



An  
Bord  
Pleanála

## Inspector's Report ABP-318999-24

<b>Development</b>	Construction of a creche/pre-school with before and after school services and associated site works, including entrance, car parking, wastewater treatment system and sand polishing filter		
<b>Location</b>	Tuogh, Adare, Co Limerick.		
<b>Planning Authority Ref.</b>	23/60049		
<b>Applicant(s)</b>	Don Ryan		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	To grant
<b>Type of Appeal</b>	Third party	<b>Appellant</b>	Olivia and Myles Gardiner
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	16 <sup>th</sup> July 2024	<b>Inspector</b>	Ann Bogan

### Context

#### 1. Site Location/ and Description

The 0.690ha site is located on the L8035, in the rural townland of Tuogh, approximately 3.5km north-west of Adare village. The site is a relatively flat field in agricultural use at present, part of a larger holding in the ownership of the applicant. The site is bounded by hedgerows and there are a number of rock

outcrops on the surface around the field, apart from the front section towards the road.

Shountrade National School, which has circa 150 pupils, is located across the road from the site. The appellants' house adjoins the southern boundary of the site, with a second house beyond it. The applicant occupies a nearby house to the north. There are additional houses on the opposite side of the road and a significant number of individual houses along the roads in the wider vicinity. There are also a number of businesses located in the area.

## **2. Description of development.**

- Construction of single storey creche/pre-school, with before and after school services, 450sqm in area
- Design statement refers to 50 children up to 5 years of age, and 14 staff (no reference to number for after school care)
- Tertiary wastewater treatment system and polishing filter (Site Assessment Report submitted with application).
- Water supply from public mains, surface water disposal to soak pits
- Access road, car and bike parking areas, play areas, outdoor lighting

Further information requested and submitted included updated drawings, improved sightlines at entrance, bin and bike storage areas, hours of operation, location of other childcare facilities in the area and justification for this additional facility.

FI clarified that the facility would cater for 69 early years children and 20 school age children (19 pre-school children in morning session replaced by 20 after school children in afternoon), and 15 staff (likely maximum of 10 at any one stage).

## **3. Planning History.**

None on site.

### Adjacent:

18/488 Shountrade National School (opposite the site) granted permission for replacing flat roof of toilet block on northern side of school with pitched roof.

08/893 Myles and Olivia Gardener granted permission for extensions and modifications to existing dwelling (on adjoining site).

#### **4. National/Regional/Local Planning Policy (see attached)**

- National Planning Framework NPO 31
- Childcare Facilities Guidelines for Planning Authorities 2001
- Our Rural Future – Rural Development Policy 2022-2025

#### **Limerick County Development Plan 2022-2028 Vol 1**

- Section 10.6 Childcare facilities
- Objective SCSI O14 Childcare Facilities
- Section 11.5.1 Development Management Guidance on Childcare Facilities

#### **5. Natural Heritage Designations**

- Curraghchase Woods SAC 2km north-west
- Lower Shannon SAC: 10km

### **Development, Decision and Grounds of Appeal**

#### **6. Planning Authority Decision**

Grant permission subject to 18 mainly standard conditions, including limiting hours of operation, archaeological monitoring and reporting of all ground disturbance/excavations; requirements relating to the wastewater treatment system; planting of native tree species along the boundary and submission of a Stage 2 and 3 Road Safety Audit.

#### Planner's Reports

Planning officer concluded proposal was acceptable in principle as it complied with Limerick City and County Development Plan 2022-2028 requirements re suitable locations for such uses, which include close proximity to schools. Planner's report recommended further information be sought in relation to the following:

- Breakdown of students, hours of operation and other local childcare facilities
- Layout drawing showing bin storage, bicycle parking and details of play area
- Engage with Irish Water pre-connection enquiry

- Provide details of sightlines and design of access road, design and control of car parking, road safety audit, public lighting, control of car parking, turning head.
- Surface water disposal details

Second planner's report following receipt of further information, which included revised layout drawings, confirmation that the facility would cater for 69 pre-school children (19 attending just for the morning and the rest for the full day), and 20 children for after school care, and details of existing childcare facilities in the wider area. The further information was deemed to be satisfactory and permission was recommended subject to conditions. The decision to grant permission was in line with the planning officer's recommendation.

#### Other internal reports

Roads Dept: requests further information in relation to traffic and pedestrian issues, public lighting and surface water management. Recommends permission subject to conditions following receipt of further information

Environment Dept: No objection to onsite wastewater treatment facility subject to conditions.

