



An
Bord
Pleanála

Inspector's Report ABP-318969-24

Development	Construction 3 dwelling to replace crèche
Location	Clonlara, Coolymurraghue (Townland), Kerry Pike, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2342432
Applicant(s)	O'Flynn Construction (Kerry Pike) Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	O'Flynn Construction (Kerry Pike) Limited
Observer(s)	None
Date of Site Inspection	6 th June 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located within the established residential development of Clonlara, Coolymurragh, Kerry Pike, approximately 6.3 km to the west of the centre of Cork City. The site has a general rectangular shape, has a stated area of 0.233 hectares (2,330 sqm) and measures a maximum of 74 metres in length by 47 metres in width/ depth. The site falls in a general south to north direction. The front western roadside boundary fronts onto the existing estate road and is shown to include the public footpath. There is an existing gravel footpath located to the north of the site which links the existing residential development of Clonlara to Clougheen Kerry Pike National School to the southeast and is, for the most part, outside the defined redline boundary of the site.
- 1.2. A 6-metre wayleave is shown in the southern portion of the site and runs in a general northwest to southeast direction.
- 1.3. There is an existing ESB substation located at the southwest of the site and positioned along the rear southeast boundary wall. The front (east) and side site boundaries are defined by a high green metal clad fence and the site appears to have been in recent use as a construction compound.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Permission for the construction of 3 no. detached dwellings (Type A, B & G);
 - Type A is a two storey four-bedroom house which measures 9.5 metres in height, has a stated floor area of 170.69 sqm and a stated finished floor level of 64.80 metres.
 - Type B is a two storey four-bedroom house which measures 8.34 metres in height, has a stated floor area of 145.13 sqm and a stated finished floor level of 65.50 metres.
 - Type G is a two storey three-bedroom house which measures 8.34 metres in height, has a stated floor area of 165.27 sqm and a stated finished floor level of 62.70 metres.

- Permission to replace 1 no. Crèche permitted under planning reg. ref. no. 92/291. The permitted Crèche is an L shaped building with its main façade orientated to face northwest onto the estate road with the rear return facing northeast onto a path connecting the estate to the primary school to the southeast. The permitted site layout under planning reg. ref. no. 92/291 includes internal traffic circulation within the site, positioned to the southwest of the Crèche building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a decision to REFUSE planning permission on 10th January 2024 for the following reason:

1. *Having regard to the documentation submitted with the planning application, it is considered that the proposed development would be contrary to objective 3.21 (and sections 11.162 and 11.163) of the Cork City Development Plan 2022 and to the Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000 on Childcare Facilities and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Assistant Planner** considers the proposed development to be premature until such time as the permitted crèche facility on the adjacent lands to the east, as planning reg. ref. no. 22/40976 (ABP Appeal Ref. No. 314905) refers, is constructed and operational. The proposal cannot be supported where it would lead to a loss of capacity for childcare.
- The **Local Authority Senior Executive Planner** recommends that permission be refused.

- The **Local Authority Senior Planner** recommends that permission be refused.

3.2.2. Other Technical Reports

- The **Area Engineer** raises the following issues:
 - Roads and Transportation: Insufficient detail on the proposed entrance. No details regarding the proposed driveway with regard to entrance width, or if the proposed driveway is an open driveway. Revised drawings showing entrance width and sightlines.
 - Water Supply: New connection proposed. Refer to Irish Water/ Rural Water Department.
 - Sewerage Disposal: New connection proposed. Refer to Irish Water/ Rural Water Department.
 - Surface Water: To be disposed of on site by means of a Public Sewer/ Drain, refer to Irish Water/ Rural Water Department.
 - Overall Assessment and Conclusion: Recommends that a Request for Further Information be sought.
- The **Drainage Division** raise no objection to the proposed development subject to 1 no. condition.
- The **Environment Waste Management & Control Department** raise no objection to the proposed development subject to 4 no. conditions.
- The **Housing & Community Directorate** raise no objection to a Grant of Planning Permission.
- The **Community, Culture & Placemaking Department** raise no objection to the proposed development and recommend a Grant of permission subject to 1 no. Development Contribution condition.

