



An
Coimisiún
Pleanála

Inspector's Report ACP-323375-25

Development	Retention of use of Town Square for food stalls and events with associated temporary furniture and works.
Location	Lands at Dundrum Town Square, Sandyford Road, Dundrum, Dublin 16, D16DX96
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0420/WEB
Applicant(s)	Dundrum Retail GP DAC
Type of Application	Retention Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Dundrum Retail GP DAC
Observer(s)	None.
Date of Site Inspection	7 th October 2025.
Inspector	Carol Smyth

1.0 Site Location and Description

- 1.1. The subject site has a stated site area of 0.030ha and is located within the administrative area of Dun Laoghaire Rathdown County Council. The subject site comprises a paved area of the public pedestrian plaza known as Town Square at the Dundrum Town Centre, shopping centre. On the date of the site inspection there were 4 no. food trailers with associated bench and table seating, which are the subject of this retention application, situated adjacent to the Mill Pond water feature and to the front of the main entrance to the Shopping Centre. In this regard I note that the development as assessed by the Planning Authority and the First Party grounds of appeal refer to the retention of 3 no. food trailers.
- 1.2. The site is bounded by a water feature in the plaza known as Mill Pond to the north; the main pedestrian entrance to Dundrum Town Centre from Sandyford Road, and the entrance to the cinema and restaurants to the east; a bandstand, pedestrian circulation and retail units to the west and the main entrance to the shopping centre to the south. There are also a number of restaurants located on the opposite side of the Mill Pond, which comprise outdoor seating overlooking Mill Pond and the rear of the food trailers proposed to be retained.

2.0 Proposed Development

The development comprises the retention/continuance of use of part of Town Square for food and beverage stalls and concessions and hosting occasional events and promotional activities within a defined area (347sqm), including the associated temporary or moveable structures, seating tables and other temporary works associated with these activities.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse retention permission for the development on the 17th July 2025. The reason for refusal is as follows:

1. The development to be retained would create a customer-focused environment, prohibiting the making of a space dedicated to pedestrians and the general public. To permit a continuation of such use at this location would further commercialise an area of public realm, negatively impacting its ability to act as a distinct focal point between Pembroke Square, Dundrum Town Centre S.C., DLR Mill Theatre, and Sandyford Road. The subject site is one of few public spaces in the area, and to permit the retention of this development would restrict the ability of the public to utilise this area for informal gathering, meeting, and outdoor recreation. Further commercialisation of this space would adversely impact the urban grain of the area, restricting pedestrian movements and wayfinding between the above key trip attractors. The subject development is therefore considered to be contrary to the requirements of Policy Objectives PHP37: Public Realm Design; MFC3: Placemaking in our Towns and Villages; and RET5: Major Town Centres (Dundrum) of Dún Laoghaire-Rathdown County Development Plan 2022-2028, and Policies DLAP2 Urban Design Dundrum and DLAP5 Public Realm of the Dundrum Local Area Plan (DLRCC, 2023). As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

N.B. Notwithstanding the above refusal of retention permission, it is noted that uses covered by Class 37 of the Planning and Development Regulations, 2001, can still be carried out subject to relevant conditions and limitations

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners report recommendation is consistent with the notification decision issued.

The Report considered that the development would create a customer-focus environment, prohibiting the use of the space dedicated to pedestrians and the general public and would disrupt the flow and visibility of key public spaces. The report also considered the proposal to be retained to be visually disruptive. The Planning Authority also noted the level of comparable offering throughout Pembroke Square and Dundrum Town Centre and considered that the proposal would detract from the vitality and variability of the area. The Report considered that to permit a

continuation of use at this location would further commercialise an area of public realm negatively impact on pedestrian movement and would be contrary to placemaking and recommended refusal.

3.2.2. **Other Technical Reports**

3.2.3. Drainage Planning Department

The Drainage Planning Department raised no objection to the development.

3.2.4. Transportation Planning Department

The Transportation Planning Department raised no objection to the development subject to a condition relating to the provision of additional cycle parking.

3.2.5. Environmental Health Service

The Environmental Health Service raised no objection to the proposed development subject to conditions relating to noise.

3.2.6. Environmental Enforcement

The Environmental Enforcement section notes the contents of the Environmental Health Service and recommends that the conditions of the Environmental Health Service report be attached should permission be granted.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

In total 2 no submissions were received in relation to the proposed development. Concerns raised include health, fire safety, public notification, noise, commercial use of an area which should be retained as a public amenity.