Requests site specific waste management plan.

County Archaeologist: no recorded monuments on site but requests condition requiring monitoring of construction due to size of site and possibility of unknown material/artifacts.

#### Prescribed body submission:

Uisce Eireann request further information re pre-connection.

#### **6A Third Party submission to PA**

Neighbouring resident (the appellants) raised the following issues:

- Unsustainable development location, car dependency;
- Environmental concerns: wastewater treatment system, threat to water quality, air quality from idling cars;
- Impact on residential amenity – traffic congestion, privacy, overlooking, noise pollution.

## **7. Third Party Appeal**

Submitted by AK Planning on behalf of Olivia and Myles Gardiner. Grounds of appeal in summary:

- Refers to National Planning Framework NPO 27 and 64 relating to sustainable transport and air quality by promoting alternatives to the car, prioritising walking cycling and public transport, and NPO 31 which seeks investment in childcare facilities and schools close to existing built-up areas, and National Climate Action Plan 2021 which seeks to reduce demand for travel by car
- Concern that PA have permitted large creche facility in remote rural area with no public transport, 4km from nearest settlement
- No analysis in Planning Report on impact of proposal in terms of climate policy, save for unsubstantiated assumption that co-location with primary school will reduce car journeys
- Viability of existing childcare facilities in surrounding urban centres threatened by proposed large facility
- Estimates that over 80% of attendance, including staff, will be introduced to the rural area, with only 20 after school places proposed, out of total of 89 attendees
- Unknown how school age children will access creche and how the facilities will co-exist re crossings, footpaths, car parking etc
- Concern that proposed wastewater treatment system, in conjunction with existing school and one-off houses in the area could create an excessive loading on subsoil and groundwater
- School traffic already causes traffic congestion and discommodes appellant on daily basis, due to rural location, inadequate road access and lack of parking facilities, which will be exacerbated by the proposal
- Construction of large creche with longer opening hours will result in increased traffic due to remote location and absence of public transport and pedestrian and cycle infrastructure.

## **8. Planning Authority Response**

- None.

## 9. Applicants Response

Response by HRA Planning on behalf of applicant:

- Refers to decline in number of childcare facilities, with County Limerick experiencing one of greatest rates of decline
- Need for childcare in rural areas recognised in national policy: 'Our Rural Future- Rural Development Policy 2021-2025' which seeks inter alia 'to invest in improvements in early learning and childcare facilities'
- Clarifies that proposed creche is designed for 69 children at any one time (19 sessional children in morning, replaced by 20 after-school children in afternoon), and 10 staff at any one time (with a total of 14)
- Need for childcare generally, including County Limerick, is clear, and in this case is supported by Limerick Childcare Committee. Only 2 childcare providers in parish of Adare, are located in the village and cater for 33 children, but provide no after school care
- Development Plan supports co-location (or close location) of childcare and schools, including the catchment of rural schools, so the development must be deemed acceptable in principle
- Population analysis shows Shountrade NS, which has 157 pupils, draws significant population from outside its immediate local area. As the only co-ed Catholic school in Adare parish, it provides attractive offer.
- This does result in car borne trips, but school cannot be relocated. Public transport provision or more realistically car sharing or reducing trips, would address this. Locating childcare facility close to school will likely result in reduced car journeys when account is taken of number of people who work in the area, and number who travel by car to childcare and educational facilities.
- Analysis of number of children in childcare and afterschool care, shows many children are travelling outside Adare ED for childcare, as not available locally. Demand for childcare currently outweighs supply and proposed facility will not therefore impact viability of existing services.
- Proposed facility offers opportunity for parents to make one trip dropping off pre-school and school going children, resulting in reduction in total distance

driven by families, in accordance with Climate Action Plan 2023 target of reducing distance of car journeys by 20%

- On basis of Site Suitability Assessment Report on proposed WWTS and report from Environment Dept on same, it is submitted that proposed development, including tertiary treatment system, is acceptable
- Not anticipated that proposed development will give rise to traffic disruption having regard to provision of adequate car parking and drop off facilities on-site
- Proposal has been designed with due regard to the proximity and amenity of appellants property and that of surrounding area.

## **Environmental Screening**

### **10. EIA Screening**

The proposed development is not a class of development designated in Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

Therefore, the requirement for submission of an EIAR and carrying out of an environmental impact assessment can be set aside at a preliminary stage.

