



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321152-24

<b>Development</b>	Construction of 16 houses for senior living and all associated site works.
<b>Location</b>	Coolbane, Castleconnell, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2460030
<b>Applicant(s)</b>	Wildeborn Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Wildeborn Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> January 2025
<b>Inspector</b>	Clare Clancy

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Form 1: EIA Pre-Screening, Form 2: EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The appeal site is located approx. <1 km to the south of Castleconnell town and forms part of the adjoining Castle Rock development positioned to the west of the estate. Access to the site is from the adjoining Castle Rock road to the southeast. Construction works are continuing in relation to the completion of the Castle Rock housing scheme. Further to the south, construction works are taking place in relation to completing Castle Rock Drive (part of the overall development).
- 1.2. The site currently facilitates the construction compound associated with the ongoing construction works of the adjoining housing scheme and has been infilled. There is steel security fencing along the northeastern boundary of the site, adjacent to the Castle Rock road.
- 1.3. There is an existing stream running along part of the southern boundary of the appeal site and approx. 12 m to the west of the site, and a number of mature trees exist along the route of these water courses. There was evidence of water thriving vegetation such as rushes notable around the perimeter of the site at time of site inspection.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of 14 no. residential units for senior living accommodation and 2 no. community dwellings. It is proposed to carry out modifications to existing site levels, connect to existing services and carry out associated landscaping and site works. The development proposed comprises as follows:

<b>Site Area</b>	0.890 ha	
<b>No. of Residential Units</b>	16	
<b>Gross Floor Area</b>	1,407 m <sup>2</sup>	
<b>Density</b>	18 dph	
<b>Housing Mix</b> <b>(all dwellings are single storey)</b>	<b>Unit Type</b>	<b>No. of Units</b>
	2 bed (3 person) bungalow	7
	2 bed (4 person) bungalow	7

	4 bed community dwelling	2
<b>Finishes</b>	White render, tile roofs.	
<b>Parking</b>	<p style="text-align: center;"><b><u>Car Parking</u></b></p> <p><b>Total: 26</b></p> <ul style="list-style-type: none"> <li>• 1 space per unit,</li> <li>• visitor 1 space per 2 units,</li> <li>• sheltered housing 1 space per 4 units.</li> <li>• No EV charging points</li> </ul>	
	<p style="text-align: center;"><b><u>Bicycle Parking</u></b></p> <p><b>Total: 22</b></p> <ul style="list-style-type: none"> <li>• 1 per unit</li> <li>• 1 visitor per 2 units</li> <li>• Sheltered Housing 1 space per 4 units</li> </ul>	
<b>Public Open Space</b>	1,384 m <sup>2</sup> (15%)	
<b>Access</b>	Off the adjoining Castle Rock estate Road	
<b>Surface Water Drainage</b>	Discharge directly to storm system. Surface water will pass through underground attenuation tank & petrol interceptor, prior to discharge to adjoining waster course to west. (Flood Management Plan for site submitted)	
<b>Water Supply</b>	Connect to public mains	
<b>Foul Drainage</b>	Connect to public sewer	

### 3.0 Planning Authority Decision

#### 3.1. Decision

By Order dated 03<sup>rd</sup> October 2024, planning permission was refused for 1 no. reason:

*In the absence of a comprehensive proposal for the development, which comprises the replacement of a creche permitted under planning permission Ref. no. 19/518 with senior housing units, including an analysis of the childcare needs of*

*Castleconnell village. Therefore, the current proposal would fail to comply with Objective SCS1 O14 of the Limerick Development Plan 2022-2028, would fail to have regard to the requirements set out in the Childcare Facilities Guidelines for Planning Authorities 2001, and would therefore be considered contrary to the proper planning and sustainable development of the area as a whole.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Two planning reports form the basis of the assessment and recommendation.

- Noted the land use zoning objectives for the site, which are Open Space and Education and Community and that the proposed residential care is 'open for consideration' on such zoning. Part of the site is proposed for public and private open space and is in keeping with the 'Open Space' zoning which the proposed development overlaps.
- Siting & Design – density of 15 uph is below recommended, 22 units recommended in the Castelconnell Local Area Plan 2023-2029, Further Information (FI) to address.
- Overall design and layout, material finishes were acceptable.
- Allocated public open space complied with the Limerick Development Plan standards. Private open space is acceptable and in excess of Limerick Development Plan standards.
- Access and Traffic Safety – Traffic and transport assessment required FI.
- Car parking – 26 proposed and was considered acceptable having regard to the maximum requirements of the Sustainable & Compact Settlement Guidelines for peripheral settlements. 22 bicycle spaces – acceptable in accordance with Limerick Development Plan standards.
- Surface water – direct to adjacent watercourse via SuDS measures.
- Boundary treatments – FI to demonstrate how proposed landscaping proposals integrate with P.A. Ref. 19/518.