3.3. Prescribed Bodies

- **Inland Fisheries Ireland (IFI):**

- Requests that Irish Water/ Cork County Council signifies there is sufficient capacity in existence so that it does not a) overload either hydraulically or organically existing treatment facilities, b) resulting in polluting matter entering waters or c) cause or contribute to non – compliance with existing legislative requirements.

- **Irish Water:**

- No Report on file.

- **Cork Childcare Committee:**

- The Cork Childcare Committee oppose the proposed development. The submission includes a Childcare Needs Assessment (CNA) for the Kerry Pike Area carried out by the Cork City Childcare Committee on 11th December 2023 and which is based on information from the Tusla Register. The main findings of the CNA are summarised as follows:
 - As of 15/12/2023 there were 0 Childcare providers listed on the Tusla Early Years or School Aged Childcare Register (within Kerry Pike itself).
 - A list/ table of Childcare Services within the surrounding areas is provided.
 - The Cork Childcare Committee would have serious objections to the intention to replace the crèche. As per the CNA there are 0 no. Childcare Services directly within Kerry Pike.
 - Within a 2 km radius of Kerry Pike the latest population figures (2022) indicate a total of 4,711 persons.
 - Childcare Development opportunities are extremely limited in the area. All possibilities to provide childcare should therefore be fully supported and explored.
 - It would be important to consider i) the initial permission sought for use as a full day care childcare facility and ii) planning

requirements appropriate to Childcare Facilities Guidelines for Planning Authorities and Cork County Council at the time of the initial decision (re. ref. no. 92/291).

- Existing families in the area should be appropriately accommodated in relation to childcare needs.
- Based on the current information (December 2023) attached to the submission there are currently minimal places available in the Kerry Pike and surrounding areas.
- The submission is accompanied by a copy of the Childcare Guidelines (Childcare Facilities, Guidelines for Planning Authorities, 2001).

3.4. Third Party Observations

- 1 no. third party observation was received from Robert Fitzgerald. The issues raised in the submission include the following:
 - Permission has been granted nearby (Horgan's Field) which includes a crèche, see planning reg. ref. no. 2240976. The development of the subject vacant site is therefore necessary and is consistent with surrounding development.
 - There is a need to complete this element of the estate in keeping with the remainder.
 - The need to complete the development to include a safer walkway to the local school and village as per planning reg. ref. no. 92/291.
 - Condition no. 7 (a) of the new crèche and commercial unit permitted under planning reg. ref. no. 2240976 stipulates that it shall be constructed prior to the occupation of any dwelling, thereby guaranteeing construction.
 - The new crèche is in a better location, has an ease of access and forms part of a commercial hub.

- As per the Report presented with the application, 2 no. crèches in such close proximity to one another would not be commercially viable.
- There is a legitimate expectation on behalf of the residents of Clonlara that the estate be completed in accordance with the original permission. This current application accords with this expectation and is an appropriate use. The residents therefore fully endorse the proposed development.

4.0 Planning History

4.1. Planning History

4.1.1. On the Subject Appeal Site:

- **Exemption Certificate Ref. No. 20/1684:** Section 5 Exemption Certificate issued on 13th June 2020.
- **CRK-RZLT-50.5 (ABP Ref: VY28.316887):** Inclusion of the land on the residential zoned land tax (RZLT) draft map. The Board decided to set aside the determination of the Local Authority and allow the appeal on 23rd October 2023.
- **21/40379:** Permission for the construction of 3 no. dwelling units to replace 1 no. crèche permitted under Cork County Council Reference No. 92/291. Application was WITHDRAWN on 14th April 2022.
- **20/39294:** Permission for the construction of 3 no dwelling units to replace 1 no. crèche permitted under Cork County Council Reference No. 92/291. Permission was REFUSED on 14th July 2020 for 1 no reason, as follows:
 1. *Having regard to the documentation submitted with the planning application and appeal, it is considered that the proposed development would be contrary to policy SC 3-1 of the Cork County Development Plan 2014 – 2020 and to the Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000 on Childcare Facilities and recent circular PL03/2016, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- **92/291:** Permission for 79 no. dwellinghouses & crèche. Permission was GRANTED.
- **92/292:** Permission for 64 no. dwellings. Permission was GRANTED.

