

# Comhairle Chontae Atha Cliath Theas

**PR/0332/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0018      **Application Date:** 20-Jan-2022  
**Submission Type:** New Application      **Registration Date:** 20-Jan-2022  
**Correspondence Name and Address:** Robert McLoughlin, Avison Young 4th Floor, 2-4, Merrion Row, Dublin 2  
**Proposed Development:** Continuation of the permitted temporary events area of 2,359sq.m at the events area located to the rear of the centre between service yards 2 & 3 (as previously permitted under Reg. SD15A/0313 and Reg. SD18A/0148 for a period of 3 years.  
**Location:** Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22  
**Applicant Name:** Liffey Valley Management Limited  
**Application Type:** Permission

(CM)

### **Description of Site and Surroundings**

#### **Site Description**

The subject site is located to the rear of Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Co. Dublin and comprises an outdoor area used as a temporary events area to the rear of the existing shopping centre building. Existing service yards for the shopping centre are located at either side of the subject site.

**Site Area:** 0.2359 Ha.

**Site Visit:** 7/3/2022

### **Proposal**

Continuation of the permitted temporary events area of 2,359sq.m at the events area located to the rear of the centre between service yards 2 & 3 (as previously permitted under Reg. SD15A/0313 and Reg. SD18A/0148) for a period of 3 years.

### **Zoning**

The subject site is subject to land-use zoning objective 'MRC' - 'To protect, improve and provide for the future development of a Major Retail Centre' under the South Dublin County Development Plan 2016 – 2022.

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### **Consultations**

Environmental Services:

- Surface Water No objection.
- Flood Risk No objection, subject to conditions.

Irish Water No objection, subject to conditions.

### **Submissions / Observations / Representations**

None.

### **Relevant Recent Planning History**

**SD05A/0966** – Permission **granted for a period of three years** to provide an 'events area' to host a series of consecutive temporary uses such as an ice rink, Santa's grotto, farmer markets, craft and antique fairs, exhibitions, community events, sporting activities etc. in a presently vacant open area of 2359sq.m.

**SD12A/0198** – Permission **granted for a period of three years** for 'Events Area' to host a series of consecutive temporary uses such as an ice rink, Santa's grotto, funfairs, craft and antique fairs, exhibitions, community events, sporting activities etc. in an open area of 2359sq.m located to the rear of the centre between service yards 2 & 3. This area would be accessed by pedestrians via the central atrium in the centre. This use was granted previously in this location (Reg. Ref. SD05A/0966) for a period of three years. Permission is now sought for a further three years.

**SD15A/0313** – Permission **granted for a period of three years** for continuation of the permitted temporary events area of 2359sq.m (permitted under SD12A/0198) for a period of 3 years.

### **Relevant Enforcement History**

None

### **Pre-Planning Consultation**

None

### **Relevant Policy in the South Dublin County Development Plan 2016 - 2022**

Chapter 4 Economic Development and Tourism

Section 4.5.0 Tourism and Leisure

Policy ET8 Heritage, Culture and Events Tourism

#### **ET8 Objective 4**

To support concerts or events at suitable locations within the County, such as parks, stadia, auditoriums, conference centres, subject to appropriate licensing arrangements.

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### ET8 Objective 5:

To support development that enhances the audience capacity of festivals, concerts, events or markets.

Chapter 5 Urban Centres & Retailing

Section 5.1.1 Town Centres

Policy UC2 Town Centres

### UC2 Objective 3:

To support and facilitate the future development of tourism related infrastructure and promote events such as markets, festivals and concerts in Tallaght and Clondalkin town centres.

Section 5.2.2. Retail Hierarchy

Table 5.1 South Dublin County Retail Hierarchy

Section 5.3.0 Additional Retail Floorspace

Policy R1 Overarching

Policy R2 Sequential Approach

Section 5.5.0 Core Retail Areas

Figure 5.6 Liffey Valley Core Retail Area

Section 5.6.2 Liffey Valley Shopping Centre

Policy R4 Liffey Valley Major Retail Centre

It is the policy of the Council to seek to ensure adequate retail provision at suitable locations in the County and to protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012) and the Retail Strategy for the Greater Dublin Area 2008-2016. Given the changing economic circumstances since the adoption of the Retail Strategy for the Greater Dublin Area a cautionary approach will be adopted in relation to future quantitative retail floor space requirements.