4.0 **Planning History**

D19A/0343

Planning Permission **Refused** for the use of part of the Town Square (Area A - 647 sqm and Area B - 5 sqm) for events of a cultural, educational, social, recreational or

sporting character (including food and craft markets, exhibitions, food and beverage stalls and retail concessions on an all year round basis) and the placing or maintenance of tents, vans or temporary or moveable structures or objects on the lands in connection with such uses, including the provision of lighting and associated signage, plant and all associated site and development works. The reason for refusal is as follows:

1. The use of the Town Square/Civic Space for the extent and purposes outlined would be contrary to key principles of urban design as set out in the Retail Design Manual 2012, the accompanying document to the Retail Planning Guidelines for Planning Authorities 2012, such as providing greater pedestrian permeability and encouraging quality open space provision. Policy UD3 of the County Development Plan 2016-2022 states that development proposals should contribute positively to an enhanced public realm. The subject site area is one of the few public space areas in Dundrum, to permit the proposed development would further commercialise the Town Square/Civic Space and would negatively affect the ability of the public to utilise this area to engage in informal outdoor recreation. To permit the development would be contrary to the provisions of the Retail Design Manual 2012, would materially contravene Policy UD3 of the County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

D14A/0161

Planning Permission **Granted** for development consisting of temporary buildings/structures associated with the use of part of the Town Square as 'Santa's Grotto' for a period not exceeding 2 months in a calendar year for a period of 5 years (2014-2019 inclusive).

5.0 Policy Context

5.1. National Policy and Guidelines

5.1.1. Retail Planning Guidelines (2012)

The Retail Planning Guidelines seeks to ensure that retail development is plan-led, sustainable, and supports town centres.

The Guidelines promote town centre vitality and design quality and emphasise that successful retail centres depend on high quality public realm, with attractive, safe and accessible streets and squares. Retail development should enhance the urban fabric not just provide retail floorspace. In addition, developments should prioritise walkability, with continuous pedestrian routes, clear signage and easy connections between retail areas, transport nodes and surrounding areas.

5.2. Development Plan

- 5.2.1. The site is governed by the policy and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned 'MTC' (Major Town Centre) with the objective to protect, provide for and/or improve major town centre facilities.

- 5.2.2. Section 4.4.1.3 Policy Objective PHP37 - Public Realm Design

It is a Policy Objective that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.

- 5.2.3. Section 4.4.1.4 Policy Objective PHP38 - Public Realm Offering

It is a Policy Objective to preserve and enhance the public realm offering in towns and villages.

- 5.2.4. Section 7.2.3.3 Policy Objective MFC3 - Placemaking in our Towns and Villages

It is a Policy Objective to support proposals for development in towns and villages that provide for a framework for renewal where relevant and ensure the creation of a high-quality public realm and sense of place. Proposals should also enhance the unique character of the County's Main streets where relevant.

- 5.2.5. Section 7.5.2.1 Policy Objective RET5: Major Town Centres,

It is a Policy Objective to maintain the two Major Town Centres - Dún Laoghaire and Dundrum – as the primary retail centres in the County and to support their evolving multifunctional role. The vitality of the towns will be enhanced by their mixed-use nature. In addition to retail, these centres must include community, cultural, civic, leisure, restaurants, bars and cafes, entertainment, employment and residential

uses. Development shall be designed so as to enhance the creation of a sense of place.

5.2.6. Section 12.6.5 Fast Food Outlets/Takeaways/ Restaurants

The following criteria will be taken into account in the assessment of development proposals for fast food/takeaway outlets, including those with a drive-through facility, and where relevant, for restaurants.

- *The need to retain, protect and strengthen the retail overall variety, and multi-use function of the area.*
- *The adequacy of existing facilities for the sale of hot food for consumption off the premises in the locality. In this regard, the applicant shall submit details of all existing fast food/takeaway outlets within the locality.*
- *The cumulative effect of the proposed development on the amenities of the area, particularly so in predominantly residential zoned locales.*
- *The effect of the proposed development on the existing mix of land uses and activities in the area.*
- *Careful consideration of the location of fast-food outlets in the vicinity of schools and parks.*
- *Location of vents and other external services and their impact on adjoining amenities in terms of noise/smell/visual impact.*
- *Fast food outlets/takeaways with proposed drive- through facilities will generally only be acceptable within Major Town Centres or District Centres and will be assessed on a case by-case basis.*
- *The proliferation or oversupply of certain premises that cause or are likely to cause disturbance or nuisance, detract from amenities or seriously detract from an area generally in terms of use and services mix may be resisted.*
- *Hours of operation.*

5.2.7. The Site is also located within the boundary of the Dundrum Local Area Plan (LAP) 2023.

5.2.8. Dundrum Local Area Plan 2023

5.2.9. Policy DLAP2 - Urban design Dundrum

It is Policy that development shall contribute positively to the distinct character of Dundrum by successfully marrying the new architecture with the historic structures in terms of blocks and plots that are legible, permeable and appropriate in land use, scale, building height, street width, urban grain and street frontage

5.2.10. Policy DLAP5 - Public Realm

It is Policy that all significant new development provides connected, attractive, interesting and well used public realm and open spaces using place making and urban design principles, creating a pedestrian centred environment with active, inviting public spaces and parks.

5.2.11. Policy DLAP6 – Public Realm Rebalancing:

It is Policy that that there is a rebalance of available space toward pedestrians, cyclists and urban greening.