### **11. AA Screening**

Having regard to the nature and scale of development, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **2.0 Assessment**

2.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports 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 to be considered in this appeal are as follows:

- Principle of the development and suitability of location

- Traffic safety and car parking
- Residential Amenity
- Wastewater Treatment

## 2.2. Principle of the development and suitability of location

2.2.1. The Limerick City and County Development Plan 2022-2028 (the Development Plan) notes the growing need for childcare and highlights that a supply of childcare places is necessary in order to promote participation in the labour force, increase and sustain economic productivity and enabling citizens to access training and self-development opportunities. The Development Plan references the Childcare Facilities Guidelines for Planning Authorities, 2001, (the Childcare Guidelines) as the primary policy basis for the provision of childcare facilities. It goes on to list suitable locations for such facilities including:

- Town and local/neighbourhood centres;
- Areas of concentrated employment;
- Large scale retail developments;
- In or within close proximity of schools and educational facilities including catchment areas of rural schools;
- In or adjacent to community centres; and
- Adjacent to public transport nodes

2.2.2. The Childcare Guidelines state that planning authorities should include in their Development Plan specific objectives for the provision of childcare facilities, having regard to existing childcare provision in the area. The list of suitable locations in the Guidelines is similar to that included in the Development Plan, including sites in the vicinity of schools, although without the specific reference to rural schools. The Guidelines consider that childcare facilities in the vicinity of schools would *‘facilitate parents to make one trip in dropping off school-going children and children attending childcare facilities and could also facilitate the provision of afterschool childcare services, thereby taking a sustainable approach to use of built facilities and transportation.’*



- 2.2.3. I note that Our Rural Future – Rural Development Policy 2021-2025 (Government of Ireland) in the context of enhancing public services for rural areas states '*Our ambition is to ensure that people living in rural areas have access to good quality public services that enable them to continue to live sustainably in rural communities and help them to maintain a good quality of life*' and lists early learning and childcare as an area which can be challenging to access in rural areas and requiring investment.
- 2.2.4. The National Planning Framework also recognises the need for additional childcare facilities as part of the range of services needed by local communities. National Policy Objective 31 seeks to '*prioritise the alignment of targeted and planned population growth with investment in*' the '*provision of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, that meet the diverse needs of local populations*'. This envisages that services such as childcare be provided and suitably located to serve the areas where population growth is planned. This does not of course negate the need to address recognised under provision of childcare in existing locations including rural areas.
- 2.2.5. In this case, the proposed pre-school and childcare facility is to be located in a rural area, approximately 3.5kms from the nearest village, Adare, opposite an existing co-educational primary school, Shountrade National School, which has over 150 pupils. There is a significant amount of single housing in the surrounding rural area, as well as a number of businesses. The primary school is within Adare Parish and has been extended a number of times since location in its current position in the 1930s. I accept the demographic analysis provided by the applicant indicates that it serves an area well beyond its immediate rural hinterland, including the village of Adare. The applicant suggests this may be because it is the only co-educational Catholic primary school in the parish.
- 2.2.6. As recognised in the Childcare Guidelines, siting the proposed childcare facility in the vicinity of the school allows for potential synergies whereby drop-off of pre-school and school age children can be undertaken in one rather than two journeys, thus reducing overall distance travelled by a family. The applicant submits that at present childcare provision in Adare village is limited to two small facilities that provide morning only childcare, and no full day or after school care, (although acknowledging that Shountrade primary school currently offers a limited amount of after school

care). They provide an analysis of the number of children in childcare in Adare ED which indicates that many parents requiring childcare are traveling outside the area to obtain it. Therefore, it is argued, locating the childcare facility beside the existing school and within the parish of Adare will reduce travel distances for many parents. This is a reasonable argument, although there may also be a risk that locating the facility next to the primary school may also increase the popularity of the school which could result in some increase in overall car journeys.

