

Coiseanna Hill
College Road
Clane
Co. Kildare
W91 W2R0

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

10th July 2019

AN BORD PLEANÁLA
017420-19
LDG-
ABP-
12 JUL 2019
Fee: € 220 Type: card
Time: 16:56 By: hand

Re: ED/00735 Application for a Declaration of Exempted Development under Section 5.

Dear Sir/Madam.

A Section 5 application was made to Kildare County Council on the 22nd May 2019 and no response was issued by the local authority within the four week timeframe and therefore under Section 5 (3)(b) of the Planning and Development Act 2000 (as amended) this declaration is being referred to An Bord Pleanála.

The Section 5 application sought a declaration on whether the proposed concert event at the Mondello Park racing track, with amplified music and related entertainment is an established use, and is or is not development, and is or is not an exempted development.

It should be noted that An Bord Pleanála declared under the Local Government (Planning and Development Act 1963 Act that one-day musical events (such as pop concerts or other concerts) at Mondello is development and is not exempted development under file reference DRF0843. Attention would like to be made to the inspector's report on file which states that condition 4 of PL09 98287 (Ref: 1920/94) of a governing permission to Mondello specified that the public address system could only be used for communication purposes in running an event and not for amplified music. The Inspector then states that 'it is difficult to see how any musical event could operate without amplification. The proposed use of the site would materially contravene the condition'.

The event promoters state that the maximum capacity for the event was 4,999. It is noted that the licensing provision of Part XVI of the Planning and Development Act 2000 (as amended) and Part 16 of the Planning and Development Regulations 2001 (as amended) do not apply to an event of this capacity. However, it is considered that this does not preclude 'an event' from planning legislation when it does not come within the scope of a licence under Part XVI, Events and Fairs (ref: RL3309 and RL3588).

It is considered that the 'event' should be determined in respect of Schedule 2, Part 1 Exempted Development – General, Class 37. The recent event 'Mass 19' could not be

considered a local event as a nationwide return bus service was operated on www.travelmaster.ie/product/bus-to-mass-festival-2019-mondello-park-kildare/.

TravelMaster
THE EVENT TRAVEL SPECIALIST

Search Concerts & Events... LOGIN f @ t CART / €0.00

HOME ALL EVENTS CONCERTS FESTIVALS SPORTS 3ARENA EVENTS

NATIONWIDE RETURN
SEATS SOLD OUT

MASS 19
OFFICIAL TRANSPORT PARTNER

TRAVELMASTER
THE EVENT TRAVEL SPECIALIST

BOOK YOUR BUS SEAT

HOME GENRE TEKNO

Bus to MASS Festival 2019 -- Mondello Park, Kildare (6th July)

- ✓ Nationwide – Over 50 Pickup Points.
- ✓ Book Individual Bus Seats.
- ✓ Same Day Return Bus Service.
- ✓ Drop off + Collection from Mondello Park.
- ✓ E-Ticket (Instant direct to your email)
- ✓ Bus Departs 45 Minutes After Concert Ends.

SOLD OUT
NO SEATS AVAILABLE

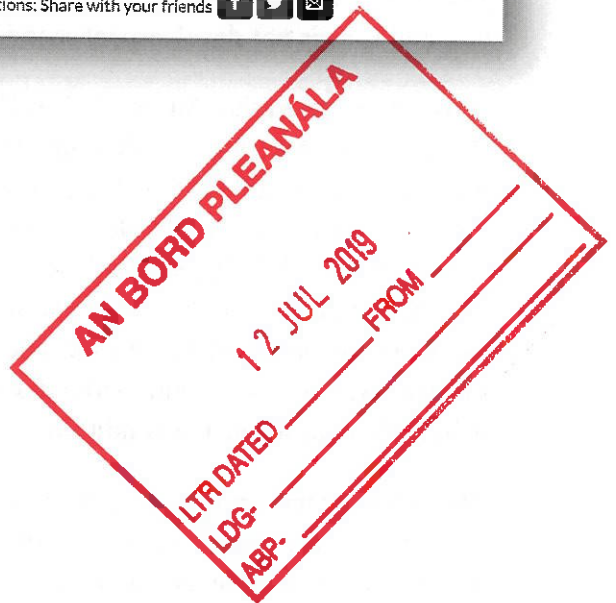
– ALCOHOL IS NOT PERMITTED ON BOARD BUSES...