- Childcare Provision – notes that P.A. Ref. 19/518 includes for a creche at this location which was not carried out.
- Appropriate Assessment – determined that an AA Screening was required, having regard to the proximity to the Lower River Shannon SAC.
- Archaeology – noted that the lands on historical mapping are liable to flooding which might indicate the presence of sites such as fulacht fia.

Further Information (FI) was requested with respect to:

- Clarify the site boundaries, having regard to P.A. Ref. 19/518.
- Appropriate Assessment Screening.
- Clarify if the development will be taken in charge at a future date, how the units in the development will be managed and provide a justification for why the permitted creche under P.A. Ref. 19/518 is not being provided.
- Revised details to demonstrate sightlines, stopping distances and address the width of the main access at Belmont road and all roads and footpaths, show shared surfaces and Submit Swept Analysis to be carried out.
- Provide details of housing numbering and signage.
- Details of EVC infrastructure to provide a minimum of 10.
- Traffic Impact Assessment and a Stage 1 Road Safety Audit.
- A revised site layout plan to indicate utility broadband services.
- Public lighting scheme.
- Proposals to demonstrate compliance with the council's Surface Water & SuDS Specification.
- Demonstrate how the proposed landscaping proposals integrate with proposals under P.A. Ref. 19/518.
- Submit and Archaeological Impact Assessment.

Second Planning Report considered the further information response as set out below:

- Item 1 – Considered the response acceptable and noted that the original site boundary P.A. Ref. 19/518 and area cannot accommodate 19 units, and

unsuitable ground conditions required a change of the original outline to allow for the development to be constructed on suitable ground. The red line was noted to exclude the areas with problematic ground conditions, and is within the blue line which is under the control of the applicant.

- Item 2 – Appropriate Assessment Screening submitted and deemed acceptable.
- Item 3 – (c) accepted that the proposed density of 23.75 uph<sup>1</sup> is slightly higher than the max outlined in the development plan (22 uph) and generally in keeping with the Sustainable Residential Development & Compact Settlement Guidelines and the Limerick. (d) The planning authority was not satisfied that the response did not provide an analysis of needs for Castleconnell to demonstrate sufficient childcare facilities available in the area and to justify why the permitted creche under P.A. Ref. 19/518 was not being constructed. It was recommended to refuse permission on this basis.
- Item 4 – Submitted Traffic & Transport Impact Assessment deemed acceptable subject to conditions.
- Item 5 – Revised site layout plan in relation to utility services acceptable.
- Item 6 – Public lighting layout plan and report acceptable.
- Item 7 – Revised drawings and response relating to compliance with Limerick City and County Council's Surface Water & SuDS Specification deemed acceptable.
- Item 8 – Landscaping strategy and integration with landscaping proposals of P.A. Ref. 19/518 including the adjacent public open space to the north was deemed generally acceptable. Specific timeframe for completion noted to not be provide.
- Item 9 – Notes archaeological test-trenching not conducted, that the top soil and original ground level disturbed and/or removed over much of the site and recommended conditions in the event of a grant.

Permission was recommended to be refused in relation to item 3 (d).

### 3.2.2. Other Technical Reports

- Roads

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<sup>1</sup> RFI – Response 3c – notes the proposed development as follows: Site Area 0.8 ha, Units 19, UPH 23.75.



1<sup>st</sup> Report 15/02/2024 – recommended FI to address the width of the proposed access, sightlines, stopping distances and forward visibility along with a Swept Path Analysis, Traffic and Transport Assessment and Stage 1 Road Safety Audit. Details in relation to utility ducting and manholes for broadband required, and a public light scheme and a Surface Water Management Plan in compliance with Limerick City and County Council's Surface Water & Sustainable Drainage Systems (SuDS) Specification.

2<sup>nd</sup> Report 27/09/2024 – recommended approval of the proposed development subject to conditions.

- Fire Officer – No objection.
- Planning Environment, Place-Making (PEPM) – No objection in terms of flood risk. The following is noted:
  - The proposed development footprint was located predominantly within Flood Zone C, and the nature of the use was highly vulnerable development.
  - Castleconnell Flood Relief Scheme flood extent mapping indicates the predicted 1% AEP flood level in closest proximity to the site is 23.40 mOD.
  - The predicted minimum FFL of the development (24.75 mOD) is 1.35 m above the 1% AEP flood level prediction.
  - Does not recommend filling of lands within Flood Zone A & B as part of the development.
  - Access and egress to the development during a flood event provided to the adjoining development with a minimum road level of 24.44 mOD (1.04m above predicted 1% AEP flood level).
- Area Engineer – No objection. Submit site specific Construction & Demolition Waste Management Plan and notes that authorisation requirements for the importation of soil / stone to the site if required.
- Housing Department – No objection raised, applicant to engage with Housing Strategy in relation to Part V requirements.
- Environment & Climate Action Department – No objection raised.
- Archaeology

1<sup>st</sup> Report 06/03/2024 – recommended FI in relation to carrying out a Archaeological Impact Assessment of the site.