- 2.2.7. I note that the proposal is supported by the Limerick Childcare Committee and welcomed by the adjacent primary school and that there have been no objections raised by existing childcare operations.
- 2.2.8. While there is some potential for walking or cycling to the proposed site from surrounding areas, public transport is not an available option, so travel by car will be the only realistic option for most journeys. While this is not ideal, it is the reality in many villages, their hinterland and rural areas at present.
- 2.2.9. It can clearly be argued that meeting childcare needs via a facility in the village may be a more sustainable option. However based on the fact that the proposed development is located next to an existing school, which already caters for a wide catchment and that the site is in the hinterland of the village and that it will meet a range of childcare and early learning needs in the Adare parish without the need to travel out of the area, I am satisfied, on balance, that the principle of the proposed development in this location is acceptable and in keeping with the Development Plan and national policy on childcare provision, subject to other aspects of the proposal being acceptable. I am also satisfied based on the documentation available, that the proposed development is unlikely to impact on the viability of existing childcare facilities, as demand for a variety of childcare options exceeds supply.

### **2.3. Traffic and Car Parking**

- 2.3.1. The planning authority raised concerns about the adequacy of sightlines at the entrance to the proposed development. These were addressed in revised drawings submitted as further information, indicating that the existing earthen bank would be removed and a replacement earthen bank set back along the front of the site and the neighbouring field, which is in the ownership of the applicant. This was considered

acceptable subject to conditions including the carrying out of Stage 2 and 3 Safety Audits.

- 2.3.2. The appellant raises concerns that traffic congestion experienced at present at peak times related to the primary school will be aggravated by the proposed development. The school was closed for holidays during the site inspection, however there is limited parking outside the school and it is likely that some congestion occurs at the start and finish of the school day.
- 2.3.3. The Development Plan (Table DM 9b) requires a maximum of 1 car parking space per 60 sq m and 1 space per 2 staff for childcare facilities, which would equate to 8 parking spaces for general use and 7 staff spaces, a total of 15; and 1 bicycle parking space per 3 staff, amounting to 5 spaces. The revised layout drawing submitted under further information shows 30 parking spaces and 9 bicycle parking spaces. While this is in excess of standards, I consider that it is appropriate as I accept that most drop-offs in this rural location will be by car and it is important to ensure that there is no spillover of car parking onto the public road or in the vicinity of the school, where parking is very limited. Those delivering children to the creche and school are likely to park in the creche to do both drop offs, removing some cars from the roadside. Overall, the delivery/collection of children to and from the facility, which is open from 7.30am to 6.30pm, is likely to be somewhat staggered rather than concentrated at one set time, and with the provision of adequate sightlines and stopping distances at the entrance, I am satisfied that the proposed development is unlikely to result in increase in traffic disruption or increase in risk of traffic hazard, subject to conditions.

## **2.4. Residential Amenity**

- 2.4.1. The appellants are concerned that the proposed development will have a negative impact on their residential amenity due to increase in traffic congestion, noise and overlooking. They currently experience difficulties with access at certain times during the day due to traffic congestion associated with the school. As outlined above I believe potential for congestion to increase will be minimised by the provision of adequate on-site parking and the fact that delivery and collection of children is likely to be staggered through the day.

2.4.2. The single storey creche building is located on the northern part of the site and is approximately 35m from the appellants dwelling. I am satisfied that due to the distance, there is little risk of overlooking or impact of the privacy of the house from within the building. The boundary of the site is being set back 5m from the existing southern field boundary adjoining the house, and a condition requiring a boundary fence and planting of native hedging and trees along the boundary is recommended to address any potential overlooking of the house from the grounds of the creche. On that basis I believe that the proposed development would not seriously injure residential amenities of the area.

**2.5. Water Supply, Surface Water, Wastewater Treatment System,**

- 2.5.1. Water supply is from public mains and documentation has been provided confirming that the water connection is feasible without infrastructure upgrade by Uisce Eireann.
- 2.5.2. Surface water drainage details showing disposal of surface water to on-site soak pits were provided by way of further information. The planning authority included a condition requiring further SUDs measures to be provided and this is considered appropriate.
- 2.5.3. In relation to waste water, a site characterisation report accompanies the application and I have had regard to same in my assessment. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of Regionally Important (Rk) with a vulnerability classification of 'Extreme' and a Ground Water Protection Response of R2<sup>2</sup>. I noted rock outcrops (limestone) at the surface in parts of the site but not in the eastern part where the wastewater treatment system is proposed to be located. Ground conditions were firm and dry at the time of inspection and no evidence of vegetation indicative of poor drainage and no drainage ditches bounding the site. The trial hole found bedrock (limestone) at 1.9m. Average T value is 13.72 and within permitted range and P value is 19.50. The proposed wastewater system is a tertiary treatment system and sand polishing filter area discharging to groundwater. The reason for the tertiary treatment system is stated as 'to treat secondary effluent to a high standard (rock at 1.9m bgl).'
- 2.5.4. The site assessment report states that the wastewater treatment system and percolation area was designed to serve 55 persons (45 children and 10 staff), based on loads specified in Table 3 of Small Communities Wastewater Manual (EPA1999),

This resulted in a requirement of an at least a 27.5 PE treatment plant and a hydraulic load of 22 PE. Accordingly, a 28PE wastewater treatment plant and a 55sqm sand filtration area are proposed.

