

20 August 2020

Senior Executive Planner Kerry CDP Review, Planning Policy Unit, Kerry County Council, County Buildings, Rathass, Tralee, Co. Kerry.

Re: Issues Paper for the Kerry County Development Plan 2022 - 2028

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Thank you for your authority's work in preparing the Issues Paper for the Kerry County Development Plan 2022–2028. The Office acknowledges and welcomes the publication of this paper and your authority's work more broadly in advancing the review of the Kerry County Development Plan (the plan).

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 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 *Regional Spatial and Economic Strategy for the Southern Regional Assembly* (RSES);
- Ministerial guidelines 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 Office has set out some broad areas for your authority to consider in formulating the draft development plan.

These observations are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process, and do not affect the obligation on your planning authority to comply with the relevant legislative requirements.

Core Strategy and Settlement Hierarchy

The formulation of the core strategy in accordance with section 10 of the Act is the most significant element in developing your authority's draft development plan. A key function of any core strategy is to focus on a preferred approach to both the spatial pattern and quantity of housing delivery over the lifetime of the plan.

The National Policy Objectives (NPOs) under the NPF, and Regional Policy Objectives (RPOs) under the RSES will therefore, to a large extent, determine the approach of your planning authority to the content and detail of the plan, including the core strategy and the associated settlement hierarchy. The NPF Implementation Roadmap and the relevant Specific Planning Policy Requirements (SPPRs) contained in Ministerial guidelines under section 28, will also be key determinants in making the core strategy for your functional area.

The determination of a justified settlement hierarchy is a central part of the core strategy. This, in part, will be determined by the NPF and RSES. Tralee (RPO15) and Killarney (RPO18) have been designated as key towns for the county under the RSES, being the southern regions forth and eight largest settlements outside of the cities. RPO11 supports the planning authority targeting 30% growth for all key towns subject to capacity analysis, which shall be determined under the core strategy, but the RSES suggests a different focus may be appropriate for both.

Section 3.5 Key Towns of the RSES identifies Tralee as one of six key towns in the region as self-sustaining regional drivers, being major centres for delivery of public services, which should plan for population growth in excess of 30% by 2040. Killarney is one of eight other key towns that are also intended, subject to capacity analysis, to contribute to the strengthening of the urban structure and that local authorities will plan for significant growth.

The lower tier settlements, including rural towns, villages and the open countryside, will necessarily be determined by your planning authority in accordance with section 3.3 *A Tailored Approach*, under the RSES. The RSES also requires, under the tailored approach, the identification of settlements which form part of networks of towns and villages which share geographic, economic resources and contribute specialisms which, if combined, can provide a strategic opportunity to drive the regional economy. The two relevant networks have been identified in your Issues Papers which include the towns of Killiorglin and Listowel.

The Office notes, with concern, that up to 59% of all new residences constructed between 2015 and 2020 were located in the open countryside outside of any villages or town and that at the same time the majority of your county's tier 2 settlement have experienced population decline with evident long-term implications for their viability. The next Kerry County Development Plan is therefore a timely opportunity for analysis and evidence-based policy development in relation to implementable measures to turn around the trend above and, in particular, to rejuvenate smaller towns and villages where, often, the only significant level of new housing provision is from the social housing sector.

Compact Growth and Regeneration

Compact Growth

The NPF signals the Government's intention to secure a more sustainable and compact urban development patterns into the future (NPO3a). For your county, at least 30% of all new homes targeted in settlements will need to be delivered within the existing built-up footprint through infill development and use of brownfield sites (NPO3c).

In this regard, the RPOs under section 3.11 of the RSES are of particular relevance to your authority's core strategy, including the requirement to include specific objectives setting out the achievement of urban infill/brownfield development (RPO34) and to and to deliver at least 30% of all homes, targeted within settlements in your county, within their existing built-up footprints (RPO35).

It will be imperative for your authority's development plan to consider and ensure the practical implementation of the core strategy, including through active land management measures in accordance with the provisions of the NPF and the RSES, particularly the identification of opportunity sites for sensitive infill and redevelopment opportunities that hold a reasonable prospect of being actioned over the lifetime of the plan.