2<sup>nd</sup> Report 01/10/2024 – noted that the appraisal comprised of a site visit and desktop assessment and that no test-trenching carried out. Recommended grant subject to conditions to safeguard any archaeological material or features found.

### **3.3. Prescribed Bodies**

Uisce Éireann – No objection raised, subject to conditions.

### **3.4. Third Party Observations**

Six third party observations were made in relation to the planning application. The following is a summary of the issues raised:

- Flooding – concerns raised due to the location of the proposed development within a flood plain, the intensity and scale of the proposed development.
- Zoning – the proposed development is for residential development on lands zoned ‘education’ and ‘community use’.
- Amenity & Public Open Space – the proposed development will be built on public open spaces previously permitted for existing residential development.
- Community Facilities – concerns raised arising from replacement of the previously permitted creche with specific reference to condition 10 of P.A. Ref. 19/518.
- Design & Aesthetics – the previously permitted development was more considerate of the estates aesthetic, the proposed development will be out of character with the area.
- Traffic – the previously permitted creche will lead to much less road traffic on evenings and weekends.
- Social Integration – sheltered accommodation should be dispersed throughout the estate to address alienation and anti-social behaviour.

## 4.0 Planning History

**P.A. Ref. 01/2275** – Originally 153 dwellings, revised to 87 permitted.

**P.A. Ref. 02/0710, ABP Ref. PL 13.203130** – Originally 172 dwellings, revised to 168 permitted at appeal. Condition 4 requires a separate application for the provision of childcare facilities (1<sup>st</sup> October 2003).

**P.A. Ref. 04/819** – Additional 7 dwellings permitted.

**P.A. Ref. 05/2795** – Reduction by 6 of total previously permitted dwellings from 255 to 249 permitted.

**P.A. Ref. 07/2194** – design modifications permitted to previous grant P.A. Ref. 05/2795 and 1 additional unit, 33 no. units in total.

**P.A. Ref. 07/3354** – 62 dwellings – refused on the grounds of prematurity and drainage.

**P.A. Ref. 19/518 ABP Ref. 305811-19** – The Board granted permission for 52 no. dwellings and a creche and associated works (21<sup>st</sup> December 2020).

- Condition 2 required the development to be carried out on a phases basis in order to ensure the timely provision of services, which included for the proposed creche.
- Condition 9 requires that the areas of public open space on the lodged plans shall be reserved for such use.

## 5.0 Policy Context

### 5.1. Section 28 Ministerial Guidelines

The following national policy, statutory guidelines, guidance is relevant:

#### 5.1.1. Childcare Facilities Guidelines for Planning Authorities (2001)

Section 2.4 of the Guidelines relates to Appropriate Locations for Childcare Facilities. In particular, this includes the for the following:

- New Communities / Large New Housing Developments – this notes that 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 1 childcare facility (20 spaces) for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2).

- Appendix 2 – In summary, it notes that in new communities/new housing areas, planning authorities should require the provision of at least one childcare facility for new housing areas and other areas of residential development unless there are significant reasons to the contrary. Any modification to the indicative standard of one childcare facility per 75 dwelling should have regard to:

- 1) The make-up of the proposed residential area, i.e. an estimate of the mix of community the housing area seeks to accommodate.

(If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare. One facility providing a minimum of 20 childcare places is therefore considered to be a reasonable starting point on this assumption. Other assumptions may lead to an increase or decrease in this requirement.)

- 2) The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a local or action area plan or as part of the development plan in consultation with county childcare committees, which will have identified areas already well-served or alternatively, gap areas where there is under provision, will also contribute to refining the base figure.

## 5.2. Limerick Development Plan 2022-2028

### Chapter 2 Core Strategy

- Castleconnell is a Level 3 Town (Table 2.4 Limerick Settlement Hierarchy). It promotes Level 3 Settlements as development centres for population growth sustaining a wider range of functions, services and employment opportunities supporting its hinterland.

## Chapter 9 Climate Action, Flood Risk and Transition to Low Carbon Economy

- Policy CAF P5 Managing Flood Risk
- Objective CAF O20 Flood Risk Assessments

It is an objective of the Council to require a Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B and consider all sources of flooding (for example coastal/tidal, fluvial, pluvial or groundwater), where deemed necessary.

## Chapter 10 Sustainable Communities and Social Infrastructure

Recognises the importance of the availability of childcare services to promote participation in the labour force, and increase and sustain economic productivity and that the primary policy basis for the provision of childcare facilities is the Child Care Facilities Guidelines for Planning Authorities (2001)

- 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.

## Chapter 11 Development Management Standards

Section 11.5.1 Childcare Facilities – advises that in assessing individual planning applications for childcare facilities, the planning authority will have regard to a number of criteria including the number of such facilities in the area. The following is also noted:

- Where 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.
- The applicant shall submit a map of showing locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location.

- 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.