- 2.5.5. The planning application documents referred to 50 children and 14 staff, but did not give any details of numbers in after-school care. Further information documents and the appeal submission clarified that there would be up to 69 children and 10 staff at any one time in the proposed childcare facility, giving a total of 79 persons, (and a per day total of 89 children and 15 staff, allowing for 19 pre-school children in the mornings to be replaced by 20 after-school children in the afternoon). However, no change was proposed to the WWTS to take account of the increase in numbers and the issue was not referred to in the planning authority reports following receipt of further information. On that basis it appears that an expansion of the treatment system may need to be considered to ensure that wastewater is treated to an acceptable standard, in the interests of environmental protection and public health.
- 2.5.6. The Board may wish to request revised proposals which demonstrate that the proposed WWTS and percolation area are adequately sized to cater for the increased loading by way of further information.
- 2.5.7. I have considered the nature of the proposal, the nature of the site, the design of the WWTS and location of the percolation area relative to other activities, such as the outside play area, and the use of the facility for day time only, and on balance, I am satisfied that, subject to revised proposals in respect of the WWTS to be submitted to and agreed in writing with the Planning Authority, prior to commencement of development, that this matter can be dealt with by way of condition.

## 2.6. **Other issues**

I am satisfied that other issues have been satisfactorily dealt with by the planning authority. I note that Circular PL3/2016 requires that the childcare facility standards set out in Appendix 1 of the Childcare Guidelines, including the minimum floor area requirement per child, are excluded from consideration, given the role of Túsla in ensuring compliance with the Child Care (Pre-School Services) Regulations, 2006.

### 3.0 Recommendation

- 3.1. I recommend that permission for the development be granted subject to the conditions below

### 4.0 Reasons & Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022-2028, and national policy and guidelines 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.

### 5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and with the further plans and particulars submitted on the 22<sup>nd</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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. A revised Surface Water and SuDs layout plan containing further SuDs measures such as permeable paving for parking areas, bioretention features, rain gardens and swales shall be submitted and agreed in writing with the planning authority prior to the commencement of the development.</p> <p>Reason: In the interest of the environment and public health.</p>

3.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
4.	<p>The opening hours of the facility shall be limited to the hours of 7.30am to 6.30pm Monday to Friday</p> <p>Reason: To protect residential amenities in the area.</p>
5.	<p>During construction of the proposed development the following shall apply:</p> <ul style="list-style-type: none"> <li>a. No work shall take place outside the hours of 8.00am to 8.00pm Monday to Friday and 8.00am to 4.00pm Saturday, or on Sundays or public holidays, unless otherwise agreed in writing by the planning authority</li> <li>b. No surface water run-off shall be discharged onto public roads, or adjacent properties</li> <li>c. Adequate car parking facilities shall be provided on site for all workers and visitors.</li> </ul> <p>Reason: To protect residential amenities in the area.</p>

6.	<p>The wheels and underside of all construction traffic leaving the site shall be cleaned as required, to prevent soiling of public roads. A wheel washing facility, shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, the roads shall be cleaned immediately.</p> <p>Reason: In the interest of road safety and to protect the amenity of the area.</p>
7.	<p>(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 on 22nd December 2023.</p> <p>(b) The treatment system and polishing filter shall be constructed in compliance with the EPA Code of Practice 2021 Domestic Wastewater Treatment Systems.</p> <p>(c) The treatment system installed shall include a visible and audible alarm in case of system failure.</p> <p>(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 4 weeks of the completion of the works.</p> <p>(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum of 5 years from the first occupancy of the facility and thereafter shall be kept in place at all times. Signed and</p>



