



**Report to the Planning & Urban Form
Strategic Policy Committee December 2022.
No. 5 on the Agenda**

**Reviewing Dublin City Councils role in Supporting Childcare provision in
Dublin City.**

Introduction

At a meeting of Dublin City Council in June, in response to issues relating to childcare provision, the CE commissioned a study by 'Unique Insight' Consultants, with a brief to look at the current role the Council plays in supporting the sector, and what potential it might have in facilitating childcare services in the city.

The report comprises:

- A. An Executive summary of the Consultants Report (see copy attached at Appendix)
- B. Overview of National Policy and Guidelines on Childcare.
- C. A summary of Childcare policies in the new City Development Plan.
- D. A preliminary response to the 8 Key Recommendations on the Consultants Report.

A copy of the consultant's report is attached as an Appendix.

A. Executive Summary of Consultants Report:

The childcare landscape in Dublin City may be summarised as follows.

- a) There is a combined total of 432 childcare service providers in the City Council area, of which 283 (two thirds) are private providers and 143 (one third) are community providers. 38 community providers operate from DCC premises, generating a rent of approx. €40,000pa.
- b) The average monthly fee for childcare in Dublin is €1276, compared to the national average of €746. In a Pobal survey, carried out a year earlier in 2021 the average monthly fee paid by users of the service in Dublin City is €860 per month (slightly lower than other Dublin Local Authorities).
- c) Pobal also estimates that the capacity in Dublin City is 9925 places (at 2021), and that the vacancy rate of 16.7% may be partly due to the pandemic. Surveys indicate that spaces are fully booked to late 2023 / early 2024.
- d) The rate of pay in Dublin is €14.18 per hour, at the higher end of a national range from €12.16 to €14.35.
- e) In relation to commercial rates charged, Dublin City is the lowest (€4,798) compared to Fingal (€5,992), DLRCC (€6550) and SDDC (€7,121).
- f) For the period 2019 – 2021, approx €135,000 was awarded to Community organisations involved in childcare, via Community grants and some €67,200 was also provided under the Community Enhancement Programme and Community Advisory Fund.
- g) From 2015 there has been a shift in DCCs role in Community childcare from operational involvement in Boards etc, to a more infrastructural type of support; providing premises etc. There are a number of departments in DCC involved to different degrees in supporting childcare provision including Community, Housing, Planning, Finance, Property Development and the Area Offices.
- h) The DHLGH Guidelines on Childcare (1 Childcare facility per 75 residential units) is proving difficult to implement for reasons of viability etc. There has also been an increase in the number of planning applications for the retention of childcare facilities as a result of the Childcare Act requirements that all Childcare facilities are registered with TUSLA.

B. National Policy and Guidelines on Childcare

1. First 5; Government Policy on Childcare 2019-2025.

In order to clarify a role for DCC in supporting Childcare provision in the city it is useful to review recent developments in National Policy.

“First 5”, is a Whole –of –Government strategy to improve the lives of babies, young children and their Families 2019 – 2028. It commits to increasing state funding for Early Learning and Care (ELC) and School Age Children to €1 billion by 2028, by a new funding model.

There is emphasis on improving parental supports across a range of Government Departments and State Agencies, such as a new parental leave scheme. First 5 seeks to improve affordability and quality for parents by measures such as the Affordable Childcare Scheme, a graduate – led professional ELC workforce, and a new funding model whereby employees will be supported to provide better working conditions for staff. These reforms will be underpinned by stronger governance structures, at national and government level, according to First 5.

2. Childcare Facilities: Guidelines for Planning Authorities 2001

Paragraphs 2.4 and 3.3.1 and Appendix 2 of Childcare Facilities – Guidelines for Planning Authorities indicates a standard of one childcare facility per 75 dwellings in new housing areas unless there are significant reasons to the contrary. It goes on to state that the threshold for provision should be established having had regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

3. Design Standards of New Apartments – Guidelines for Planning Authorities 2022

Paragraph 4.7 of the Design Standards for New Apartments expands on and qualifies the above Childcare Facilities Guidelines;

4.7 Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.

C. New City Development Plan 2022-2028

The new City Development Plan was approved by the elected members of DCC on 2nd November and comes into effect on 14th December 2022.

The main policies and objectives pertaining to childcare provision are provided in Chapter 5 Quality Housing and Sustainable Communities and Chapter 15 Development Standards of the Development Plan.