4.1.2. Site located c. 152 metres to the east of the subject appeal site:

- **22/40976 (ABP. Ref. No. 314905-22): (O'Flynn Construction Limited).**
Permission for 94 dwellings. Permission was GRANTED by An Bord Pleanála on 21st September 2023 subject to 23 no. conditions. In addition to the permitted 94 no. dwellings, the approved plans and particulars received on 3rd August 2023 included a revised site layout plan, Drg. No. 1002-02-FI, which shows a proposed crèche building and associated play garden in the northwest corner of the site. The crèche facility along with an adjacent commercial building and 53 no. houses is contained within Phase 1 of 2 phases, see the Site Layout Phasing Plan, Drg. No. 1010, Rev. 2, FI, received by the Local Authority on 3rd August 2023.

- Condition no. 1 of the appeal decision reads as follows:

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on 3rd day of August, 2022, 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 interests of clarity.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan, 2022 to 2028

5.1.1. The Appeal site is zoned ZO1 – Sustainable Residential Neighbourhoods in the Cork City Council Development Plan, 2022 to 2028. The relevant zoning objective for ZO 1 lands is *‘to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.’*

5.1.2. Section ZO 1.1 of the Plan states the following:

‘The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City’s built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.’

5.1.3. It is stated in Section ZO 1.2 of the Plan that *‘Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.’*

5.1.4. Primary uses within this zone are stated in Section ZO 1.3 to include but are not limited to *‘residential uses, crèches, schools, home-based economic activity, open space and places of public worship.’* Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of the Development Plan are stated in Section ZO 1.4 to include but are not limited to *‘small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units; service stations (petrol filling stations); local medical services; third level education*

institutes; community based enterprise or social enterprises, health facilities including hospitals.'

5.1.5. Of relevance to the proposed development for residential development, the following Chapters may apply:

- Chapter 2: Core Strategy.
- Chapter 3: Delivering Homes and Communities
 - Sections 3.63 to 3.67: Children and Young People
 - Section 3.67: *'The provision of childcare should be addressed where, or within walking distance to where the need arises. In accordance with the Childcare Facilities Guidelines for Planning Authorities (2001), new residential developments of more than 75 homes will be expected to provide purpose-built as part of the development unless it can be demonstrated there is sufficient capacity in existing facilities...'*
 - Sections 3.70 to 3.77: Schools
 - Section 3.76: *'Opportunities to co-locate schools, other community, childcare and recreational facilities on sites, or adjoining sites identified for the provision of new schools by the Department of Education for new schools will be encouraged and supported.'*
 - Strategic Objective 2: Delivering Homes & Sustainable Neighbourhoods
 - Objective 3.19: Planning for Children – Orientated Facilities: *'To progress preparation of a tool to provide greater clarity on likely childcare, education and open space needs arising from new development proposals in Cork City.'*
 - Objective 3.21: Childcare Facilities:
 - *'To support the provision and expansion of high-quality childcare facilities throughout the city. The Council will:*