	<p>dated copies of the contract shall be submitted to and agreed with the planning authority within 4 weeks of the installation.</p> <p>(e) 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 5 years and submitted to the planning authority on request.</p> <p>Reason: In the interests of public health and environmental protection.</p>
8.	<p>The developer shall submit revised drawings of the bin and bike storage areas, both of which shall be covered and secure to the planning authority, which must be agreed in writing, prior to commencement of development.</p> <p>Reason: In the interests of amenity and sustainable transport.</p>
9.	<p>A landscaping plan shall be submitted to and agreed in writing with the planning authority prior to commencement of the 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.</p> <p>Reason: In the interest of biodiversity and visual amenity.</p>
10.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.</p> <p>(b) employ a suitably-qualified archaeologist prior to commencement of development who shall apply for a licence to monitor all site investigations, excavation works and all ground disturbance associated with the</p>

	<p>development works, and submit his/her name and written confirmation that licence has been applied for to the planning authority.</p> <p>(c) The archaeologist shall assess the site and monitor all site development works and submit a report detailing the results of the archaeological works to the Dept of Housing, Local Government and Heritage and to the planning authority. The report shall contain a drawing showing exact extent of the area archaeologically monitored. Excavators should include a catalogue of all excavated features with 12 figure ITM coordinates for the centre point of each feature.</p> <p>(d) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how to best deal with the archaeology. The Development Applications Unit, National Monuments Service, Dept of Housing, Local Government and Heritage and the planning authority archaeologist shall be informed immediately. The developer shall be prepared to be advised by the National Monuments Service, Dept of Housing Local Government and Heritage and the planning authority with regard to any necessary mitigation action.</p> <p>(f) Should an archaeological investigation be required then the following shall apply: the develop shall provide satisfactory arrangements for the recording and excavation of any archaeological material that may be considered appropriate to excavate and undertake to complete all post excavation analysis up to and including final report stage. Excavators should include a catalogue of all excavated features with 12 figure ITM coordinates for the centre point of each feature. Within twelve months of the completion of the excavation a final report (in the format recommended in the Guidelines for Authors of Reports on Archaeological Excavations National Monuments Service, 2006) shall be submitted to the planning authority.</p> <p>Reason: In order to conserve the archaeological heritage of the area and</p>
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	to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.
11.	<p>Prior to commencement of development a Stage 2 and Stage 3 Road Safety Audit shall be submitted to the planning authority for written agreement.</p> <ul style="list-style-type: none"> <li>• The developer shall submit details of the proposed audit team for written agreement with the planning authority for approval prior to the audit.</li> <li>• The developer shall address all problems raised with the audit and submit revised site layout plans to include the recommendations of the audits for written agreement with the planning authority.</li> </ul> <p>Reason: In the interest of traffic and public safety</p>
12.	<p>The lighting shall be erected prior to the first use of the development.</p> <p>Reason: In the interest of public safety.</p>
13.	<p>Prior to commencement of development, a Construction Management and Delivery Plan for the construction of the development shall be submitted and agreed in writing with the planning authority, which shall include noise, dust, vibration, wheel washing facilities and site-specific traffic management plans.</p> <p>Reason: In the interest of public safety and residential amenity</p>
14.	<p>Prior to commencement of development a site-specific waste management plan for the recovery/disposal of all wastes arising from site clearance or construction related activities of the development shall be submitted and agreed in writing with the planning authority.</p> <p>Reason: In the interest of sustainable waste management.</p>

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.

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Ann Bogan

Planning Inspector

23<sup>rd</sup> August 2024

## **Appendix 1 Relevant national and local policy and guidance**

### **National Planning Framework**

#### **NPO 31**

Prioritise the alignment of targeted and planned population and employment growth with investment in:

- A childcare/ECCE planning function, for monitoring, analysis and forecasting of investment needs, including identification of regional priorities;
- The provision of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, that meet the diverse needs of local populations;

### **Childcare Guidelines for Planning Authorities, 2001**

#### **2.3 Objectives**

The Planning and Development Act, 2000, makes it a mandatory requirement on planning authorities to include in their Development Plan objectives on the provision of services for the community, including crèches and other childcare facilities.

Planning authorities should include in their Development Plan specific objectives for the provision of childcare facilities, having regard to existing childcare provision in the area.

Objectives to be included in Development Plans and Local Area Plans should focus on the following:

- To update and develop baseline data on the quality of existing and prospective childcare needs in association with the County Childcare Committees.
- To promote childcare facilities in the following locations as a key element in the provision of sustainable communities:
  - Residential areas
  - Places of employment
  - Educational establishments
  - City and town centres, neighbourhood and district centres
  - Convenient to public transport nodes

#### **2.4 Appropriate Locations for Childcare Facilities**

Appropriate locations for childcare facilities would include: [inter alia]

- 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.