5.3. **Natural Heritage Designations**

The site is situated approximately 4.2 km to the southwest of South Dublin Bay proposed NHA, South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

5.4. **EIA Screening**

See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a First Party appeal against the Planning Authorities decision to refuse permission for the retention and continuance of retail and food concessions in the form of food trailers and the use of part of Town Square for hosting occasional events and promotional activities. The following provides a summary of the grounds of appeal:

- Visual Impact
 - The 3 no. food and beverage trailers which are the subject of this retention application are temporary uses and have been operating in Town Square for a number of years.
 - In terms of visual impact, the stalls/trailers are of high quality with consistent branding, materials and signage to reduce visual clutter and align with the overall aesthetic of the Town Centre. The trailers add to the visual appearance of the space.
 - The mobility of the food and beverage trailers allows the Centre's management to rotate the offerings and locations seasonally therefore minimising long-term visual impact and refreshing the streetscape.
 - The amount of temporary seating is controlled by the Centre's management and is limited with the purpose of providing an informal seating like a public park rather than dedicated seating allocated to specific businesses. The seats are part of the public realm.
 - The concerns raised by the Planning Authority can be mitigated through the control on the number and footprint of the uses.
- Pedestrian Movement and Wayfinding
 - The trailers do not create a barrier to pedestrian and general users of Town Square. The siting of the trailers and associated seating does not impede pedestrian movement.
 - The trailers have brought people to an area of dead space within the public realm.
 - By limiting the number of trailers and ensuring that they are positioned based on pedestrian flow, avoiding key sightlines and pathways the Planning Authority's concerns can be addressed.
- Retail Impact
 - The Planning Authority is incorrect by referring to 'vitality and variability' with is interpreted to mean competition on the turnover of other food and beverage

businesses in the vicinity. The Retail Planning Guidelines (2012) states that it is not the purpose of the planning system to inhibit competition.

- In terms location, the application site is fully in accordance with the sequential approach and the scale of the units are negligible relative to the overall floor space of the Dundrum Town Centre.
- The proposal will add to the vitality and viability of the Town Centre by activating public space, driving footfall and encouraging social interaction.
- Rather than competing the food trailers provide complementary services.
- Occasional Events/Activities and Associated Temporary Structures
 - The second aspect of the application includes various pop-up events on an intermittent basis. The conditions and limitations of Class 37 as referred to by the Planning Authority do not go far enough in terms of timescale limitations and more flexibility is required by the applicant.
 - A single event for example Christmas would use up the entire allocation allowed under Class 37.
 - Events are sometimes evening/nighttime uses after the shopping centre closes and would require a later operating time than 21:00hrs and would therefore require written agreement from the Planning Authority.
- The development complies with the policies and objectives of the Development Plan and the Dundrum Local Area Plan.
- While Town Square is deemed public it is not taken in charge by the local authority, therefore the applicant has a vested interest to ensure that the space is well managed and maintained.
- To address the Planning Authority's reason for refusal the applicant is willing to accept a condition where the site area is reduced to an area of 200sqm and the number of trailers/stalls limited to 3 no. with associated seating/benches.
- The applicant would also be willing to accept a temporary permission of 3 or 5 years to allow for a review of the development.
- The First Party requests that An Coimisiún Pleanála grants retention and continuance of the temporary uses and structures within Town Square.

6.2. Planning Authority Response

The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

6.3. Observations

None on file.

6.4. Further Responses

None on file.

7.0 Assessment

Having examined the applications details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Site Planning History
- Principle of the Development.
- Visual Impact
- Pedestrian Impact and Wayfinding
- Events and Promotional Activities

7.1. Site Planning History

- 7.1.1. This site has an established planning history. On the 22nd May 2014 a decision to grant permission was issued under DLRDCC Reg. Ref. 14A/0161 for temporary buildings/structures associated with the use of part of Town Square as 'Santa's Grotto' for a period not exceeding 2 months in a calendar year for a period of 5 years (2014-2019 inclusive).
- 7.1.2. A decision to refuse permission was issued under DLRDCC Reg. Ref. D19A/0343 on the 13th September 2019 for the use of part of Town Square (Area A - 647 sqm and

Area B - 5 sqm) for events of a cultural, educational, social, recreational or sporting character (including food and craft markets, exhibitions, food and beverage stalls and retail concessions on an all year round basis) and the placing or maintenance of tents, vans or temporary or moveable structures or objects on the lands in connection with such uses, including the provision of lighting and associated signage, plant and all associated site and development works. The reason for refusal related to the over-commercialisation of Town Square which would undermine the intended public and recreational use of the Square. The Planning Authority considered the proposal to be contrary to the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Retail Planning Guidelines (2012).