- a. *Require purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered.*
 - b. *Consult with the Cork City Childcare Company and the HSE on planning applications where childcare facilities are proposed.*
 - c. *Require employers with more than 500 members of staff to provide childcare facilities as part of planning applications for significant new and extended development.'*
- Chapter 4: Transport and Mobility.
- Chapter 10: Key Growth Areas & Neighbourhood Development Sites
- Chapter 11: Placemaking and Managing Development.
 - Objective 11.3 Housing Quality Standards.
 - Section 11.87 relates to National guidance on the quantitative and qualitative aspects of housing developments.
 - Sections 11.162 to 11.168 relate to Childcare Facilities and read as follows:
 - *'11.162: Childcare is an essential part of sustainable communities. Cork City Council will seek to facilitate the provision of childcare facilities in appropriate locations and may require their provision in large residential, office, retail or community developments. The provision of childcare facilities is subject to the DEHLG 'Childcare Facilities Guidelines for Planning Authorities' (2001) and the Child Care (Pre-School Services) (No. 2) Regulations (2006) and Child Care (Pre-School Services) (No 2) (Amendment) Regulations (2006) (Department of Health and Children).*

- 11.163: *Purpose-built childcare facilities will generally be required as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered.*
- 11.164: *Employers with more than 500 members of staff will be required to provide childcare facilities as part of planning applications for significant new and extended development.*
- 11.165: *In assessing individual planning applications for childcare facilities, the Planning Authority will have regard to the following (not an exhaustive list):*
 1. *Contribution to placemaking and to the 15-minute city and walkable neighbourhood concepts.*
 2. *Suitability of the site, location and type of facility.*
 3. *Proximity to public transport.*
 4. *An audit by the applicant of existing facilities in the vicinity.*
 5. *Adequate traffic management, safe access and parking and drop-off.*
 6. *Impact on neighbouring amenity in terms of noise generation; storage of waste, etc.*
 7. *Adequate facilities and indoor and outdoor play space.*
- 11.166: *Childcare facilities in new residential developments or as part of new or extended employment facilities should be provided at ground floor level in purpose built, preferably standalone buildings.*

- 11.167: *Within existing residential areas, detached or substantial semi-detached properties are the most suitable for the provision of full day care facilities. Properties with childcare should include a residential component within the dwelling, and preferably should be occupied by the operator or a staff member of the childcare facility. Applications for childcare facilities in existing residential areas will be treated on their merits, having regard to impacts on amenities of adjoining properties and the surrounding area.*
- 11.168: *The most suitable location for childcare facilities are:*
 1. *Major new residential developments.*
 2. *Places where there are significant numbers of workers.*
 3. *In the vicinity of schools.*
 4. *Neighbourhood and District Centres.*
 5. *Adjacent to Public Transport Corridors.'*

5.2. Childcare Facilities: Guidelines for Planning Authorities DOELG (2001)

5.2.1. Section 2.4 of the Guidelines relates to Appropriate Locations for Childcare Facilities. These are stated to include:

- *'New communities/Larger new housing developments. Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Authorities could consider requiring the provision of larger units catering for up to 30/40 children in areas of major residential development on the basis that*

such a large facility might be able to offer a variety of services – sessional/drop in/after-school, etc.

- *The vicinity of concentrations of workplaces, such as industrial estates, business parks and any other locations where there are significant numbers working....*
- *In the vicinity of schools. This would facilitate parents to make one trip in dropping off school-going children and children attending childcare facilities. This could also facilitate the provision of afterschool childcare services, thereby taking a sustainable approach to use of built facilities and transportation.*
- *Neighbourhood, District and Town Centres....*
- *Adjacent to public transport corridors, park-and-ride facilities, pedestrian routes and dedicated cycle ways....'*

5.3. Circular letter (PL 3/2016 Dept of Environment Community and Local Government) - Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

5.3.1. The Circular Letter refers to the extension of the Early Childhood Care and Education (ECCE) scheme to a wider number of children from September 2016. The scheme extends eligibility for free pre-school places for children from 3 years of age to primary school. This is anticipated to result in an increase in demand for such places.

