

28th August 2026

Senior Planner,
Planning Policy Unit,
Planning Department,
Kerry County Council,
County Buildings,
Rathass,
Tralee,
Co. Kerry,
V92 H7VT.

**Re: Proposed Material Alterations to the proposed Variation No. 4 of the Kerry
County Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing the Material Alterations (material alterations) to the proposed Variation No. 4 (proposed Variation) to the Kerry County Development Plan 2022-2028 (Development Plan).

As Kerry County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (Office) is to evaluate and assess statutory plans to ensure consistency with legislative requirements and national and regional planning policy. The Office has evaluation and assessment pursuant to Part 3 of the Planning and Development Act 2024 (Act) and its functions under section 546, and this submission sets out the outcome.

In this context, submissions may include recommendations and observations. Recommendations arise where the Office identifies clear inconsistencies with legislative provisions or policy frameworks and are intended to be addressed to ensure compliance. Observations highlight areas where further clarification, justification, or refinement would strengthen the plan. The submission may also

include advice to support the proper planning and sustainable development of the area.

Following adoption of the Variation, the Office will carry out a further assessment under section 63 of the Act.

1. Response to the Office's submission on the proposed Variation

The Office welcomes and commends the significant work undertaken by the Planning Authority to date, and, in particular, the material alterations made in addressing the recommendations of the Office as expressed in its submission at draft stage.

In response to Recommendation 1(iv), the Office welcomes that the Planning Authority intends to amend the Strategic Flood Risk Assessment (SFRA) in order to consider flood defences and the Flood Relief Scheme in Abbeydorney as well as provide guidance on different Sustainable urban Drainage Systems (SuDS) techniques for managing surface water run-off at key development sites.

In terms of Recommendation 2, the Office acknowledges and welcomes that MA 35 proposes to amend the land use Zoning for John F. Leslie Woodland in Tarbert from G1 (Open space/ Park) Zoning to G5 (Mixed/General 'Green' / Recreational / Conservation) in accordance with the Natura Impact Report.

Notwithstanding this progress, the Office notes that the Planning Authority has not addressed the other components of Recommendation 1 regarding flood risk management. The Office acknowledges that flood risk objectives KCDP SP-16 to KCDP SP-20 of Variation No.1 to the Development Plan apply to this proposed Variation, which the Office will take into account when carrying out an assessment of this matter following the adoption of the Variation.

However, having regard to the issues raised in our submission and the submission of the Office of Public Works (OPW) regarding the SFRA, early engagement with the OPW is strongly advised so that similar issues do not arise in future.

2. Overview of submission on proposed material alterations

Having assessed the remaining proposed material alterations, the Office has identified two further issues in relation to the zoning of land at risk of flooding for development, and the safety and capacity of the N69 national road.

The following recommendations, set out below, are intended to support the Planning Authority in further strengthening the proposed Variation and ensuring its effective implementation:

Subject	Recommendation	Observation
Flood risk management	Recommendation 1	-
Safety and efficiency of national roads	Recommendation 2	-

3. Flood risk management in Listowel

The Office welcomes the preparation of an addendum to the SFRA as part of the proposed material alterations process in accordance with National Policy Objective (NPO) 1 of the National Planning Framework First Revision (2025) (NPF) and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines). As part of this process, it is proposed to amend the Listowel zoning map to extend the settlement limit boundary and to zone lands for C5-tourism and related use under MA 15.

As acknowledged within the addendum to the SFRA, the proposed lands of MA 15 are located mainly within Flood Zones A and B. Highly vulnerable development is not appropriate within such areas in accordance with the Flood Guidelines.

The Office therefore recommends that these lands be removed from the proposed Variation.

MA Recommendation 1 – Flood Risk Management

Having regard to flood risk management and having considered the following:

- NPO 78 of the NPF to avoid inappropriate development in areas at risk of flooding that do not pass the Plan Making Justification Test;
- RPO 116 of the RSES to consider future appropriate land-use policies in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines) and to avoid inappropriate development in areas at risk of flooding; and
- the Flood Guidelines,

the Office recommends that the Variation be made without MA 15.

4. Safety and efficiency of national roads

NPO 107 of the NPF seeks to ensure the alignment of the NPF and the National Development Plan through the delivery of the National Strategic Outcomes (NSO), which includes NSO 2 of the NPF to enhance regional accessibility. This is further supported by RPO 140 of the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly, which stresses the importance of maintaining the strategic capacity and safety of the national roads network. Section 2.5 of Spatial Planning and National Roads Guidelines for Planning Authorities (2012) states that the policy of planning authorities will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply. The National Primary and Secondary Routes objective NCDP 14-30 within the Development Plan states that the Planning Authority will adopt this approach.

MA 18 seeks to amend the Listowel zoning map from G3-Buffer Space to R1-New/Proposed Residential. As the Planning Authority is aware, the lands concerned adjoin a new section of the N69 national road where a 100 km/h speed limit applies. In addition, no exceptional circumstances have been provided in the Development Plan to support an access from the N69 at this location. Noting that alternative access to these lands could be provided via the local road network rather than

directly from the N69, clarification should be incorporated into the Variation to ensure that access should not be from the national road.

MA Recommendation 2 – National roads

Having regard to the need to maintain the safety and strategic carrying capacity of the national road network and having considered:

- NPO 107 of the NPF to support the delivery of National Strategic Outcomes;
- NSO 2 of the NPF Enhanced Regional Accessibility;
- RPO 140 of the RSES to maintain and enhance the strategic function of the national road network;
- the Spatial Planning and National Roads Guidelines for Planning Authorities (2012); and
- National Primary and Secondary Routes objective NCDP 14-30 within the Kerry County Development Plan 2022-2028 to avoid the creation of any additional access point from new development to national roads to which speed limits greater than 60 km/h apply,

the Office recommends that the Planning Authority clarifies the access arrangements associated with MA 18 to ensure that any future development will not be accessed from a national road to which speed limits greater than 60 km/h apply. If access cannot be provided in accordance with the above policy framework, the zoning amendment should be omitted.

The Planning Authority should consult with Transport Infrastructure Ireland in relation to this recommendation.

5. Summary

The Office requests that the Planning Authority addresses the recommendations set out above.

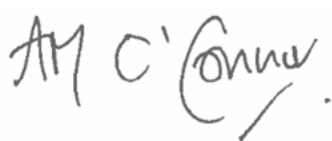
As part of this process, the Chief Executive's report to the elected members, prepared under section 58(15) of the Act should summarise the Office's recommendations and outline how it is proposed to address them.

Following adoption of the Variation, the Planning Authority is required to:

- provide the Office with a copy of the adopted Variation, together with any submissions received from the Minister, regional assemblies, and the NTA during the plan preparation process within **one week** of adoption;
- inform the Office, **as soon as practicable**, where the elected members decide not to comply with a recommendation of the Office or the Minister, including the reasons for the decision of the elected members; and
- publish notice of the Variation within **one week** of adoption, confirming that the Development Plan as varied will be available for inspection (online and at a specified location) no later than **five weeks** after adoption.

The Office looks forward to continued constructive engagement with the Planning Authority. If further clarification or discussion would be helpful, the Office would be pleased to assist and can be contacted at plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Planning Policy Implementation

Designated Public Official under the Regulation of Lobbying Act 2015