- 7.1.3. The current proposal as submitted to the Planning Authority, which comprises retention/continuance of use of part of Town Square for food and beverage stalls and concessions and hosting occasional events and promotional activities, reduces the overall site area from 647sqm previously proposed under DLRDCC Reg. Ref. 19A/0343 to a site area of 347sqm.
- 7.1.4. The Planning Authority considered the current proposal to be similar to the development refused under DLRDCC Reg. Ref. D19A/0343 in terms of its use and structures. The Planning Authority considered that the reduced site area as set out in the current proposal, would have had to have occur nonetheless under DLRDCC Reg. Ref. D19A/0343, given the need to allow for access to the Shopping Centre. The Planning Authority further considered that the current proposal broadly aligns with the previous proposal refused and did not accept the Applicants reasoning that the current proposal addresses the reason for refusal.
- 7.1.5. The documentation submitted in conjunction with the planning application states that the use of the space for the purposes detailed in the application have been in operation for a number of years with food concessions in place at present and various pop-up events and uses on an intermittent basis. Permission sought is to regularise the planning status of these activities following a warning letter issued by DLRCC (Enf. Ref: 02825) and to have the option to use the space throughout the year with events arranged intermittently.

7.2. Principle of Development

- 7.3. The development comprises the retention/continuance of use of part of Town Square for 3no. food and beverage trailers/stalls with associated bench and table seating, and the hosting occasional events and promotional activities within a defined area of 347sqm on the public pedestrian plaza known as Town Square at the Dundrum Town Centre, shopping centre. In the first instance I will focus the assessment on the retention and continuation of the food trailers and associated benches and tables on the site. The hosting of occasional events and promotional activities in Town Square will be further assessed under Section 7.6 below.
- 7.3.1. In terms of the principle of the food trailers the Planning Authority noted that the food/beverage stalls or concessions are not defined as use classes under Chapter 13 – Land Use Zoning Objectives of the Development Plan and raised significant concerns regarding the on-going and proposed continuation of the use at this location. The Planning Authority considered that the development must demonstrate that it would be compatible with the overall policies and objectives for the land use zoning objective and would not produce undesirable effects.
- 7.3.2. The Planning Authority concluded that the retention and continuation of the development on a site would commercialise an area of public realm which acts as a focal point between Dundrum Town Centre, DLR Mill Theatre, Pembroke Square and Sandford Road would be contrary to Policy Objective PHP37 - Public Realm Design, of the Development Plan which requires development to make a positive contribution to the enhancement of the public realm and Policy Objective MFC3 - Placemaking in our Towns and Villages, of the Development Plan which supports the creation of a high quality public realm and sense of place. The Planning Authority also considered that given the level of comparable offering present in the locality that the development significantly detracts from the vitality and variability of the Centre. The development was also considered to be contrary to policy Objective RET5 - Major Town Centres (Dundrum), which seeks to create a sense of place, Policy DLAP2 – Urban Design Dundrum, which requires legible and permeable development structures and Policy DLAP5 – Public Realm which requires connected, attractive, interesting and well used public realm and open spaces.
- 7.3.3. The First Party grounds of appeal state that the development accords with the policies and objectives of the Development Plan and the Dundrum Local Area Plan and that the 3no. food and beverage trailers which are the subject of this retention

application are temporary uses and have been operating in Town Square for several years. The First Party refers to the Retail Planning Guidelines (2012) which states that it is not the purpose of the planning system to inhibit competition and therefore contends that the Planning Authority is incorrect by referring to 'vitality and variability' which is interpreted to mean competition on the turnover of other food and beverage businesses in the vicinity. Further, the grounds of appeal set out that in terms location, the application site is fully in accordance with the sequential approach, and the scale of the units are negligible relative to the overall floor space of the Dundrum Town Centre and that the proposal will add to the vitality and viability of the Town Centre by activating public space, driving footfall and encouraging social interaction. The First Party considers that rather than competing, the food trailers will provide complementary services.

- 7.3.4. On the date of the site inspection, I noted that there were 4no. food trailers with associated bench and table seating, situated adjacent to the Mill Pond water feature and to the front of the main entrance to the Shopping Centre. In this regard I note that the development as assessed by the Planning Authority and the First Party grounds of appeal refer to the retention of 3no. food trailers. Notwithstanding, An Coimisiún Pleanála does not have an enforcement function. Enforcement and enforcement of conditions is a matter for the Local Planning Authority. The current proposal relates to the regularisation of the development and continuation of the use on a permanent basis.
- 7.3.5. The subject site is zoned 'MTC' (Major Town Centre) with the objective to protect, provide for and/or improve major town centre facilities. In terms of use class, tearoom/café; restaurant use; civic use; cultural use; and open space, are 'Permitted in Principle' under this zoning objective. No specific land use relating to temporary food and beverage stalls, occasional events or promotional activities are listed as either 'Permitted in Principle' or 'Open for Consideration' uses within the land use zoning objective for the site.
- 7.3.6. Section 13.2 - Definition of Use Class, of the Development Plan which does not include a definition for temporary food and beverage stalls and concessions, refers to restaurants, as a building or part thereof for the sale of meals and refreshments for consumption on the premises, and tearoom/café as a building or part thereof used as a small cafe serving tea and light refreshments. Having regard to the nature

of the food trailers, which are not buildings, providing coffee, fast-food and other similar uses for takeaway consumption, I consider that the development is a fast-food/takeaway use class. In this regard I further note that fast food/takeaway use is also not listed as either a 'Permitted in Principle' or 'Open for Consideration' use within the land use zoning objective for the site.