### 5.3. Castleconnell Local Area Plan 2023-2029<sup>2</sup>

#### 5.3.1. Zoning – ‘Education & Community’ and ‘Open Space & Recreation’.

##### ‘Education & Community’

**Objective:** To protect and provide for education, training, adult learning, community, healthcare, childcare, civic, religious and social infrastructure.

**Purpose:** Protect existing community facilities and allow for expansion if required to sustain a thriving community.

##### ‘Open Space & Recreation’

**Objective:** To protect, provide for and improve open space, active and passive recreational amenities. Limit future development within Flood Risk Zone A/B to water compatible development.

**Purpose:** To provide for active and passive recreational resources including parks, sports, and leisure facilities and amenities including greenways and blueways. The council will not normally permit development that would result in sustainable loss of open space. Linked green spaces / corridors are encouraged.

#### 5.3.2. Section 5.1 Community and Education Facilities – notes the 3 existing childcare facilities in Castleconnell village and that the primary role of the planning authority with regard to community facilities and services is to ensure that there is an adequate policy framework in place inclusive of the reservation of lands, should additional services be required. The Council will continue to support further economic and social progress with regard to community services, including capital investment in community and continuing care services in Castleconnell.

**Objective C1: Community and Education Facilities** – it is an objective of the Council to, inter alia:

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<sup>2</sup> Came into effect from 29<sup>th</sup> May 2023

- a) Ensure that there are sufficient educational and community facilities to meet the needs generated by proposed developments, by requiring the completion of a Sustainability Statement and Social Infrastructure Assessment for residential developments of 10 or more dwellings.
- b) Ensure that childcare and education facilities are provided in tandem with new residential areas, at accessible locations, which maximise opportunities for walking, cycling and use of public transport and comply with all relevant standards.

#### 5.3.3. Section 9.3 Flood Risk Management

The footprint of the appeal site is noted to be located in Flood Zone C. Accordingly, the following objectives are relevant:

Objective IU O5: Flood Risk Management – In summary, it is an objective of the Council to:

- a) Manage flood risk in accordance with the requirements of “The Planning System and Flood Risk Management Guidelines for Planning Authorities”, DECLG and OPW (2009) and any revisions thereof and consider the potential impacts of climate change in the application of these guidelines.
- b) Ensure development proposals within the areas outlined as being at risk of flooding are subject to Site Specific Flood Risk Assessment as outlined in “The Planning System and Flood Risk Management Guidelines”, DECLG and OPW (2009).
- c) Ensure that future developments in flood prone areas is generally limited to minor developments in line with the Circular PL 2/2014 and the Flood Risk Management Guidelines for Planning Authorities.
- d) Developments on lands benefitting from Arterial Drainage Schemes shall preserve the maintenance and access to these drainage channels.
- e)

#### 5.4. Natural Heritage Designations

- Lower River Shannon SAC (Site Code 002165) – approx. 506 m to the west.

## **5.5. EIA Screening**

- 5.5.1. Having regard to the nature, size and location of the proposed development comprising the construction of 16 residential units and stated area of 0.890 ha, and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), 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. Refer to Appendix 1 in relation to this.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. This is a first party appeal received from the applicant Wildeborn Limited. The grounds of appeal can be summarised as follows:
- The planning authority was overall supportive of the proposed development and notwithstanding the refusal, determined that the principle of senior living accommodation was acceptable on the site. The main issue relates to the provision of a creche on the site which was required to be provided as part of the adjoining housing scheme permitted under P.A. Ref. 19/518.
  - The proposed development complies with the zoning objectives for the site.
  - The Childcare Facilities Guidelines for Planning Authorities 2001 generally recommends 1 childcare facility per 75 no. dwellings. This is a guideline, and the guidelines also acknowledge there may be significant reasons to where such a facility may not be required e.g. development consisting of single bed apartments or where there are adequate childcare facilities in adjoining development.
  - In applying the recommended standard as outlined in the Guidelines, for development comprising of 52 residential units, it is estimated that 14 no. childcare places would be required.
  - Regarding the planning history of Castlerock housing estate originally permitted 20 years ago, of the 250 units permitted 149 were completed and occupied by the



time the permission expired and construction ceased during the economic downturn.

- Applying the Guidelines standard to 149 completed units and 52 granted P.A. Ref. 19/518 ABP Ref. 305811, this would equate to a potential need for c. 54 childcare places.
- The 149 units built and occupied since 2006/2007, the childcare demand is unlikely to be significant given that many households would likely comprise of mature families with older children.
- A creche was originally conditioned under a Castlerock permission 20 years ago and the demographics and needs of the Castlerock community have moved on in the intervening period. As a result there is no demand for a creche at this location. The additional housing provided under P.A. Ref. 19/518 ABP Ref. 305811 is not of a scale that requires a stand-alone creche.
- Demographic analysis was carried out and indicates that Castleconnell had an 18 per cent population increase since 2016 and a decline of 18 per cent in the pre-school age group and an significant increase of 36 per cent in the 65 age group and older in Castleconnell.