It is essential that the land use zoning proposed under your authority's development plan is consistent with compact growth objectives of the NPF and the RSES. Your authority's land use zoning should flow from a core strategy which is consistent with the provisions of the NPF and the NPF Implementation Roadmap. Land use zoning should also be based on an evidence-based housing occupancy rate for your county (and consistent with the NPF), informed by a Housing Need Demand Assessment (HNDA), and should be consistent with all relevant section 28 guidelines. Such Housing Need Demand Assessment should identify the level of housing expected to be delivered in the various urban and rural parts of the county, taking account of both historical trends and the policies above and informing the level of zoning requirements for residential development. It is also very important that the plan resolves any legacy over-zoning issues in the making of the new plan.

Regeneration

Given the largely rural character of the county, the plan will need to consider how best it can prioritise the regeneration and rejuvenation of rural villages and towns in line with RPO26 and RPO27. This includes supporting an appropriate level of growth through land activation approaches and supportive works (NPO18a), and the proactive facilitation of the building of homes in such locations through provision of serviced sites, with appropriate infrastructure, in line with the programme for 'new homes in small towns and villages' intended to be developed by the Department of Housing, Planning and Local Government (NPO18b; RPO216). This can be expected to have amenity, social and economic benefits for all existing residents of these settlements.

In addition, such a development approach has the potential to alleviate pressure on the open countryside through provision of a desirable alternative to one-off housing for families who would like to reside close to the facilities, services and amenities available in Kerry's rural villages and towns. In a positive feedback loop, the attracting of populations back to these settlements will make it more cost effective for your planning authority to provide a higher quality of facilities and services, which in turn will make them more attractive places to live.

It will be essential that the core strategy for your county is implementable. Your planning authority should therefore be mindful identify key locations and opportunity sites, which are capable in terms of physical and social infrastructure being delivered over the lifetime of the plan period, in a manner that supports the achievement of wider national and regional planning policies and objectives. The tiered approach to zoning (NPO72a) and other mechanisms to prioritise the delivery of zoned lands for development (NPO73a-73c) will be important considerations for your planning authority and to any future observations of the Office.

The devising of an appropriate core strategy and settlement hierarchy, with provision for compact growth consistent with the objectives of the higher order plans and strategies as set out above, will also assist your planning authority in achieving the obligations on in terms of climate action under section 10(2)(n) of the Act.

The Office will provide further practical advice and technical support in the working out of the core strategy parameters above and within our statutory remit, as you may require.

Economic Development & Employment

A vital aspect of your authority's development plan will be the promotion and nurturing of the county's economic and employment base and ensuring, as much as is feasible, that it is resilient to economic structural changes (RPO75), such as the current Covid-19 crisis.

No strategic employment areas have been identified for your county under the RSES (as provided for under the NPO10b), however the guiding principles and RPOs relating to enterprise development under section 4.7, *Placemaking for Enterprise Development* of the RSES will provide clear direction for the approach to enterprise development to be included in your authority's development plan, in addition to the principles underlying the regional economic strategy (RSES section 4.2). In particular, RPO62 requires that employment locations follow the settlement hierarchy.

Your county's location on the Atlantic Economic Corridor and proximity to the metropolitan areas of Cork and Limerick provide opportunities to build on economic interactions. Improved connectivity has the potential to drive economic growth in the county (RSES section 6.3.4 *High International Connectivity*), including through proposed forthcoming strategies for regional freight (RPO141), regional ports (RPO145) and airports (RPO149).

As referred to in the Issues Paper, the Office notes the potential of the inter-urban networks in the region which are driving sub-regional growth, including the Kerry Hub and Knowledge Triangle, and the North Kerry / West Limerick / Shannon Estuary / Clare (RSES section 4.4 *Our Region's Economic Engines*). The RSES supports the sustainable development of infrastructure investment and initiatives for these networks (RPO30).

Given your county's extensive coastline and the strategic lands for marine-related industry identified in the Strategic Integrated Framework (SIFP) for the Shannon Estuary (RPO79), and ongoing developments in the area of marine and spatial planning, the role of your authority's coastal area and the regional ports (Tralee Fenit and Daingean Úi Chúis) should be addressed in your plan as economic drivers, in addition to the economic potential of the blue economy (RSES section 4.9.2).

The Issues Paper provides an overview of the structure of the Kerry economy, including the importance of manufacturing, financial services, 'STEM' companies and tourism. It also highlights the significance of small and medium enterprises for employment in the county and the importance of the retail (and wholesale) sector as the largest employer in the county.