7.3.7. Section 13.1.5 - Not Permitted/Other Uses, of the Development Plan states that uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration' will not be permitted. The Section further states that there may, however, be other uses not specifically mentioned throughout the Use Tables under the land use zoning objectives that may be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question. Having regard to the MTC (Major Town Centre) land use zoning objective for the site I consider that the principle of fast-food/takeaway use is appropriate within the town centre land use zoning objective, subject to compliance with the policies and objectives of the Development Plan and the proper planning and sustainable development of the area.

7.3.8. In this regard, Section 12.6.5 - Fast Food Outlets/Takeaways/ Restaurants, of the Development Plan provides criteria for the assessment of development proposals for fast food/takeaway outlets. The following table provides an assessment of the development against the criteria for fast-food outlets/takeaways as set out in the Development Plan.

Development Plan Criteria	Assessment of Development
The need to retain, protect and strengthen the retail overall variety, and multi-use function of the area.	<p>There are several restaurants, cafés and fast-food outlets surrounding Town Square and the subject site. There are also a substantial number of restaurants, cafés and concessions within the Dundrum Town Centre, shopping centre.</p> <p>Having regard to the nature of the development I consider that the principle of takeaway/fastfood use within Dundrum Town Centre would strengthen the overall variety on offer within the Shopping Centre and accords with the sequential approach to retail</p>

	<p>development as set out in the Retail Planning Guidelines (2012) and the Development Plan. Notwithstanding, I note that the Retail Planning Guidelines (2012) and the Development Plan also support the environmental quality of town centres and enhanced urban design and public realm. Therefore, given the location of the site in Town Square, in an area dedicated as a public plaza, I consider that the retention and continuance of the food trailers, must be balanced against their impacts on the public realm. I consider that the development commercialises the area of public realm which negatively impacts on the character of Town Square as a space for pedestrians, informal gatherings and recreation.</p>
<p>The adequacy of existing facilities for the sale of hot food for consumption off the premises in the locality. In this regard, the applicant shall submit details of all existing fast food/takeaway outlets within the locality.</p>	<p>The First Party grounds of appeal refer to existing services in the vicinity of the site. The First Party considers that the development will complement existing facilities by providing takeaway food and beverages.</p> <p>I do not consider that the existing facilities in the locality has been demonstrated in either the planning application documentation or the grounds of appeal.</p> <p>Notwithstanding, having regard to my general knowledge of the area and having visited the site, I consider that there are adequate existing facilities within Dundrum Town Centre and surrounding Town Square for the sale of food and beverages in the locality.</p>
<p>The cumulative effect of the proposed development on</p>	<p>Having regard to the development location on Town Square, I consider that the development negatively</p>

<p>the amenities of the area, particularly so in predominantly residential zoned locales.</p>	<p>impacts on the availability of public space within Dundrum, where a scarcity of public open space has been highlighted in Section 2.1.4 Climate Action – Mitigation and Adaption of the Dundrum LAP. I consider that the food trailers and associated benches and tables have a negative impact on the recreational, visual amenities and permeability of the area by reducing the area of space available to the public within Town Square, creating visual clutter and impeding views and pedestrian routes through the space.</p> <p>I further note that there are apartment developments in the vicinity of the site. I have concerns regarding the impact of the development on adjoining residential amenity in terms of general nuisance and noise impacts. In particular concerns relate to the second aspect of the proposal for hosting various pop-up events and promotional activities on an intermittent basis including evening and nighttime events. This element of the development is further assessed in Section 7.6 below.</p>
<p>The effect of the proposed development on the existing mix of land uses and activities in the area.</p>	<p>The development is located on an area of public realm surrounded by a number of restaurants, cafes and fast-food outlets surrounding Town Square. There are apartment developments within the broader area.</p> <p>Having regard to the location of the food trailers and associated benches and tables in the public plaza, I consider that the development has a negative effect on the public realm in terms of visual clutter, visual obstacles and impediments to pedestrian</p>