Policy QHSN55 of the Development Plan states that it is the policy of the City Council to facilitate the provision of appropriately designed and sized fit-for-purpose affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant in consultation with the Dublin

City Council Childcare Committee, in order to ensure that their provision and location is in keeping with areas of population and employment growth.

Section 15.8.4 of the Development Plan sets out that the City Council seeks to ensure that an adequate number of childcare facilities are provided to serve the city's growing population. In order to meet this objective, one childcare facility (equivalent to a minimum of 20 child spaces) for every 75 dwellings units, shall be provided in all new mixed use and residential schemes.

All residential applications comprising of 50 or more units shall include a community and social audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development. As part of the community and social audit, an assessment of the childcare facilities in the surrounding 1km radius of the proposed development should be included. The analysis should have regard to:

- The make-up of the proposed residential area, i.e. an estimate of the mix of community that the housing area seeks to accommodate (if an assumption is made that 50% approximately of the housing area will require childcare, how does the proposal contribute to the existing demand in the area).
- The number of childcare facilities within walking distance (i.e. 1km) of the proposal.
- The capacity of each childcare facility and the available capacity by completion of the project.
- The results of any childcare needs analysis carried out as part of the city childcare strategy or carried out as part of a local or area action plan or as part of the development plan in consultation with the city childcare committee, 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.

Section 5.5.8 sets out that the government's Childcare Facilities: Guidelines for Planning Authorities (2001) and Circular on Childcare Facilities (2016) provide a policy framework to guide local authorities on the provision of childcare facilities in suitable locations including residential areas, employment nodes, large educational establishments, district and neighbourhood centres and in locations convenient to public transport networks. This guidance recommends the provision of one childcare facility per 75 no. residential units with a pro-rata increase for residential developments in excess of this size threshold.

The Council will continue to work with the Dublin City Childcare Committee and the newly established childcare planning function within the Department of Children, Equality, Disability, Integration and Youth through the forward planning and development management processes in order to support the government's objective to provide for sufficient high quality and affordable childcare services.

Objective QHSNO19 of the Development Plan states that it is an objective of the City Council to ensure that pre-school facilities are appropriately sited and protected from air pollution. Where an application is made within or proximate to locations experiencing high levels of pollution, the application must adequately address the impact through design and repositioning, and provide a suitable, attractive protected outdoor environment before permission can be considered.

D. Preliminary Response to Consultants Recommendations:

The Consultant has made 8 main recommendations at pages 42-52 of the Report. The Consultant notes that the recommendations are designed to contribute to a wider discussion in DCC about its role in supporting childcare, and to promote further discussion with other stakeholders. Accordingly this section contains a summary of each recommendation followed by the response of the Chief Executive, for consideration by the SPC.

1. Strengthening relationships with Key Stakeholders.

- a) Dublin City Childcare Committee: Report recommends that consideration be given to appointing a representative from the Planning Department, to allow for exchange of up to-date data, and because planners usually refer developers to the childcare committee to assist in the preparation of a childcare needs analysis. The Report suggests that this might work as an ALERT system whereby the Childcare Committee could present this information to Planning.

CE's Response: It is agreed that the Childcare Committee is an important structure. However, appointing a representative from planning to the Board of DCCC, which is a company/ employer, would not be the best way to safeguard the provision of childcare. Previous experience is that much of the Boards responsibility is related to governance, and wider childcare issues such as qualifications and staffing. There is an opportunity to provide for closer liaison between Planning and a DCC Staff member to develop an understanding of respective roles and responsibilities. It is considered that the Governance structure of the Childcare Committee should be reviewed and appropriately resourced, perhaps under the "First 5" Government Strategy.

A Second issue is that there is a potential conflict of interest if Planners sit on the Childcare Committee/ Board, as the Planning authority must also objectively assess all planning applications, including these for childcare provision.

It is agreed there should be greater cross - flow of information between the Planning Department and the Childcare Committee, and as such it is recommended that all planning applications for Residential Schemes should be referred to the Childcare Committee for input.

- b) Department of Children, Equality, Disability, Integration and Youth (DCEDIY)

The Consultants report recommends that DCC should review its role on the DCC City North CYPSC, and together with City South CYPSC, ensure that its views are channelled by the DCEDIY, including data on population growth etc.