5.3.2. Planning Authorities are requested to:

- *'Expedite all pre-planning application consultation requests from Childcare facility providers in relation to proposals to extend opening hours, to increase capacity or to provide new facilities.*
- *Expedite, insofar as is possible, consideration of all planning applications or Section 5 declaration submissions in respect of childcare facilities in order to facilitate the expansion of required capacity as appropriate.'*

- 5.3.3. Finally, Planning Authorities are requested to exclude matters relating to childcare facility standards (Appendix 1 of the Childcare Guidelines, 2001), including minimum floorspace per child from their assessment of proposals for Childcare Facilities. The sole focus of the assessment should instead be upon planning related considerations, which fall within the remit of the Planning and Development Act, 2000, as amended.

5.4. Natural Heritage Designations

- 5.4.1. The site is not located within or adjacent to a Natura 2000 site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Grounds of Appeal can be summarised as follows:
- The Applicant is in the process of delivering a crèche on adjoining lands (Horgan's Lands) in accordance with the terms of appeal ref. no. 314905-22. This said permitted crèche forms part of a neighbourhood centre within the aforementioned site which is served by a designated bus stop and cycle/footpath facilities. A crèche is being delivered as part of the development permitted under appeal ref. no. 314905-22 which is currently under construction. The said development is being constructed in one phase.

- It is expected to complete the permitted crèche and for it to be fully operational within 2 years. The crèche has been sized to cater for the entire village of Kerry Pike (including Clonlara Estate).
- The permitted crèche under appeal ref. no. 314905-22 is in a better location to that of the subject appeal site as per the Childcare Guidelines.
- The Local Authority's approach, which seeks to retain 2 no. crèche facilities close to one another, is non sensical and commercially unviable. This is inhibiting the prospects of the Applicant from securing an operator at the said permitted crèche, as appeal ref. no. 314905-22 refers.
- The residents of Clonlara do not support the provision of a crèche at the subject location. The residents support the provision of housing. There is no valid reason as to why a crèche needs to be provided.
- There is a shortage of housing in the area. The approach of the Local Authority is preventing the development of the site for residential purposes.
- The subject appeal site is the last remaining site capable of being developed within the Clonlara development. The development of the site will allow for the overall estate/ development to be taken in charge.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- None.

6.4. Observations

- None.

6.5. Further Responses

- None.

7.0 Assessment

7.1. Introduction

- 7.1.1. The proposed development is for the construction of 3 no. dwellings to replace a previously permitted crèche, as approved under planning reg. ref. no. 92/291.
- 7.1.2. Having examined the application details and other documentation on file, including all the submissions received in relation to the appeals, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Reason for Refusal

7.2. Reason for Refusal

- 7.2.1. The 1 no. reason for refusal specifically refers to Objective 3.21 and Sections 11.162 and 11.163 of the Cork City Development Plan, 2022 and the Childcare Facilities Guidelines, 2001. The Applicants' planning case/ justification for the proposed development of 3 no. houses on the subject appeal site, thereby replacing the previously permitted crèche facility, is reliant upon the future development of a separate crèche facility permitted as part of a mixed use residential/ commercial development on separate site, located within c. 150 metres to the east, see planning reg. ref. no. 22/40976 (ABP. Ref. No. 314905-22). Although works have commenced on that said site, locally known as 'Horgan's' Land', a crèche facility has not been advanced to date. I note that reference is made by the Residents of Clonlara to Condition 7 a) of planning reg. ref. no. 22/40976 wherein they consider that this said condition will guarantee the delivery of the crèche on Horgan's' Land as it partly requires that the crèche and commercial building be constructed and available for use prior to the occupation of any dwelling. I note however that Condition 7 a) was solely attached as part of the Notification of Decision to Grant permission issued by the Local Authority on 27th September 2022 and the Board, in granting permission under appeal ref. no. ABP-314905-22, decided not to attach such a condition. I further note the phasing plan approved under appeal ref. no. ABP-314905-22 shows 2 no. phases and that a crèche and commercial building form part of the first phase along with a total of 53 no. dwellings of a total of 96 no. dwellings permitted. I do not

therefore agree that the delivery of a crèche on 'Horgan's Land' is by any means guaranteed.