	<p>movements and wayfinding. I consider that the development detracts from the use of the public plaza dedicated for pedestrians, informal gatherings and recreation undermine the environmental quality of the public space and urban design of the area.</p>
<p>Careful consideration of the location of fast-food outlets in the vicinity of schools and parks.</p>	<p>The development is situated in Town Square, an area dedicated as a pedestrian plaza which is already serviced by existing fast-food outlets, restaurants and cafes.</p> <p>Having regard to the negative impacts on the environmental quality of Town Square and the existing provision of food and beverage establishments surrounding the Town Square, I am not satisfied that the development is warranted.</p>
<p>Location of vents and other external services and their impact on adjoining amenities in terms of noise/smell/visual impact.</p>	<p>The planning application documentation details that the trailers connect into existing service infrastructure that serves the Centre. An existing power supply is available to facilitate the operation of the proposed events space. No diesel power generators, mechanical service equipment or similar, are required.</p> <p>Having visited the site, I noted refuse and storage areas for the food trailers located behind the trailers, adjacent to Mill Pond water feature which is surrounded by a railings.</p> <p>Various items including trolleys, bags, storage units etc are clearly visible along the sides of the trailers and from the external seating areas of the cafes and restaurants on the north side of Mill Pond. I consider that the development constitutes visual clutter, has a negative visual impact on the</p>

	character of the public realm and detracts from the environmental quality of the space.
Fast food outlets/takeaways with proposed drive-through facilities will generally only be acceptable within Major Town Centres or District Centres and will be assessed on a case by-case basis.	N/A
The proliferation or oversupply of certain premises that cause or are likely to cause disturbance or nuisance, detract from amenities or seriously detract from an area generally in terms of use and services mix may be resisted.	<p>There were 4no. food trailers on Town Square with associated benches and tables on the day of my site inspection.</p> <p>I consider that the proliferation of trailers and associated benches and tables detract from the use of the public plaza dedicated for pedestrians, informal gatherings and recreation undermine the environmental quality of the public space and urban design of the area.</p>
Hours of operation.	The planning application documentation indicates permission is sought to have the option to use the space throughout the year, with a degree of variation in activity depending on calendar events and weather etc. It is the intention that, on most days throughout the year, there will be food and beverage concessions on the space with no more than 4 no. food offerings and associated seating areas within the designated area. Intermittently, events will occur with most activities coinciding with the business hours of the shopping centre (0900 to

	<p>2100 hrs). It is stated that occasionally evening/nighttime uses would be operated until no later than 2200hrs, with events which require a later operating time, being subject to the written agreement of the Planning Authority.</p> <p>I have concerns regarding the commercial use of the public space effectively on a full-time permanent basis, which would negatively impact on the environmental quality of the space and adjoining residential development in terms of the intensity of the use as described.</p>
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7.3.9. Having regard to my assessment of the development against the criteria outlined in Section 12.6.5 - Fast Food Outlets/Takeaways/ Restaurants above, I am not satisfied that the development accords with the provisions of the Development Plan. I consider the development to be contrary to Section 12.6.5 - Fast Food Outlets/Takeaways/ Restaurants and the Retail Planning Guidelines (2012).

7.3.10. I consider that the development results in the commercialisation of a public plaza diminishing its intended role as a space for pedestrian use and recreation. Having regard to the location of the trailers, tables and chairs in Town Square, I consider that the development impedes the use of Town Square for its intended design as a dedicated public space and focal point, and therefore negatively impacts the public realm and sense of place. The development is therefore contrary to Development Plan Policy Objective PHP37 - Public Realm Design, which requires development to make a positive contribution to the enhancement of the public realm; Policy Objective PHP38 – Public Realm Offering, to preserve and enhance the public realm offering in towns; Policy Objective MFC3 - Placemaking in our Towns and Villages of the Development Plan, which supports the creation of a high-quality public realm and sense of place; and Policy Objective RET5: Major Town Centres, which seeks the creation of a sense of place.

7.3.11. In addition, I consider the development obscures views and impedes pedestrian routes and wayfinding and is therefore to be contrary to the Dundrum LAP in terms

of Policy DLAP2 - Urban Design which requires that development contributes positively to the distinct character of Dundrum and that is legible, permeable and appropriate in terms of land use; Policy DLAP5 - Public Realm, which requires that new development delivers a well-connected public realm and promotes pedestrian activity and welcoming open spaces and parks; and Policy DLAP6 – Public Realm Rebalancing, which outlines the need to rebalance of available space toward pedestrians, cyclists and urban greening.

- 7.3.12. I consider that the principle of food and beverage stalls and concessions on Town Square is not acceptable and the retention/continuance permission for the development in this regard should be refused.

7.4. Visual Impact

- 7.4.1. The First Party contends that in terms of visual impact the trailers add to the visual appearance of the space and are of high quality with consistent branding, materials and signage to reduce visual clutter and align with the overall aesthetic of the Town Centre. The First Party further contends that the mobility of the trailers allows the Centre's management to rotate the offerings and locations seasonally, minimising long-term visual impact and refreshing the streetscape. In addition, the First Party grounds of appeal state the temporary seating is controlled by the Centre's management and is limited with the purpose of providing an informal seating like a public park rather than dedicated seating allocated to specific businesses and that the seats are part of the public realm. The grounds of appeal further outline that the concerns raised by the Planning Authority can be mitigated through the control on the number and footprint of the uses.
- 7.4.2. While not included in the reason for refusal, the Planning Authority considered the proposal to be retained to be visually disruptive and noted that the Mill Pond and seating facing the same would be visually obstructed by the subject structures and their siting.
- 7.4.3. As previously noted in my assessment, on the day of the site inspection there were 4no. food trailers parked on the plaza directly in front of Mill Pond and situated opposite the main entrance to the Shopping Centre. There were also a number of timber bench and table sets placed on the plaza in the vicinity of the food trailers.