## **Limerick County Development Plan 2022-2028**

### **10.6 Childcare Facilities**

Childcare facilities are a valuable service in meeting the overall development needs of children, whilst supporting parents/ guardians. High-quality childcare keeps children safe and healthy and children develop skills they will need for success in school and in their lives outside of school. There continues to be a growth in demand for childcare services and the provision of good quality services close to local communities is important. A supply of childcare places is necessary in order to promote participation in the labour force, and increase and sustain economic productivity. The availability of childcare is a significant determinant in enabling citizens to access training and self-development opportunities.

The primary policy basis for the provision of childcare facilities is the Childcare Facilities Guidelines for Planning Authorities (2001). In the interest of promoting sustainability the suitable locations for childcare facilities are as follows:

- Town and local/neighbourhood centres;
- Areas of concentrated employment;
- Large scale retail developments;
- In or within close proximity of schools and educational facilities including catchment areas of rural schools;
- In or adjacent to community centres; and
- Adjacent to public transport nodes.

### **Objective SCSi O14 Childcare Facilities**

It is an objective of the Council to:

- a) Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities.
- b) Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.

## **Development Management Guidance**

### **11.5.1 Childcare Facilities**

Where a new childcare facility is proposed as part of a new residential or commercial development, the facility shall be constructed in tandem with the overall scheme and shall be completed prior to residents moving in. In assessing individual planning applications for childcare facilities, the Planning Authority will have regard to the following:

- Type of service provided, whether sessional, full day care, pre-school, afterschool etc., number of children/staff and hours of operation;
- Suitability of the site for the type and size of facility proposed;
- Adequate sleeping/rest facilities;
- Adequate availability of indoor and outdoor play space;
- Convenience to public transport nodes;
- Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff;
- Local traffic conditions;
- Number of such facilities in the area. In this regard, the applicant shall submit a map showing locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location;
- Applications for childcare facilities in existing residential areas will be treated on their merits, having regard to the likely effect on the amenities of adjoining properties and compliance with the above criteria;
- Detached houses or substantial semidetached properties are 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;

For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, standalone property;

- In assessing applications for new childcare facilities, the Planning Authority will consult with the Limerick Childcare Committee to assess the need for the type of facility proposed at the intended location.

## **Our Rural Future – rural development policy 2021-2025 (Government of Ireland)**

### **Ch 5 Revitalising Rural Towns and Villages**

Our ambition

Our ambition is to support the regeneration, repopulation and development of rural towns and villages to contribute to local and national economic recovery, and to enable people to live and work in a high quality environment.

Town Centre First Principle (Pg 49)

A Town Centre First approach encourages Government Departments, Local Authorities, businesses and communities to put town centres at the heart of decision-making where appropriate. Locating services such as schools or medical services, for example, in town centres rather on the outskirts can help to revitalise the town by increasing footfall and creating a sense of place.

### **Ch 7 Enhancing Public Services in Rural Ireland**

Our Ambition

Our ambition is to ensure that people living in rural areas have access to good quality public services that enable them to continue to live sustainably in rural communities and help them to maintain a good quality of life.

We will achieve this by investing in improvements in public transport services, health care within communities, housing provision, early learning and childcare facilities, and community safety.

### **Childcare**



The provision of childcare facilities in rural areas is often challenging, sometimes due to poor availability in low density population areas. Some areas have explored the potential for developing community-based childcare options under a social enterprise business model whereby profits are reinvested into continuously improving the service.

An Affordable Childcare Scheme was initiated in 2019 to offer a single, easy-to-access system of financial subsidies towards childcare for families in Ireland, enhancing affordability and accessibility, and providing a platform for investment in quality childcare to benefit current and future generations.

There is still a need for the State to gain a better understanding of the needs of parents associated with the early learning care and school-age childcare in rural communities. Research in this area will be conducted to allow the Government to develop recommendations for future action.

### **Circular PL3/2016**

This circular requires that the childcare facility standards set out in Appendix 1 of the above guidelines, including the minimum floor area requirement per child, are excluded from consideration, given the role of Tusla in ensuring compliance with the Child Care (Pre-School Services) Regulations, 2006, (Note: published subsequent to the Departments Guidelines, above).