- 7.2.2. In my opinion the situation has not changed from the time of the Local Authority decision to refuse planning permission, in so far as there is still no dedicated crèche facility operating within the settlement of Kerry Pike. In this regard I note the submission to the subject planning application from Cork City Childcare refers to the Tusla Early Years or School Aged childcare register within Kerry Pike itself where there are no childcare providers listed as of 15/12/2023. I am satisfied that there is a demonstrable need for additional childcare places in the area. This, in my view, is supported by both the submission from Cork City Childcare and the Applicants' Childcare Needs Assessment lodged as part of the planning application documentation.
- 7.2.3. I note the concern of the Applicant with regards to the stated commercial viability of 2 no. crèche facilities located near one another and that this is inhibiting the prospects of securing an operator willing to take over the facilities. While this may be a legitimate concern, I note the Applicant has not presented any additional supporting information in this regard. In the absence of any such additional/ definitive supporting information, I do not necessarily accept this to be the case.
- 7.2.4. Should permission be granted for the proposed development, as presented, i.e., 3 no. dwelling units on the subject appeal site, then the sole permitted crèche facility in the area will be on the site of planning reg. ref. no. 22/40976 (ABP. Ref. No. 314905-22). While the location of that said proposed crèche facility may be preferable to the subject appeal site, particularly in terms of ease of vehicular access, I would be concerned that in such an instance a similar scenario may arise into the future on that said site wherein the residential element of the development, or a significant proportion thereof, may proceed and be fully occupied in the absence of the delivery of a crèche facility, as has happened in the case of the subject appeal site within Clonlara.
- 7.2.5. Therefore, until the situation changes, which could include the delivery of a suitably sized crèche facility within the area, I would agree with the Local Authority that the removal of the permitted childcare facility on the subject site should be strongly discouraged.

7.2.6. The residents stress their legitimate expectation for the residential development of Clonlara, including the subject site, to be completed in accordance with the nature of the original permissions. In this regard, the residents consider the proposed development accords with this expectation and is an appropriate use for the site. In my opinion, the onus is upon the developer to complete the development in accordance with the permission granted. As explained further above the applicant has not, in my opinion, demonstrated sufficient justification for the proposed development.

7.2.7. I therefore recommend that permission be refused.

8.0 Appropriate Assessment Screening

8.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

9.1.1. I recommend that permission be REFUSED for the following reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the documentation submitted with the planning application and appeal, it is considered that the proposed development would be contrary to objective 3.21 (and Sections 11.162 and 11.163) of the Cork City Development Plan 2022 to 2026 and to the Ministerial Guidelines issued to planning authorities under Section 28 of the Planning and Development Act, 2000 on Childcare Facilities and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Frank O'Donnell
Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318969-24		
Proposed Development Summary	Construction 3 dwelling to replace crèche		
Development Address	Clonlara, Coolymurraghue (Townland), Kerry Pike, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
No	X	N/A – Below Threshold	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318969-24	
Proposed Development Summary	Construction 3 dwelling to replace crèche	
Development Address	Clonlara, Coolymurraghue (Townland), Kerry Pike, Cork	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject proposal is for 3 no. dwelling units within an existing settlement and is not exceptional in terms in the context of the existing environment.</p> <p>The development will not result in the production of any significant waste, emissions or pollutants.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The size of the proposed development, on a site measuring 0.233 hectares, and with a proposed combined gross floor space of 481.09 sqm is not exceptional in the context of the existing environment.</p> <p>There are no significant cumulative considerations having regard to other existing and / or permitted projects.</p>	<p>No</p> <p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on</p>	<p>The proposed development is not located on, in, adjoining, nor does it have any significant impact on an</p>	<p>No</p>

<p>an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>ecologically sensitive site or location, or protected species.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structures.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector:

Date:

DP/ADP:

Date:

(only where Schedule 7A information or EIAR required)