



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

11 August 2020

Mr Damien Ginty,  
Senior Planner,  
Planning Department,  
Kerry County Council,  
County Buildings,  
Rathass,  
Tralee,  
Co. Kerry.

**Re: Proposed Material Alterations to Variation No. 3 of the Listowel Town Development Plan  
2009-15 (as extended)**

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations to Variation No. 3 of the Listowel Town Development Plan 2009-15 (as extended) (the variation).

In accordance with the provisions of section 31AM of the Planning and Development Act 2000, as amended (the Act), the Office is obliged to evaluate and assess development plans and variations of development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- Consistency with the National Planning Framework (NPF) and the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES);
- Ministerial guidelines issued under section 28;
- Ministerial policy directives issued under section 29, and,
- Such other legislative and policy matters as the Minister may communicate to the Office in writing.

The submission below has been prepared to provide a high-level input to your authority in finalising the proposed variation of the plan.

### **1. Matters within the scope of section 10 and section 10(2)(n)**

Amendment 15 proposes to re-zone land surrounding Feale View House as R2. The planning authority's Natura Impact Report (NIR) Addendum recommends that a 15m buffer along the Special Area of Conservation apply to proposed amendment 15, in addition to that indicated for proposed amendment 16, but this has not been included for.

The Strategic Environmental Assessment Addendum determined there to be no potential for significant effects from proposed amendment 15 on the basis that the amendment merely reflected the existing use of the site. However, as a wider range of development would be permissible through proposed amendment 15, this would increase the potential both for redevelopment of these lands for a range of development types and for consequential significant effects arising from same.

The planning authority is therefore advised to modify amendment 15 to provide for an appropriate buffer zone in accordance with the recommendations of the authority's NIR Addendum.

### **2. Consistency with national and regional policy**

The Office is satisfied with the planning authority's responses to Recommendation 1 as contained in its letter of 13 December 2019.

### **3. Consistency with section 28 guidelines**

Recommendation 2 as contained in the Office's letter of 13 December 2019 relates to consistency with Section 28 Guidelines - *The Planning System and Flood Risk Management Guidelines for Planning Authorities (OPW, 2009)*. Subject to the planning authority's full consideration of any submission by the OPW in relation to the Strategic Flood Risk Assessment, the Office has no further comment to make at this stage.

The office welcomes the inclusion of Amendment 12 in respect of ensuring that new residential developments comply with the Specific Planning Policy Requirement set out in Section 28 Guidelines in the interests of compact growth.

### **4. Policy directives issued under section 29**

The Office confirms that no issues arise in this regard.

### **5. Other legislative and policy matters as the Minister may communicate**

The Office confirms that no issues arise in this regard.

## **Summary**

Your authority is required to notify this Office within five working days of the making of the variation and send a copy of the written statement and maps as made, in accordance with section 31AM(6) of the Act.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at [plans@opr.ie](mailto:plans@opr.ie).

Yours sincerely,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end of the last name.

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations, Office of the Planning Regulator

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