#### Likely Demand for Private Childcare in Castle Rock

Based on the 2022 Census data provided the following is noted:

- With an average household size of 2.74, the estimated population of the permitted 52 units would be c. 142 persons.
- The population estimate for 0.-4 age cohort generated by the development (pre-school at 6% of total population for Castleconnell Settlement) would be c. 9 children.
- Not all 0-4 years olds will require private childcare, some will be cared for by family, private childminders etc.
- Table 5 of submission estimates the potential creche childcare demand as a result of the permitted development under P.A. Ref. 19/518 ABP Ref. 305811 of 52 units v's the 149 units permitted under P.A. Ref. 05/2795. It notes that for 52 units, 2

no. spaces are required (estimate based on inclusion of 2022 Census data for Limerick City & County), and no more than c. 5 spaces in a worse case scenario.

#### Existing Childcare Services in Castleconnell

- There are 3 existing childcare facilities within a 500 m radius of the appeal site. Each of the childcare facilities were contacted 24<sup>th</sup> October 2024 and from this survey, there is a provision of a total capacity of 186 childcare spaces with 8 no. EEC spaces and 3 no. afterschool spaces available. This is over double the estimated worst case scenario demand set out in Table 5.

#### Critical Need for Senior Living Housing

- The proposal to provide senior living housing is strongly supported by demographic trends and the current housing stock in the area.
- The CSO data shows a significant demographic shift with a 36% increase in residents aged 65 and older in the local area from 2016 to 2022 suggesting that the aging demographic will continue to grow further increasing the demand for senior living housing.
- 3 bed and 4 bed houses dominate the local housing market but such types of housing are more suitable for families and can be impractical for older adults. The lack of such housing offer for older adults means that they are forced to remain in homes that are not suitable for their needs.

### **6.2. Planning Authority Response**

None received.

### **6.3. Observations**

None received.

## **7.0 Assessment**

The proposed development is for the construction of 14 no. residential units for senior living accommodation and 2 no. community dwellings and to carry out modifications to existing site levels.

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

- Principle of Development
- Reason for Refusal & Planning History

## **7.1. Principle of Development**

- 7.1.1. The lands on which the appeal site is located are zoned 'Education and Community'. The objective of the zoning is 'to protect and provide for education, training, adult learning, community, healthcare, childcare, civic, religious and social infrastructure'. It is stated that the purpose of the zoning is to 'protect existing community facilities and allow for expansion if required to sustain a thriving community'.
- 7.1.2. The footprint of the residential element is zoned 'Education and Community' while the northern extremity of the site is zoned 'Open Space and Recreation'. The Zoning Matrix indicates that residential care, or institution / retirement village is a use that is open for consideration on lands zoned 'Education and Community' but not on 'Open Space and Recreation'. Accordingly, under the zoning objective, residential care or housing for senior living would be open to consideration, subject to all other relevant planning considerations being satisfactorily addressed. In this regard, the intended use of the residential units will be to facilitate residential care for senior living with the provision of 2 community dwelling units. The question therefore arises of how the long-term management and operation of these units will be carried out.
- 7.1.3. In response to item 3 of the FI request it was anticipated by the applicant that the local authority would take the roads and services serving the proposed development in charge. I note that the planning authority sought to establish how the overall operation and management of the estate would be carried out in the future and in response it was requested by the applicant that this be addressed by condition, as it was premature to develop an operational management plan at that stage. In this regard, no long-term operational management details are provided. Having regard to the foregoing and the zoning of the site, I am not satisfied that the proposed development

meets the zoning requirement for the site. Notwithstanding, this would not negate the requirement for compliance with the parent permission relating to the site which includes for the provision of a creche to serve the overall development, and the requirement to comply with the conditions of same.

## **7.2. Reason for Refusal & Planning History**

- 7.2.1. The planning authority refused permission on the basis that the proposed development failed to comply with Objective SCSI O14 of the Limerick Development Plan 2022-2028 (LDP). The applicant failed initially to provide an analysis of the existing childcare needs of Castleconnell village. In the subsequent analysis provided in response to an FI request, I note that the justification given in regard to why a creche was no longer required was because a childcare facility was not a viable business due to creche legislation, high running and staff costs.
- 7.2.2. The planning history of the site is relevant. I note that the parent permission for the Castle Rock Housing Estate envisaged that a creche would be provided and Condition 4 of ABP Ref. 203130-13 required that a separate application be made for same.
- 7.2.3. Subsequently under P.A. Ref. 19/518 & ABP Ref. 305811-19, planning permission was granted for a creche which formed part of an overall residential development of 52 units. The Inspector's report noted that Castle Rock Housing Estate had c. 140 units with the additional 52 being proposed which demonstrated a need for a creche that was being met under the application. This application is still live and construction works are ongoing to complete the development. Condition 2 required the development to be carried out on a phased basis in order to ensure the timely provision of services, and this included for the proposed creche.
- 7.2.4. The substantive issue raised in the grounds of the first party appeal is to provide a justification in response to the planning authority's reason for refusal as to why a creche is no longer required in this locality. A case is also put forward in relation to the need for the proposed housing scheme to meet the needs of independent living for more senior members of the community.
- 7.2.5. I note that the first party sourced details of existing childcare services in the Castleconnell area from Pobal.ie which is a government agency that maintains up to date details of registered childcare facilities. In total 3 no. existing childcare services

were identified within 300-500 m of the appeal site. A map is provided identifying the location of each.