CE's Response:

It is agreed that this matter can be reviewed. The channelling of information and resources should be a two way process, both from CYPSC/ Childcare Committee to DCEBIY and vice versa, given the rollout of the Governments First 5 Strategy. Another source of data which may be useful is the number of births per area, data which it is understood is captured by the Dept of Education for the planning of Primary schools.

c) Department of Education

The report recommends that the co-location of childcare and pre-school activities with schools be considered at DOE level.

CE's Response

It is fully agreed that co-location should be promoted, (as it is the model in other EU countries) particularly where primary schools are being re-configured or newly built in Urban Regeneration areas. It is recommended that the Dept Education and DCEDIY develops a joint strategy here as part of the First 5 approach.

2. Enhancing How Information is Captured and Shared

The report recommends assigning a DCC staff member to ensure that approved childcare spaces remain so, noting that there are permissions for 9 childcare facilities, with almost 650 places in the city over the next 10 years, often as part of large residential / mixed use development. The report also recommended another DCC employee with specialisms in the planning and design of childcare development in Council premises, and if possible in private childcare facilities, to reduce the uncertainties that developers encounter.

CE Response

The Planning Department already provides pre-planning application advice to applicants (both private and Part 8).

The CE estimates that to provide the specialist staff with the Council to provide the recommended supports, would require the establishment of a small unit involving 3 – 5 staff with likely cost factor of €250 - €350 K per annum. However it is considered more appropriate that the DCEDIY and Childcare Committees be structured and resourced to provide childcare service.

The Planning Dept carried out an analysis of Large Residential Development (SHDs) in November 2022, the main findings of which are:

As SHD applications comprise the majority of applications for all large residential developments submitted during the past 5 years, a review was

carried out to establish the location, number and capacity of permitted child care facilities.

120 planning applications were submitted under the Strategic Housing legislation for residential developments, student accommodation developments and shared living schemes. Permission has been granted to date for 53 residential developments (this excludes any decisions which were annulled or are the subject of ongoing legal challenge). Childcare facilities are proposed in twenty two of these approved developments with the potential to deliver approximately 2031 childcare spaces.

To date, less than half of approved residential developments have made provision for child care facilities on site.

Applicants have set out the following reasons for non-delivery of childcare facilities;

- In line with Paragraph 4.7 of the Design Standards for Apartments, the development is sub-threshold following the discounting of studios and one bedroom units and the remaining two and three bedroom units in the development is less than the 75 stipulated in the Childcare Guidelines.

Furthermore, in accordance with the Design Standards for Apartments, applicants have also made the case to discount some or all of the two bed units from the calculations for childcare facilities for locational/demographic reasons.

- The provision of a facility would not be viable due to the limited demand generated from within the development, furthermore, any demand generated can be met locally within existing or approved facilities.
- There is sufficient spare capacity in the area.

Having regard to the analysis above, the CE makes the following further recommendations:

- The DHLGH should be requested to review Paragraph 4.7 of the Apartment Standards having regard to ongoing challenges in the housing market. There needs to be greater co-ordination between planning applications which trigger a requirement for childcare facilities, especially in areas experiencing significant development activity (SDRAs) or where there are a number of sites within an area which are the subject of development activity.
- There needs to be a greater understanding of the commercial viability of childcare facilities i.e. what is the minimum floor area / capacity to attract an operator, as it would appear that in some cases, a space for the childcare facility is provided but no operator is put in place.

In respect of the points above, it may be more viable to look at the overall demand generated by a number of developments within an

area and to focus that demand into a smaller number of large facilities that are viable.

It should also be noted that the floor area and hence potential capacity of approved childcare facilities differs between sites. In this respect, attention is drawn to Circular PL 3/2016 which states that planning authorities should exclude floor space standards from their consideration of planning applications for childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000.

3. Providing Advice and Sharing Experience.

The report recommends that DCC provide local area statistics to support Community providers when applying for grant aid etc. It also suggests providing access to someone with project management skills and budgeting experience to assist with procurement and putting applications together. It is also suggested that community providers located in Council premises should have access to the preferred suppliers and contractors to the Council and that the Council could provide enhanced supports via its architects and planners eg to deal with the Planning permission requirements of TUSLA.

CEs Response

The City Council has no problem sharing any readily available information on population, planned growth areas etc.

However the majority of the suggestions in this section would have huge resource implications for the City Council and points to real need to restructure the Childcare sector, in order to build capacity in the areas of finance, administration, design and project management. It is not possible for DCC to recruit the number of staff needed to assist an entire sector.

