



**IRISH PLANNING  
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Niamh Redmond  
Planning Section  
Department of the Environment, Community and Local Government  
Custom House  
Dublin 1

[by email to [eventlicensing@environ.ie](mailto:eventlicensing@environ.ie)]

**Date: 28<sup>th</sup> November 2014**

**Re: Public Consultation – Licensing of Outdoor Music Events – Review of Legislative Framework**

Dear Ms Redmond,

The Irish Planning Institute welcomes the opportunity to provide comments to the Department of the Environment, Community and Local Government on the public consultation on a potential review of the legislative framework governing the licensing of outdoor music events.

Founded in 1975, the Irish Planning Institute is the all-island professional body representing professional planners engaged in the physical and environmental planning in Ireland. The Institute's mission is to advance planning by serving, improving and promoting the planning profession for the benefit of the community and the common good.

This submission was drafted with the input of senior members of the planning profession serving on the IPI Policy and Research Group Special Interest Forum on Development Management. As the short time frame for the making of submissions as part of this consultation does not allow for comprehensive interrogation of the existing system or the making of detailed proposals for the amendment of that system, this submission will focus on a broad range of strategic issues that might inform a discussion regarding whether the event licensing system should be subject to review.

#### **General Comments**

- The event licensing function, in general, has provided a good basis for the permitting of Special Events in recent years. However, the current practice of only requiring licensing applications for very specific categories of events (i.e. outdoor events with an audience of more than 5,000 people falling within the definition of "entertainment") leaves anomalies in that huge numbers generating similar impacts (e.g. traffic, noise, etc.) fall outside the current system and do not require any formal management plan. That some events would be subject to one type of planning consent system (i.e. Part III of the 2000 Act, as amended), while others would be subject to another type of consent system (i.e. Part XVI) or several consent systems (including non-planning consents) or no consents at all provides a considerable obstacle to meaningful public engagement and undermines confidence in the planning system. The Institute is not clear what the rationale is, in terms of the proper planning and sustainable development of an area, for a separate / additional consent system if an event is an outdoor / partially outdoor event or an event for "entertainment" (i.e. rather than a sporting event, say). Many of the impacts related to large events will be similar notwithstanding whether the event is held outdoors or indoors or is held for entertainment purposes or otherwise.
- The link between the development management process and the Part XVI process requires greater clarity and strengthening. It is noted that the existing Part XVI process can and does generate licensing applications from venues specifically designed and granted planning

permission for the holding of events. Planning permissions for the construction of venues designed to accommodate relevant events (e.g. Aviva stadium, Croke Park) would have been granted with full consideration of impacts on the neighbourhood and following appropriate local and other consultations where information on the frequency, type and duration of events has been provided in the planning application documentation. The existing Part XVI process does not appear to envisage large events occurring in purpose-built venues and requires full examination of matters already adjudicated as part of the original application where relevant information on this was provided. In such circumstances, opening the licensing application procedure for selective relevant events to broad observation and input, where certain matters (such as traffic capacity related matters) have long been decided likely results in significant confusion and frustration (particularly where the wishes of the local community are not followed). It is further likely to cause uncertainty as to whether there is an opportunity to make submissions (e.g. residents aware that planning permission for the building has been granted may be under the impression that all recourse under the planning process is closed) or residents may face "submission fatigue" where communities are bombarded with several licensing applications a year. There may be an opportunity to change the licensing process to facilitate a stronger focus on event management, venue management and community engagement in purpose-built venues. In turn, the development management process could also assist this by encouraging the submission of information regarding the frequency and type of events that would be held when considering applications for venues in order that impacts on residential amenities and other relevant issues can be fully assessed as part of the planning application process.

- Consideration should be given to providing greater clarity as to time limits. For example, rather than stating that the Local Authority will assess the validity of a licensing application "as soon as may be" after the application is received, article 186(2) could indicate a specific period (e.g. one week) – this would bring about greater consistency with article 189(1) wherein the Local Authority is required to notify other relevant bodies within one week. Consideration should be given to whether it would be feasible to lengthen the minimum time period prior to the event by which an application can be made in relation to events for audiences of very significant size. It may also be beneficial to outline a maximum time period in advance of an event during which it is possible to make a licensing application (e.g. two years before the event). In short, the legislation should provide for clear timetable is set out for applying for a licence for the event (i.e. the period of public consultation, the period for decision on whether the event can go on, etc.).
- Consideration could be given to allowing for a right of appeal or limited right of appeal to An Bord Pleanála, subject to appropriate time limits, particularly in circumstances of very large events or festivals or where a proposal is deemed to be likely to have significant impacts on the receiving environment. This could go towards preventing perception of conflict of interest where the Local Authority is likely to accrue significant economic benefits as a result of an event or where an event is to be held by the Local Authority itself.
- At present, neither the 2000 Act nor the *Development Plan Guidelines* make reference to the inclusion of policies relating to the holding of events in the development plan. This would help to provide clarity as to the acceptability of certain types of events and provide further parameters for planning assessments of individual license applications by the Local Authority. In addition, the development plan process would provide local residents, music promoters, venue owners, etc. with an opportunity to make submissions to the local authority for due consideration. In some instances it is noted that Development Plans have made provisions for the 'zoning' or identifying of 'suitable' sites for the holding of events, particularly in relation to venues located outside the GDA where suitable temporary parking and pedestrian access can be achieved. This method should be encouraged, particularly in relation to Development Plan/LAP areas which have such reoccurring events.
- Updating the 1996 Code of Practice for Safety at Outdoor Pop Concerts and other outdoor musical events would be beneficial to all stakeholders.

**Conclusion**

The Irish Planning Institute appreciates the opportunity to give its views on the public consultation on a potential review of the legislative framework governing the licensing of outdoor music events and would welcome the opportunity to meet and discuss the opportunities outlined above. If the Institute can be of any further assistance to this important initiative, please do not hesitate to contact us and we look forward to having an opportunity to comment on further publications.

Yours sincerely,



Mary Hughes MIPI  
President  
Irish Planning Institute