7.2.6. I note that information of the capacity for each childcare facility as follows:

- i. Castle Creche has capacity of 72 places, and has 4 x ECCE space.
- ii. ACM Kidz has capacity of 37 places, and has 4 x ECCE spaces, 3 x afterschool spaces.
- iii. Sunny Lane Creche has capacity of 77 places. No vacancies.

In total, the 3 childcare facilities have capacity of 186 places. There are 8 ECCE spaces available, and 3 afterschool spaces.

7.2.7. The case is further made that 149 units relating to the Castle Rock Housing Estate were completed and 52 units were granted under ABP Ref. 305811. In applying the guidelines standard set out in the Childcare Facilities Guidelines for Planning Authorities 2001 which generally recommends 1 childcare facility per 75 no. dwellings this would equate to 14 childcare places. It is also submitted that a creche was originally conditioned under a Castlerock permission 20 years ago but the demographics and needs of the Castlerock community have moved on in the intervening period. As a result there is no demand for a creche at this location. To support this, an analysis of the 2022 Census data is provided on the likely demand for a childcare facility within this area which is set out in detail in the grounds of the appeal in Section 6.1 above. It concludes that for the 52 units permitted, 2 no. spaces are required and no more than c. 5 spaces in a worse case scenario. It also notes that private childcare and childcare provided by family members may also be an option.

7.2.8. In relation to relevant planning policy context, I note the stated objectives of both the Limerick Development Plan 2022-2028 and the Castleconnell Local Area Plan 2023-2029 (LAP) and in particular I note that Objective C1 Community and Education Facilities as stated in the LAP is generally consistent with Objective SCS1 O14 of the development plan. Under part (a) of this objective, it is an objective of the council to ensure that there is sufficient educational and community facilities to meet the needs generated by proposed developments, by requiring the completion of a Sustainability Statement and Social Infrastructure Assessment for residential developments of 10 or more dwellings.

- 7.2.9. The planning authority's reason for refusal refers to Objective SCSI O14 of the development plan. Section 10.6 of the development plan, states that the Childcare Facilities Guidelines for Planning Authorities (2001) is the primary basis for the provision of childcare facilities. Section 2.4 identifies new communities / larger new housing development as an appropriate location for childcare facilities and that planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary e.g. development comprising of single bed apartments or where there is already adequate childcare facilities in adjoining developments.
- 7.2.10. I note that the appraisal provided is largely based on recent 2022 Census data and is an estimate rather than confirmation that there is no demand in this area for another childcare facility, or that there is an over provision of childcare spaces.
- 7.2.11. Appendix 2 of the Childcare Facilities Guidelines for Planning Authorities which indicates that 1 facility providing a minimum of 20 childcares places is a reasonable starting point on the assumption that if approx. 50 per cent of a housing area would require childcare, then in a new housing area of 75 dwellings, approx. 35 will need childcare.
- 7.2.12. I would question the first party's calculation of demand set out in Table 5 of the appeal submission. I note that based on  $(149 + 52) \div 75$  units (x 20) that the baseline would be c. 53.6 spaces. Having regard to the existing and permitted residential development and to the ongoing level of development not yet occupied, I am not satisfied that the first party's conclusion that 2 no. childcare spaces would be required and no more than c. 5 spaces in a worst-case scenario.
- 7.2.13. I note that no submission to the application was made by the Limerick Childcare Committee and that there is no reference to consultation with this body by the first party in relation to information presented within the appeal. I note that the role of the Limerick Childcare Committee is to support the implementation of national childcare policy at local level on behalf of the Department of Children, Equality, Disability, Integration & Youth and in particular, the local delivery of government subsidised early childhood education programmes operated by the Department of Children, Equality, Disability, Integration and Youth. This organisation is also the central point of

information for childcare providers in Limerick City and County in relation to Early Years Care and Education.

- 7.2.14. I note that the planning authority in its assessment stated that the Childcare Facilities Guidelines for Planning Authorities 2001 requires 1 childcare facility to be provided for 75 dwellings and that a modification to this may be considered subject to an assessment of the childcare needs for the area. In the absence of confirmation that there is no demand or requirement for addition childcare facilities in the area by the Limerick Childcare Committee, I am not satisfied that the first party has adequately demonstrated that there is no additional need for a further childcare facility in this area, or that an adequate case has been provided to justify the provision of the proposed residential development in lieu of a creche that is already permitted as part of the overall adjoining development.
- 7.2.15. Having regard to the foregoing, it is my conclusion that the proposed development would be at variance with Objective C1 of the Castleconnell Local Area Plan 2023-2029 and to the Ministerial Guidelines issued to planning authorities under Section 28 of the Planning and Development Act 2000 on Childcare Facilities and I therefore recommend refusal on this basis.

