallaght not more than 7 days prior to the event.

Stand Alone Events 3rd and 4th July:

24. The soft ticket check needs to be removed from the Three Rock Gate as access for patrons to the concert site is to be restricted to Gates A and B only (Grange Road and College Road).

25. Extra Heras fencing is required in the production car park particularly with regards to the end of the event. The entire production car park requires to be closed off from the pedestrian routes to prevent patrons from having access to the Garda tents and security tents.

26. Steel shielding is required around Marlay Grove House connected to the main steel shielding to prevent any access to this private house.
27. Steel shielding or blacked out Heras fencing is required along the rear of bars 1 and 2 for security purposes.
28. Steel shielding is required around the entire circumference of the concert site particularly at the bottom of the site to prevent access to the lake. The shielding on the map stops at emergency exit A. It is necessary to continue the shielding as far as the temporary bridge.
29. Heras fencing and sufficient lighting required for the pedestrian exit from the site to the College Road car park via the playing pitches.
30. The entrance / exit gate over the temporary bridge should be the only gate used at the end of the event to allow patrons make their way to the College Road car park. The exit located at emergency gate C may be used as an overflow if required.
31. The ticket check at Gate A (Temporary Bridge) should be moved back towards the avenue. This will allow for Gardai and security to remove patrons with ease rather than walking through a large crowd.

'Longitude' Festival 17th -19th July:

32. Steel shielding to be erected to prevent access to the private residence Marlay Grove House.
33. Heras fencing required in the production car park to prevent pedestrian access to the Garda and Search tents.
34. Adequate CCTV is required covering the main stage, the Red Bull Stage and the wooded area covering stages 3 and 4.

HEALTH SERVICE EXECUTIVE (EMERGENCY MANAGEMENT OFFICE)

35. The licence may be suspended by the Licensing Authority at the request of the HSE due to issues of public safety regarding major public health risks.

36. Any additional requirements of the HSE Emergency Management Office shall be resolved directly with said office prior to the event.

HEALTH SERVICE EXECUTIVE (ENVIRONMENTAL HEALTH SERVICE)

37. (Sanitary Services)

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

Females: 10 per 1,000:

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

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

Toilets shall be provided outside the event on the Grange Road.

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

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

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

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

e) There must be wall-mounted receptacles, which dispense liquid antibacterial gel. These must be supplied in sufficient numbers outside each block of toilets. The gel shall be replaced as required. Signs of sufficient size stating "anti-bactericidal gel" must be erected in areas where the public can see.

f) Cleaning staff must be supplied in sufficient numbers and trained commensurate with their duties. A copy of the Companies cleaning manual, training manual and check sheet (stating that all toilets have been cleaned, equipped with hand drying facilities and filled to recommended level) must be supplied to the Environmental

Health Officer on duty 24 hours prior to the commencement of each event. (A copy of this condition must be sent to the Sanitary Service Contractor and Cleaning Contractor (if different)). Another cleaning check sheet is required to be drawn up by the cleansing company. It must be filled in during each event. This must state the time, method of cleaning, the toilet block and person who cleaned each block.

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

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

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

38. (Drinking Water)

a) Drinking water must be in compliance with the European Union (Drinking Water) Regulations 2014. A Drinking Water Safety Management Plan must be contained within the Final Event Management Plan. This Drinking Water Safety Management Plan shall include independent Microbiological and Chlorine sampling of the proposed water source, samples must be taken a minimum of fourteen days before the date of the event. Samples must also be taken from the drinking water outlets (after the pipes have been flushed) prior to each event. Results of these analyses must be faxed through to the Environmental Health section one week prior to the event in the case of the water source samples and 24 hours prior to the event in the case of the drinking water outlets (where pipes have been flushed). (Contact Kieran Carberry ph. no. 01 280 2566)

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

c) There shall be a Drinking Water Safety Emergency Contingency Plan developed, so that if there are harmful micro-organisms found in the water supply it can be put into action. The use of emergency potable water storage back up tank is advised, such storage tank must be capable of supplying enough water to the event in the case of an emergency. Adequate disinfection of the emergency supply must be undertaken prior to use. Competent personnel must be employed to oversee this plan and names

of personnel must be supplied to Environmental Health. One member of personnel shall develop a map of all pipe connections (permanent and temporary) and location of original water sources must be drawn up. This map must be accompanied by a list stating the date and time the pipe was flushed, the method used to flush the pipe and who flushed them. The map shall be submitted to the Environmental Health Office 1 week prior to the event and the list shall be submitted 24 hours prior to the concerts. Drinking water points must be specified and located near front of stage areas. A copy of this Drinking Water Safety Emergency Contingency Plan must be submitted to the Environmental Health Office, 8 Corrig Avenue, Dún Laoghaire, Co. Dublin.

d) A minimum of one drinking water supply point shall be provided per thousand persons attending each event. The drinking water facilities should be dispensed through spring-loaded taps and have adequate waste drainage. A suitable non-slip surface that is adequately drained must be provided at each location. Adequate signage must be put in place to indicate drinking water supply points.