Various items were stored to the rear of the trailers against the railings of the Mill Pond.

- 7.4.4. I acknowledge that the trailers are generally uniform in design. Notwithstanding, I consider that the development significantly adds to visual clutter in the public realm and is visually intrusive in terms of the location of the trailers and seating in Town Square and is therefore contrary to Policy Objective PHP38 – Public Realm Offering, of the Development Plan in terms of preserving and enhancing the public realm.
- 7.4.5. Having visited the site, I consider that the development disrupts views to and from the existing retail and commercial units surrounding Town Square. I note that the views from the external seating areas of the restaurants and cafés to the north of Mill Pond towards the Shopping Centre and that the views of the rear of the trailers along with the storage of items along the railings of the Mill Pond negatively impacts to the visual amenity and overall environmental quality of the area. Furthermore, I do not consider that limiting the number of trailers or the footprint of the development would mitigate the impacts on the public realm. I therefore consider that the development negatively impacts upon the public realm and sense of place by obscuring views across the plaza and is contrary to Development Plan Policy Objective PHP37 - Public Realm Design, which requires development to make a positive contribution to the enhancement of the public realm and Policy Objective PHP38 – Public Realm Offering, which seeks to preserve and enhance the public realm offering.
- 7.4.6. In addition, I am not satisfied that the timber bench seating and tables are a positive addition to the public realm in terms of siting and materiality and consider the development to be contrary to Policy DLAP5 – Public Realm, of the LAP which requires that new development provides attractive, interesting and well used public realm.

7.5. Pedestrian Impact and Wayfinding

- 7.5.1. The First Party states that the trailers do not create a barrier to pedestrians and users of Town Square and that the siting of the trailers, benches and tables does not impede pedestrian movement. The First Party contends that the trailers have brought people to an area of dead space within the public realm. The First Party states that by limiting the number of trailers and ensuring that they are positioned based on pedestrian flow, the Planning Authority's concerns can be addressed.

- 7.5.2. The Planning Authority considered that the development acts as a barrier to pedestrians and general users of an important section of Dundrum's public realm. The footprint of the stalls, operation areas and associated seating were considered to disrupt movement and wayfinding between the site, shopping centre, Pembroke Square and Sandyford Road therefore impeding the creation of a high-quality public realm and preventing the making of a space dedicated to pedestrians and the public.
- 7.5.3. Having visited the site and having regard to the siting of the trailers and associated benches and tables in Town Square, to the existing planters, bins, lighting standards and other landscape features within the public realm and to the flow of pedestrians to and from Sandyford Road, the main entrance of the Shopping Centre, the Cinema, the various retail units and cafés and restaurants surrounding Town Square, and routes to Pembroke Square and Mill Theatre, I consider that the development disrupts views and impedes pedestrian flow and wayfinding and creates a barrier in a public space dedicated to pedestrians and the public and is therefore contrary to LAP policies Policy DLAP2 – Urban Design, which requires legible and permeable development structures and Policy DLAP6 – Public Realm, which outlines the need to rebalance of available space toward pedestrians.
- 7.5.4. Furthermore, I am not satisfied that the site of the trailers to be dead space. The trailers are situated directly in front of Mill Pond and obstruct an area where the public could gather with views over the water feature. I therefore consider that the development to be retained is contrary to Policy DLAP5 – Public Realm, of the LAP which requires connected, attractive, interesting and well used public realm and open spaces that create a pedestrian centred environment;

7.6. Events and Promotional Activities

- 7.6.1. In terms of the hosting of events and promotional activities, the Planning Authority noted that the uses are covered by Class 37 of the Planning and Development Regulations 2001 (as amended) and can be carried out subject to the relevant conditions and limitations of Class 37.
- 7.6.2. The planning application documentation states events relate to activities permissible as exempted development under Class 37 of the Planning Regulations. The intermittent promotional and entertainment activities are managed by the Centre Management team and coordinated with the shopping centre and other spaces. The

application documentation and the grounds of appeal contend that the conditions and limitations of Class 37 as referred to by the Planning Authority do not go far enough in terms of timescale limitations and more flexibility is required by the applicant as a single event, for example Christmas, would use up the entire allocation allowed under Class 37.