Ticket Options: Share with your friends f t e

I look forward to your decision on the matter.

Regards,

Pádraig McEvoy
Pádraig McEvoy



Kildare County Council

**Declaration of Exempt Development under Section 5,
of the Planning and Development Act 2000**



Incomplete application forms will
be deemed **invalid** and **returned**

All responses must be in **block**
letters

Section 1 Details of Applicants

1. Name of Applicant(s) A. Surname **McEvoy** Forenames **Pádraig** Phone No **086 868 8262**
Email: padraigmcevoy@gmail.com
2. Address: **Coiseanna Hill, College Road, Clane, Co. Kildare, W91 W2RO**

Section 2 Person/Agent acting on behalf of applicant (if applicable)

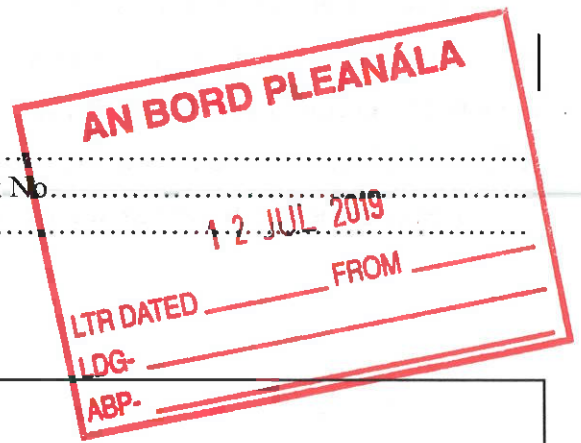
1. Name of Person/Agent: Surname..... Forenames.....
Phone No..... Fax No.....
2. Address.....

Section 3 Company Details (if applicable)

1. Name of Company Phone No..... Fax No.....
2. Company Reg. No.....
3. Address.....
4.

Section 4 Details of Site

1. Planning History of Site **PL09.0843, PL09.98287**
2. Location of Proposed Development: **Mondello Park, Donore, Naas, Co. Kildare, W91 T957**
3. Ordnance Survey Sheet No.....
4. Please state the Applicants interest in the site: **Public Representative receiving queries from neighbouring area**
5. Please state the extent of the proposed development : **Within the existing landholding of Modello Park.**



6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (*specific details required*)

Whether the proposed concert event at the Mondello Park racing track, with amplified music and related entertainment is an established use, and is or is not development, and is or is not an exempted development.

Having regard to established uses, planning history and planning permissions, and sections 2, 3(1), 29, 183 and 230, of the Planning and Development Act, 2000 as amended; and to Part XVI of the Planning and Development Act, 2000 as amended; and to Articles 6, 9 and 183 of the Planning and Development Regulations, 2001 as amended; and Classes 33, 37, 41 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended.

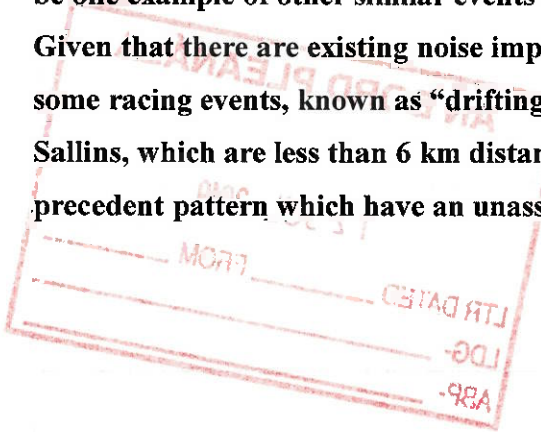
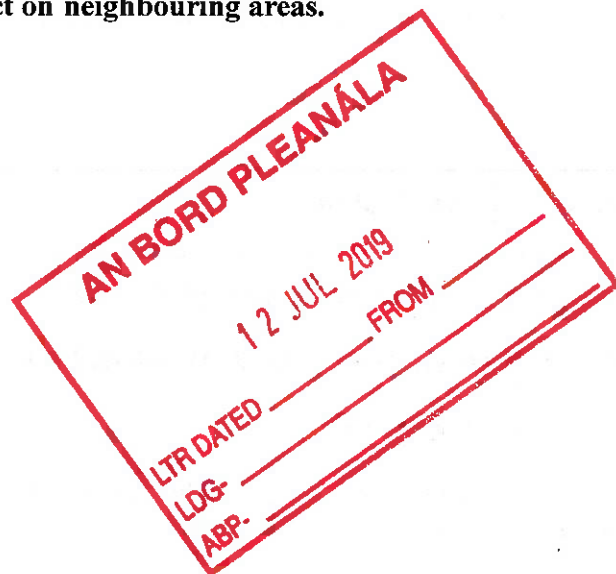
7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*)