The RSES recognises the importance of the retail sector for services, regeneration of town and village centres, enterprise, and employment creation. In this regard, a key factor in the viability of local retail businesses within rural towns and villages is the maintaining of a local residential population within those settlements within walking / cycling distance, in tandem with public realm improvements.

Given the rural character of the county, it will be important that the development plan provides, as much as is feasible, for the enhancement, facilitation and support of rural enterprise. This may include diversification of the rural economy (NPO21) through inter alia, tourism, the agri-food sector and extractive industries (NPO22, NPO23 and RPO 48-50 refer) and through facilitation of delivery of the National Broadband Plan (NPO24, and RPOs 46 and 136 refer).

The NPF recognises the need to protect important reserves of aggregates and minerals from development that might prejudice their utilisation. In this regard, your planning authority should be mindful of the need to protect access to essential non-renewable resources, such as aggregates and minerals necessary to accommodate construction development within your county.

A development plan which can provide more employment closer to where its population lives will help avoid longer distance commuting and will also facilitate a greater proportion of trips to work by active modes. This will therefore assist your planning authority in achieving its obligations in terms of climate action under section 10(2)(n) of the Act.

Transport & Connectivity

The Issues Paper acknowledges the need to promote sustainable modes of transport in view of the high level of car commuting to work and the very low level of cycling for accessing school at primary and secondary level. In this regard, the regional policy objectives relating to the integration of transport planning with spatial planning policies under section 6.3.5 of the RSES, and transport investments priorities under section 6.3.6 of the RSES, in particular, should be addressed in the plan review process.

A thoroughly-considered integrated land use transport approach (RPO151) with appropriate local planning objectives (RPO152) will be essential if your authority is to attain sustainable compact, settlements which meet the '10-minute' town concepts in line with RPO176 and referenced throughout the RSES. Local transport plans (LTPs) should be expedited for your key towns, but your planning authority should consider, in consultation with the National Transport Authority (NTA), whether it is necessary to prepare LTPs for other settlements.

Your planning authority should investigate, in conjunction with the Department of Transport, Tourism and Sport (DTTaS) and the NTA, how the development plan might best facilitate and improve the existing public transport services, and/or promote new transport services. This may include appropriate objectives and policies supporting sustainable modes such as bus, in general, and specific objectives concerning provision/facilitation of key elements of infrastructure (for example, a bus shelter with seating and Variable Messaging Signs). How electric vehicle recharging points might be facilitated and optimised across the county, including the feasibility of providing such facilities within smaller settlements, should also be considered.

Regarding the wider area, including rural towns and villages and the open countryside, the further development of the Local Link Rural Transport Programme by the NTA (RPO172), including a commitment to its better integration, will be important to providing improved connectivity and reducing isolation of some rural populations, and facilitating some modal shift away from the private car.

The plan should also consider the potential for the integration of existing and future proposed greenways and blueways in the region with settlements and facilities across the county (RPO174, RP46) to increase the modal share of active modes for rural transport and to improve pedestrian and cycle safety for rural residents.

Ensuring that all settlements including rural towns and villages are walkable, with appropriate scaled footpaths and pedestrian facilities, will have benefits in terms of pedestrian and cycle safety and also the quality of the urban environment of the settlements of all sizes. A clear commitment to the implementation of the *Design Manual for Urban Roads and Streets* (2019) in the required locations will assist sustainable and active transport modes.

Compliance with this approach will assist your authority's plan in meeting mandatory objective under section 10(2)(n) of the Act.

In addition, your planning authority should ensure that the capacity of the national road network is maintained and protected through compliance in the development plan with the requirements of the *Spatial Planning and National Road Guidelines for Planning Authorities* (2012).

<u>Infrastructure</u>

Your planning authority will be required to apply a standardised tiered approach to zoning (TAZ) (NPO72a-c) and not to zone lands that cannot be serviced during the life of the development plan (TAZ methodology, Appendix 3 of the NPF). This requirement is also supported by the tailored approach under the RSES, referred to above.

In carrying out the TAZ and in considering current infrastructural deficiencies, your planning authority should take into account its powers of compulsory purchase which may be used to facilitate enabling-infrastructure delivery to prioritised zoned lands to accommodate planned growth, as emphasised by the NPF (NPO73b).