- 7.6.3. The First Party states that events are sometimes evening/nighttime uses after the shopping centre closes and would require a later operating time than the Shopping Centre (21:00hrs). Examples of the events, as set out in the grounds of appeal, include Christmas market, Halloween displays, product promotional events, Festival of Lights, music events, health and sports promotions (e.g. Operation Transformation, IRFU / Leinster Rugby) as well as community and cultural events. The First Party states that the previous application refused permission under DLRDCC Reg. Ref: D19A/0343 was for a larger area (647sqm). The reasons for that decision have been addressed and the current application includes a smaller footprint and reduced number of structures and activity. The First Party states that they are willing to further reduce the site area to 200sqm to mitigate any impacts and accept a temporary permission.
- 7.6.4. Class 37, Part 1 Exempted Development, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended) sets out that *development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use* is exempted development subject to the conditions and limitations where the land shall not be used for such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.
- 7.6.5. In terms of duration, the documentation submitted with the application states permission sought is to have the option to use the space throughout the year with events arranged intermittently and typically last for nor more than c.2- 3 weeks. Most activities coincide with the business hours of the shopping centre (0900 to 2100 hrs) and the evening / nighttime uses generally be operated until no later than 2200hrs. In instances where events require a later operating time, the planning

documentation stated that the applicant requests that this be subject to the written agreement of the Planning Authority.

I consider that the proposal for events and promotional activities as described by the First Party to be ambiguous in terms actual number and scale of events and promotions and overall duration. Having regard to the residential development in the vicinity of the site, I have concerns that the intensity of the events and promotion activities would negatively impact on residential amenity in terms of nuisance and noise. In addition, it is unclear how the events and promotions will be restricted to the defined area 347sqm. Further, I do not consider that a further reduction in the proposed site area to 200sqm as outlined in the grounds of appeal would mitigate any negative impacts. While I acknowledge that the duration and hours of operation could be restricted by way of condition, I am not satisfied that the applicant has demonstrated that the development would not negatively impact on residential amenity. Furthermore, having regard to my assessment above regarding the negative impact of the development on the public realm of Town Square in terms of the commercialisation of an area of public space, visual impacts, impediments to pedestrian activity and wayfinding, I consider that the provisions of Class 37 of the Planning and Development Regulations provide sufficient scope to carry out certain events and promotions within the space without unduly impacting on adjacent residential amenity or the environmental quality of the area. I further note that the First Party is entitled to apply for planning permission for any individual event outside the scope of Class 37. In this regard I note that permission was previously granted on the site under DLRDCC Reg. Ref. D14A/0161 for temporary buildings/structures associated with the use of part of the Town Square as 'Santa's Grotto' for a period not exceeding 2 months in a calendar year for a period of 5 years (2014-2019 inclusive).

8.0 AA Screening

- 8.1. The proposed development comprises the retention/continuance of use of part of Town Square for food and beverage stalls and concessions and hosting occasional events and promotional activities on a small site of 0.030 ha in an established suburban area. No nature conservation concerns were raised in the planning appeal.

- 8.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 8.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

9.0 Water Framework Directive

- 9.1. The subject site is located in an existing Shopping Centre adjacent to an established suburban area which adjoins the Southwestern Irish Sea – Dublin Bay IE_EA_090_0000 and the river Dodder IE_EA_09D010900. The subject site is located c. 4.2 km to the southwest of Dublin Bay and c. 61 metres northeast of the river Dodder.
- 9.2. The proposed development comprises the retention/continuance of use of part of Town Square for food and beverage stalls and concessions and hosting occasional events and promotional activities
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the small scale and nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that retention permission be REFUSED for the development.

11.0 Reasons and Considerations

11.1.1. The development to be retained and continued results in the commercialisation of a area of public space diminishing its intended role as a space for pedestrian use and recreation and negatively impacting its ability to act as a distinct focal point for the area and would be contrary to key principles of urban design as set out in the Retail Planning Guidelines 2012 and the Dun Laoghaire Rathdown County Development Plan 2022-2028. The development impedes pedestrian flow and wayfinding and creates a barrier in a public space dedicated to pedestrians and the public. In addition, the development obstructs views, negatively impacts on visual amenity in terms of visual clutter, and negatively impacts on the overall environmental quality and urban design of Town Square. Furthermore, in terms of the intensity of the use outlined, the development would negatively impact on adjacent residential amenity. The development is contrary to Section 12.6.5 - Fast Food Outlets/Takeaways/ Restaurants, Policy Objective PHP37 - Public Realm Design, Policy Objective PHP38 – Public Realm Offering, Policy Objective MFC3 - Placemaking in our Towns and Villages, Policy Objective RET5 - Major Town Centres, of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and contrary to Policy DLAP2 - Urban Design; Policy DLAP5 - Public Realm; and Policy DLAP6 – Public Realm Rebalancing, of the Dundrum Local Area Plan 2023 which require the preservation and enhancement the public realm and sense of place and provision of development which is legible, well-connected and permeable. The development is therefore contrary to the proper planning and sustainable development of the area.

Carol Smyth
Planning Inspector

7th November 2025

Form 1 - EIA Pre-Screening

Case Reference	323375
Proposed Development Summary	The development will consist of retention / continuance of use of part of Town Square for food and beverage stalls and concessions and hosting occasional events and promotional activities within a defined area (347sqm), including the associated temporary or moveable structures, seating tables and other temporary works associated with these activities.
Development Address	Lands at Dundrum Town Square, Sandyford Road, Dundrum, Dublin 16, D16DX96
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____