## **8.0 AA Screening**

### **8.1. Screening Determination**

- 8.1.1. I have considered the residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was submitted to the planning authority in response to a Further Information request. It should be noted that the assessment carried out refers to the proposed development as a partial change of use of a previously consented development under P.A. Ref. 19/518. To clarify, this is an application for permission and not change of use.

In summary, the following is noted from the screening report:

- The screening report comprise of a desktop assessment. No baseline surveys were carried out for the proposed development as it is located within a permitted development that is already under construction the site for which is fully cleared

and at an advance stage of completion. An NIS was completed in 2019 of the site.

- No habitats identified from the original survey carried out in relation to P.A. Ref. 19/518 for the NIS submitted.
- As the site is cleared, it is unsuitable for winter and breeding birds and otters, badgers.
- No evidence recorded of Annex II protected species associated with the Lower River Shannon SAC.
- No Qualifying Interests (QI) habitats or Special Conservation Interest (SCI) associated with any other European site identified or recorded within or adjacent of the proposed development boundary.
- Birds recorded in the site were deemed common birds, likely common to the widespread area.
- There is no habitat loss or fragmentation as the proposed development does not overlap with the boundary of any European site.
- Storm water runoff will discharge directly into the storm system that was constructed as part of the P.A. Ref. 05/2795 and 07/2194.
- A potential pathway for deterioration of surface water was identified in the original NIS which referred to a small watercourse located along the boundary to the west of the site. As part of the overall development, it was proposed to discharge surface water arising from the proposed development to this stream and headwalls were installed during the construction phase to avoid impacts on the receiving stream water quality. Surface water will pass through an underground attenuation tank and petrol interceptor prior to discharge to a watercourse to the west of the site at greenfield rates.
- No watercourses flow directly through the development site. There is no direct surface water hydrological link between the proposed site of development and the Lower River Shannon SAC, however surface water likely drains from the site to the river. There is no direct hydrological connectivity between the proposed development and the River Shannon.



- No protected flora and fauna species were identified within 2 km of the site.

It determined that a Stage Two Appropriate Assessment of the proposed development is not required as it was concluded on the basis of the objective information that the proposed development either individually or in combination with other plans for projects, will not have a significant effect on any European sites.

- 8.1.2. The Planning Authority carried out a Screening for Appropriate Assessment and concluded that the proposed development should not exercise a significant effect on the conservation status of any European designated site, due to the intervening urban land uses and distance from designated European sites, and the lack of direct connections with regard to the Source-Pathway-receptor model. An Appropriate Assessment was deemed not to be required.
- 8.1.3. A detailed description of the proposal is outlined in Section 2.0 of my report. In summary, the proposed development comprises of the construction of 14 residential units to serve senior living, and 2 no. community dwellings. It is proposed to modify the existing ground levels of the site.
- 8.1.4. The appeal site is located in the settlement boundary of Castleconnell. The immediate area is urban in nature characterised by residential development to the north, east and south of the site.
- 8.1.5. A watercourse is noted to be present in close proximity of the appeal site which is located along the western boundary of the site which is a potential pathway for to the nearest European site i.e. Lower River Shannon SAC

## 8.2. European Sites

The Lower River Shannon SAC (Site Code 002165) flows to the west of the appeal site and is the nearest European designated site.

### Likely Impacts of the Project (alone or in combination)

#### *Surface Water*

- 8.2.1. The main potential impact arising from the proposed development would relate to construction stage and site run off to the nearby watercourse identified which would provide a pathway to the SAC. A potential significant impact would therefore be the deterioration of water quality arising from uncontrolled surface water runoff at construction stage and operational stage.

- 8.2.2. I note that no watercourses flow directly through the development site and there is no direct hydrological connectivity between the appeal site and the River Shannon.
- 8.2.3. At operational stage, surface water arising from roads, driveway hard surfaces will be managed by SuDS measures including attenuation to greenfield runoff and discharged to the existing foul sewer. Other measures include for permeable asphalt with stone fill layer underneath allowing rainwater to infiltrate through the permeable surface where it is temporarily stored and gradually released to surrounding soil.
- 8.2.4. A StormTec attenuation system is proposed to slow down the flow of stormwater runoff with temporary storage. It is proposed to discharge to an existing 300 mm diameter foul sewer that is associated with the adjoining existing development.
- 8.2.5. It was noted pursuant to site inspection that the appeal site is actively being used as a construction compound. It was also noted that infrastructure is in place which includes for the existing foul sewer and storm sewer.