The recommendation regarding sharing DCC contractors is not feasible as childcare providers are not local authorities nor are they subsidiary entities of DCC. DCC is not enabled to carry out procurement for another organisation. The point made above relating to capacity building in the childcare sector also applies here.

4. Regularisation of Lease / Licence agreements

The report considers it would be useful to regularise lease / licence agreement as leases are preferable when seeking funding, and to ensure consistency for community childcare providers.

CEs Response

It is agreed that DDC should develop clear, consistently applied criteria as to how it determines leases / licences, both for the benefit of childcare providers and the City Councils need to provide for many functions.

However, licences are only normally issued to the occupier of multi-use buildings, who share common areas, or are ready established entities; otherwise leases are granted.

5. Exceptional Circumstances Pertaining to Change of Use

The Report recommends a number of interventions which could be taken by DCC when a Developer cannot find a childcare provider to occupy a premises for which Planning Permission has been granted within a large development.

The suggested interventions include engaging with the Developer/Owner to find a suitable tenant, or DCC taking a long lease to ensure the childcare facility remains on site. This approach could be piloted using European funding if available.

DCC could then lease the premises to a community provider or a private provider. The report acknowledges that this Recommendation has significant financial, human resource and cost implications for the City Council.

CEs Response

This recommendation, as acknowledged in the Report, would have significant implications for the City Council, not least because it moves the Council into taking a direct role of the property management of childcare facilities in the private sector.

As stated under Recommendation 2, there is a need for more research into what is the viable size of a childcare facility, before the City Council could consider taking on a long lease.

Moreover, the adoption of this approach would require the “Whole of Government” approach set out in First 5, as the City Council is not structured to project manage childcare facilities for either private or charitable operators.

6. Repurposing existing premises for Childcare Use.

The Consultants report recommends repurposing of existing DCC premises on the basis that it has a vast number of vacant buildings in its stewardship, and that DCC has project managers, planners and architects it can draw on. The recommendation acknowledges that DCC would not get involved in the running of the service in any way; that DCC has very few vacant buildings, and that there are a range of competing community uses to be accommodated.

CE's Response

As noted in B above, 38 community providers operate from DCC premises. Whilst the City Council has a large portfolio of buildings, not many are

vacant, or indeed readily adaptable for childcare purposes. For example childcare facilities need their own safe entrances and should not be in unwelcoming locations such as depots.

Having said that the CE considers that the Council can keep the Childcare Committee informed of suitable premises when they become available, bearing in mind there is considerable competition for available spaces, and that the City Council has statutory functions to fulfil such as providing housing. It should also be borne in mind that DCC does not receive funding from the Department of Housing for any use other than housing.

7. **A Childcare Contribution Fund**

This recommendation from the Consultant arises from the scenario where if a childcare facility may not be viable or necessary in a given development, particularly if there are a number of small scale housing schemes in a locality, the developer instead contributes a financial sum to a fund which would be ring-fenced for childcare.

CE's Response

The suggestion merits further investigation to see if a mechanism can be devised for the developer to provide off site childcare facilities in a similar way to Part 5 Housing. The matter is also related to the issue of optimum viability on which further research is also required. The suggestion needs also to address matters such as what type of entity should hold the funds and ensuring developers provide the childcare facility once the threshold is reached.

8. **Clarity of Purpose**

The Report recommends that DCC should consider preparing a policy statement/ position paper to give clarity to internal and external stakeholders about the Councils future role in supporting childcare provision, bearing in mind that most contributors consider that DCCs role should continue to be more infrastructural and less operational in nature. The report also recommends that DCC should reassert its commitment to childcare as outlined in the Development plan.

CE's Response and Conclusion

The CE fully agrees that DCC should prepare a position paper to give clarity to its future role in childcare, having regard to the issues and recommendations set out in the Consultant's report; the further analysis carried out in relation to SHDs in this report together with inputs from this SPC.

It is apparent from the welcome report from the Consultants together with the preliminary analysis set out in this follow up report that Planning is only

one of the many Departments, Agencies and Committees involved in supporting parents/ guardians in childcare provision.

It is also important to engage with the Department of Children (DCEDIY) in relation to “First 5” and how this strategy can be effectively implemented in collaboration with the Department of Education, the CCMA, the DHLGH(in relation to the “75 dwelling” standard) together with the Childcare Committee and the City Council.

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30/11/2022