39. (Tobacco Control)

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

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

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

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

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

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

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

42. (Food Control)

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

DUBLIN FIRE BRIGADE

43. Finalised Event Management Plan to be submitted a minimum of 8 working days in advance of the event.

44. Finalised drawings to be submitted a minimum of 8 working days in advance of the event:

- a) Site Layout Plans should be to a minimum scale of 1:500.
- b) A list of key personnel (event controller, event safety officer, etc) and their telephone numbers should be included on the site layout plan.
- c) Stage barriers including the sightline barriers should be clearly indicated on the drawings, complying with Section 8 of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events*, 1996.
- d) The access and egress routes including the occupant capacities and exit width dimensions should be clearly indicated for the different areas in use e.g. stages, tented structures, guest areas, etc. and the total occupant capacity for the overall venue.
- e) The estimated peak occupancies for the general standing/ seating areas should be clearly indicated.

f) Drawings clearly indicating the designated emergency access and egress routes for fire appliances including the location of fire hydrants, water supplies to be used for firefighting operations, places of special risks, control room location etc.

45. Exit routes:

a) Exit routes and means of escape shall comply with the requirements of Chapter 15, *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events, 1996*.

b) At all times while the premises is in use the ground surfaces, including exit routes must be maintained in a safe condition, free from slip or trip hazards etc. This may necessitate the installing of suitable ground coverings. Exit routes must be available for immediate use and capable of safely evacuating the capacity crowd regardless of weather conditions.

46. Signage:

a. Sign design and size should be consistent throughout the venue (refer to S.I. No. 132/1995 and BS5499-4: 2000).

b. All exit signs should be illuminated. The green figure on signs is preferred for externally illuminated signs. The white figure is preferred for internally illuminated signs (BS5499-4: 2000).

c. Directional arrows should be as per standards referred.

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

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

47. Stewards are to be trained in emergency and evacuation procedures, in particular the duties and responsibilities of stewards should be in accordance with Section 13.6 – 13.12 (inclusive of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Musical Events, 1996*).

48. Concession Units and Staff Training:

a. Concession units using gas fired cooking equipment to be sited at least 6 metres from any other unit in accordance with Section 22.5 of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events, 1996*.

- b. The gas supply to the above units (including all associated safety cages, chains for securing, etc.) to be provided by a suitably qualified and competent expert.
- c. All concession units to have a fire blanket and fully working fire extinguisher.
- d. All concessionary staff to be fully trained in emergency and evacuation procedures, fire hazards and the use of fire extinguishers by a suitably qualified and competent expert. This must be completed prior to the site opening to the general public. Records of such training shall be available for inspection.
- e. Concessionary units unable to produce such records shall not be permitted to open for business.
- f. 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.
- g. Generators are to be provided with a minimum of 3 metres spacing from any concession unit / tented structure / stage, etc.

49. Bar Facilities Layout:

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

50. Stage Layout:

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

51. Vehicle Parking:

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

52. Certification:

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

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

54. The Fire Safety Consultant must also certify in advance the fire safety precautions of any proposed pyrotechnic display and certify that the display is prepared for in accordance with Guidance Document on Organised Pyrotechnic Displays – 2011, published by the Department of Justice. (It is noted that no pyrotechnic displays are proposed for 2015 events)

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

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

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

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

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

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

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

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

60. Compliance with the stated start time for each event held. All music performance to finish no later than 23:00 hrs.

61. Compliance with stated start times, no activity shall be carried out likely to cause a noise nuisance to residents such as dismantling stage, movement of equipment etc.

(Contact Selina Gallagher, Ph. 01-8905982)

ECOLOGY

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

Bats: The impact of the concerts on bat emergence patterns and activity shall be monitored using appropriate techniques to determine if disturbance is evident.

Birds: Ecologists shall survey the lakes to identify where bird nests are present. This will allow the best location for pontoons to be chosen. In some cases it may be useful to shield the nest from the bridge by the placement of brushings in the water by an ecologist. Controlled disturbance of fledglings in the vicinity immediately prior to emplacement of the pontoons may also be of some use in reducing risk of unnecessary disturbance.

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

TRAFFIC MANAGEMENT GENERAL

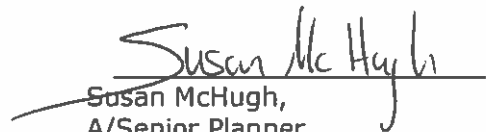
63. The event organisers shall ensure that temporary disabled parking bays are in place in Grange Road car park during the concert build and break. On concert days there will be a disabled car park for concert attendees within the College Road car

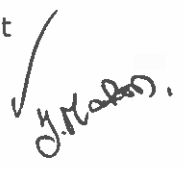
park; this will be at the tennis court end of this field. Park users displaying a disabled parking badge will also be able to use this facility.

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

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

Date: 19th June 2015


Susan McHugh,
A/Senior Planner,
Planning and Enterprise Department.



ORDER: The Granting of a Licence to MCD Productions under Section 231 of the Planning and Development Act, 2000 (as amended) for the holding of concerts which shall be held between the following dates between 3rd July and 19th July 2015 (inclusive) in Marlay Park is hereby approved subject to the 65 conditions contained on the foregoing report of the A/Senior Planner.

Date: 17/6/15

Approved Officer: 

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 1953, dated 18/5/15, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.