A proposed music concert event, styled “Mass 19” (<https://www.paradoxevents.ie/mass-festival>), for Saturday 6th July, incorporating amplified sounds for music and not limited to communications, and related entertainment with a capacity for no more than 4,999 patrons at Mondello Park.

The hours of operation are not specified in the public advertisement and given the national promotion via a global website, is not a local event.

Given that the proposed event is a repeat of an event that is no longer to be held in County Tipperary, it is unclear if the proposed event is to be the first of several. It is also unclear if the proposed event will be one example of other similar events and what the frequency of the events might be.

Given that there are existing noise impacts from Mondello Park in the immediate vicinity and that some racing events, known as “drifting” generate noise impacts on receptors in Clane, Prosperous and Sallins, which are less than 6 km distant, it is a concern that the proposed events will establish a precedent pattern which have an unassessed impact on neighbouring areas.



Section 5	The following must be submitted for a valid application
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(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	
4.	All drawings to differentiate between the original building, all extensions and proposed development	
5.	Fee of 80 Euro	X

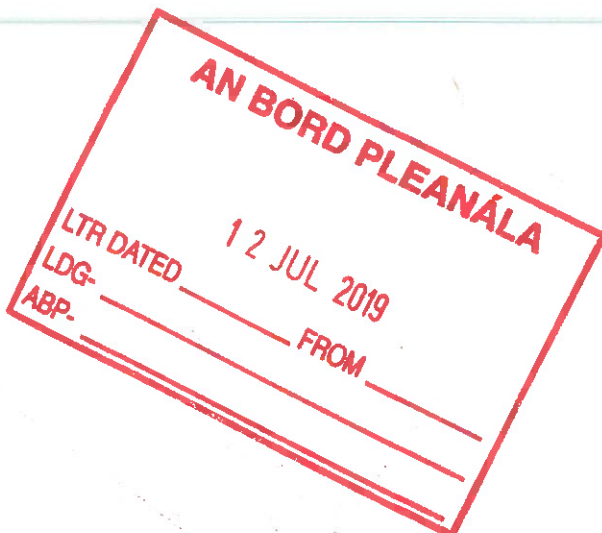
Section 6	Declaration
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I, **Pádraig McEvoy** certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature:

Pádraig McEvoy

Date: 22nd May 2019



AN BORD PLEANÁLA
LIT DATED 15 JUL 2018
LOG- FROM
ABR



FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
23/06/2019 12:25:25

Receipt No. : FIN1/0/423661
***** REPRINT *****

Padraig Mc Evoy

PLANNING EXEMPT DEVELOP FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

AN BORD PLEANÁLA

Total : 80.00 EUR

Tendered : 12 JUL 2019
Credit Card 80.00

VD
**2606 LTR DATED _____ FROM _____
0000 LDG- _____

Change : ABP- _____ 0.00

Issued By : Miriam Ibrahim Finance Cash Office
From : Financial Lodgement Area
Vat reg No.0440571C

Kildare County Council

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AN BORD PLEANÁLA

12 JUL 2019

LTR DATED _____ FROM _____
LDG- _____
ABP- _____

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**Kildare County Council
Planning Department**

23 MAY 2019

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RECEIVED

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