#### *Foul Water*

- 8.2.6. There is an existing public foul sewer serving the adjacent development and it is proposed to connect the proposed development to same. A pre-connection enquiry was made to Uisce Éireann dated 18<sup>th</sup> September 2023 and confirmation of feasibility was received on the 27<sup>th</sup> September 2023.
- 8.2.7. There is an existing public storm sewer within the adjacent development and land to the north which caters for Castle Rock Road.
- 8.2.8. At operational stage, storm water will be managed by a number of SuDS measures which include tree pits incorporated along the roadside which will act as natural filters before runoff enters the drainage system or watercourses. Engineered landscaping measure that include for bioretention area and rainwater garden will manage runoff by filtration and decreasing the volume of runoff.

#### *Habitat Displacement & Fragmentation*

- 8.2.9. The ground levels within the appeal site have been clear and infilled and a construction compound occupies a significant portion of the site. The appeal site has the benefit of planning permission for a creche related to the adjoining overall development where construction works are ongoing. There are no habitats present within the appeal site

having regard to its current use and consequently, I am satisfied that there is no habitat displacement or fragmentation evident or having occurred on the site.

- 8.2.10. I am satisfied that the proposed development would not have direct impacts on the European Site. Site clearance works have been undertaken and the site facilitates an active construction compound associated with the ongoing construction works relating to the overall development. Wastewater and stormwater infrastructure is in place to address surface water and stormwater arising from the proposed development at operational stage. Therefore, I am satisfied that there is no direct ecological connections or pathways to the receiving environment arising from the proposed development.

### 8.3. In Combination Effects

- 8.3.1. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the nearby SAC site. This is due to the lack of direct hydrological link to the SAC site. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

### 8.4. AA Screening Conclusion

- 8.4.1. Having carried out screening for appropriate assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening and the details contained on the file, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (Site Code 002165), and is therefore excluded from further consideration. Appropriate Assessment is not required.

## 9.0 **Recommendation**

I recommend that permission be refused for the following reasons and consideration set out below.

## 10.0 Reasons and Considerations

1. Having regard to the documentation submitted with the planning application and appeal, and in the absence of comprehensive objective information in relation to the existing demand for childcare facilities or the over provision of childcare facilities serving this area, the Board is not satisfied that the applicant has demonstrated an adequate case to justify the proposed residential development in lieu of an existing creche permitted under ABP Ref. 305811-19. It is considered that the proposed development would be contrary to Objective C1 of the Castleconnell Local Area Plan 2023-2029 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.

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Clare Clancy  
Planning Inspector

05<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321152-24		
<b>Proposed Development Summary</b>	Construction of 14 residential units for senior living accommodation and 2 no. community dwellings and modifications to existing site levels.		
<b>Development Address</b>	Coolbane, Castleconnell, Co. Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b), Schedule 5, Part 2	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Class 10 (b) (i) Construction of more than 500 dwelling units.  (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district (i.e. within a city or town in which the predominant land use is retail or commercial development), 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	<b>ABP-32152-24</b>
<b>Proposed Development Summary</b>	Construction of 14 residential units for senior living accommodation and 2 no. community dwellings and modifications to existing site levels.
<b>Development Address</b>	Coolbane, Castleconnell, Co. Limerick
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Permission is already granted on this appeal site, this site forms part of a wider development which comprises of 52 dwelling units and a creche. This permission is live and construction works are ongoing in relation to the completion of the overall development.</p> <p>The site is currently occupied by an construction compound related to ongoing construction works to the above development.</p> <p>The appeal site is located on lands zoned 'Education &amp; Community'. The northern extremity of the site is zoned 'Open Space &amp; Recreation'.</p> <p>The adjoining land uses comprise of existing and permitted residential development, and public open spaces.</p> <p>The site has a stated area of 0.890 ha and a total of 14 residential units to serve senior living are proposed and 2 no. community dwellings. Modifications to the exiting ground levels are proposed.</p> <p>It is proposed to connect to existing public services. No issues raise by Uisce Éireann.</p> <p>Surface water to discharge directly to storm system. Surface water will pass through underground</p>

		attenuation tank & petrol interceptor, prior to discharge to adjoining waster course to west.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		The nearest ecologically sensitive location to the appeal site is the River Shannon which is a European designated site located approx. 506 m to the west of the site (Lower River Shannon SAC Site Code 002165) . There an existing stream running along part of the southern boundary of the appeal site and approx. 12 m to the west.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		<p>Potential impacts that could arise from the proposed development to receiving receptors include impacts to ground water arising from the mismanagement of surface water disposal on site or the disposal to surface water to adjoining the water course to west as proposed.</p> <p>The site is serviced in terms of wastewater and storm water disposal to which it is proposed to connect to.</p> <p>In the event that planning permission is granted, any surface water arising from the proposed development will be managed by condition that will include for standard best practices and methodologies for the control and management of surface water on site.</p>
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>



There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>No</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)