



An  
Bord  
Pleanála

Board Order  
ABP-318999-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 2360049**

**Appeal** by Olivia and Myles Gardiner care of AK Planning of Millside, Mill Road, Corbally, Limerick against the decision made on the 25<sup>th</sup> day of January, 2024 by Limerick City and County Council to grant subject to conditions a permission to Don Ryan care of Gleeson McSweeney Architects of 99 O'Connell Street, Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a crèche/pre-school with before and after school services and associated site works including entrance, car parking, wastewater treatment system and sand polishing filter at Tuogh, Adare, County Limerick.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022-2028, including Objective SCS1 O14 (Childcare facilities), and to national policy and guidelines, including Childcare Facilities Guidelines for Planning Authorities (2001), in relation to childcare provision, it is considered that, subject to compliance with the conditions set out below, the proposed development 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.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 21<sup>st</sup> day of December, 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

3. Prior to commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

4. The opening hours of the facility shall be limited to the hours of 0730 to 1800 Monday to Friday, unless otherwise agreed in writing with the planning authority.

**Reason:** To protect residential amenities in the area.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

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6. (a) Revised proposals in respect of the wastewater treatment system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These revised proposals shall demonstrate that the wastewater treatment system is adequately sized for the loading resulting from the increase in numbers of children/staff proposed in the further information documentation submitted to the planning authority on the 21<sup>st</sup> day of December 2023.
- (b) The treatment system and polishing filter shall be constructed in compliance with the relevant EPA Code of Practice.
- (c) The treatment system installed shall include a visible and audible alarm in case of system failure.
- (d) The installation and commissioning of the treatment system and polishing filter shall be supervised and certified as being in accordance with manufacturers/suppliers' recommendations and compliant with the EPA Code of Practice by a site suitability assessment agent. A copy of this certification including full report and photographs of the installation and commissioning of the treatment system and polishing filter shall be submitted to the planning authority within four weeks of the completion of the works.
- (e) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum of five years from the first occupancy of the facility and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

- (f) The treatment system shall be desludged at least once a year by a permitted waste contractor. Receipts of all such operations shall be retained for a minimum of five years and submitted to the planning authority on request.

**Reason:** In the interest of public health and environmental protection.

- 7. The developer shall comply with the following and agree a final site layout, incorporating the following changes, in writing with the planning authority prior to commencement of development.
  - (a) Revised proposals detailing the bin and bike parking areas, both of which shall be covered and secure. Bike parking provision to cater for a minimum of 10 bicycles shall be provided.
  - (b) Reduce car parking provision to a maximum of 16 spaces.
  - (c) Provide drop-off and turning facility.

**Reason:** In the interests of amenity and sustainable transport.

- 8. A landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. It shall include for retention of existing hedging where appropriate and planting of hedges made up of native species along site boundaries to provide screening. Planting shall take place in the first planting season after commencement of development. Any unsuccessful planting shall be replaced in the following planting season.

**Reason:** In the interest of biodiversity and visual amenity.

9. If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. (The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

10. Prior to commencement of development, a Stage 2 and Stage 3 Road Safety Audit shall be submitted to, and agreed in writing with, the planning authority. In this regard:-
- (a) the developer shall submit details of the proposed audit team to the planning authority for approval prior to the audit, and
  - (b) the developer shall address all problems raised with the audit and revised site layout plans to include the recommendations of the audits shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic and public safety.

11. The lighting shall be erected prior to the first use of the development.

**Reason:** In the interest of public safety.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 17<sup>th</sup> day of September 2024.