### **National Guidelines & Policy**

Ministerial Guidelines and Policy

**Project Ireland 2040 National Planning Framework**, Government of Ireland (2018).

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

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**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**, Department of the Environment, Heritage and Local Government, (2009).

**OPR Practice Note PN01 Appropriate Assessment Screening for Development Management** (March 2021)

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Departmental Circulars**, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council policy
- visual impact
- water services
- screening for appropriate assessment
- screening for environmental impact assessment.

### **Zoning and council policy**

The site is located in an area which is zoned 'MRC' - 'To protect, improve and provide for the future development of a Major Retail Centre'. The proposed use as an outdoor events space is not captured in the definition of any of the use classes in the South Dublin County Development Plan 2016 - 2022. Under section 11.1.1 (v) of the Plan, "Uses that have not been listed under the land use zoning tables will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level."

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The site has previously received several temporary permissions for the same use, with at least one permission being granted during the lifetime of the Liffey Valley Shopping Centre Local Area Plan 2008 (now expired).

It is clear from the County Development Plan policies on events spaces, that they are to be encouraged and directed into urban centres such as town or village centres, or to be encouraged as part of the county's tourism strategy. Policies relating to major retail centres and the Liffey valley retail centre do not mention a wider mix of units beyond retail and retail services, and it is clear that there is a distinction to be drawn between the urban centres of the County's major settlements, and the out-of-town retail centres.

Notwithstanding the above, it is considered that the proposed use can continue to be accommodated at the site having regard to the general conformity of a proposed 'events' use with the spirit of the 'MRC' zoning, and having regard also to its impact on the development of the County at a strategic and local level.

The continuation of the temporary events area for a period of 3 years is considered reasonable and would be acceptable to the Planning Authority. It is noted that the existing three year temporary permission granted under Reg. Ref. SD18A/0148 expired on 1<sup>st</sup> February 2022. It is considered reasonable, in the event of a grant of permission that the expiry date be three years from the previous expiry date.

It is further considered that the basis for provision of temporary permissions is reasonable, considering that the proposed use is not permitted in principle at the site, and may be judged to be inappropriate on the basis of future plans. This and previous temporary permissions do not provide a strong precedent for future permissions, should the Planning Authority judge the ongoing provision of an events space to be detracting from the amenities and vitality of other urban centres in the county.

### **Access, Transport and Parking**

The proposal is not considered to have any additional impact on access and parking arrangements at the subject site. The very large provision of parking facilities at the site is noted.

### **Water Services**

The Environmental Services Department and Irish Water have each stated no objection, subject to standard conditions relating to the standard details of any works that might take place under the condition.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment

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arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Other Considerations**

#### ***Development Contributions***

Continuation of Temporary Events Area = 2,359sq.m.

### **SEA Monitoring**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Temporary Events Area	Nil (Outdoor area)
<b>Land Type</b>	<b>Site Area</b>
Brownfield/Urban Consolidation	Stated as 0.2359 ha

### **Conclusion**

Having regard to the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed continuation of the temporary events area, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Duration of Temporary Permission.  
This permission shall be for a temporary period of three years, starting from the date of expiry of the existing temporary permission (under Reg. Ref. SD18A/0148). The permission shall therefore expire on 1st February 2025. Any continued use after this date shall be the subject of a new planning application.  
REASON: In the interest of the proper planning and sustainable development of the area.
3. Previous Conditions of Permission.  
The conditions of permission reg. ref. SD18A/0148 relating to use, noise and water services shall continue to apply to this development.  
REASON: To ensure continuity and adequate management of development and to protect the proper planning and sustainable development of the area.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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**REG. REF. SD22A/0018**

**LOCATION: Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22**

*jjohnston*  
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**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date: 14/03/2022**

*Hazel Craigie*  
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**Hazel Craigie, Senior Planner**