As your authority will be aware, a significant opportunity is currently available to ensure alignment between planning and infrastructure, whereby plans at local level may be supported by capital investment¹, where aligned with the objectives and policies of the regional and national level plans. It is the objective of the RSES (RPO9 and RPO11) to take a holistic approach to delivery of infrastructure, generally, and specifically in relation to the key towns.

In this regard, a central element of the NPF relates to the renewal and consolidation of underutilised parts of regional centres, including key towns, and rural towns and villages (NPO3c). These areas

¹ National Development Plan 2018 - 2027

can avail of existing infrastructure, or enable the investment in infrastructure for sustainable urban and rural development.

However, it is important that any strategy for the prioritisation of provision of water/wastewater infrastructure is based on the growth strategy objectives under the NPF and the RSES, as referred to above. RPO213 provides that investment in Rural Wastewater and Treatment Programmes will be subject to settlement hierarchies and core strategies set out in the development plan. It will be important for your authority to engage with relevant infrastructure / utility providers, including Irish Water, during the plan making process to ensure the objectives of your development plan can be fully implemented.

Your planning authority should consider, at an early stage, how infrastructure capacity issues may affect the future implementation of the programme of 'new homes in small towns and villages' intended to be developed by the Department of Housing, Planning and Local Government. The potential benefits of ecosystem services referred to under the RSES (section 5.2) should also be considered in your authority's development plan.

Climate Action and Energy

Climate Action

Having regard to the Climate Action Plan 2019 and to the objectives of the NPF and the RSES, the transition to a low carbon economy and the overall reduction of carbon emissions and energy use is a central planning policy issue to be addressed in the draft development plan.

Your authority will be aware that the Office is required under section 31AM(2)(a) of the Act to address, in particular, the legislative and policy matters within the scope of section 10(2)(n) in its evaluations and assessments of your development plan. This subsection concerns the inclusion of objectives for the promotion of sustainable settlement and transport strategies for urban and rural areas, which include the promotion of measures to reduce energy demand, to reduce greenhouse gas (GHG) emissions (climate change mitigation) and to adapt to climate change through the location, layout and design of new development.

The Office welcomes the addressing of key issues of climate change, flooding and coastal management in your authority's Issues Paper, including reference to your authority's Climate Change Adaptation Strategy and to the role of climate change mitigation. However, more detailed consideration of climate change mitigation measures, in addition to adaptation, will be needed in the plan review process.

The development plan should provide sufficient clarity and certainty in terms of the said measures in order to direct any future local area plans made consequent to the proposed development plan. In

this regard, your planning authority should consider, inter alia, bringing forward all land use zoning objectives into the county development plan, notwithstanding any legislative requirements to provide local area plans for specific settlements.

Regarding climate change mitigation measures pertinent to section 10(2)(n) of the Act, the objectives of the RSES under section 6.35 Regional Policy Objectives for the Integration of Transport and Spatial Planning Policies (in addition to NPO28, NPO30, NPO54 and NPO64) and under section 1, Climate Action and Transition to a Low Carbon Economy in Chapter 5, are particularly relevant. As noted, above, the objective (RPO176) to attain compact settlements within the '10-minute' town concept, noted above, is also consistent with the requirement for sustainable settlement and transport strategies under section 10(2)(n) of the Act.

It is an objective of the RSES to ensure effective coordination of climate action with the CARO and local authorities in the development and implementation of climate mitigation and adaptation measures (RPO88). The Office would advise that your authority engages with the Atlantic Seaboard South CARO in this regard.

The Office understands that forthcoming updates to the section 28 *Development Plan Guidelines* will initiate a process of enhanced guidance for the preparation of plans. This will include guidance on the requirements under section 10(2)(n) of the Act.

Renewable energy

Similarly, the promotion of renewable energy sources within the county in accordance with the section 28 *Wind Energy Development Guidelines 2006* (subject of Circular Letter PL 5/2017) or any replacement guidelines issued by the Minister, will also be critical to ensure Ireland meets its national targets and commitments to increase renewable energy supply and reduce greenhouse gas emissions.

The Office notes from your authority's Issues Paper the significant progress your planning authority has made in facilitating renewable energy and commends your planning authority's contribution to the national renewable energy targets to date.

Your planning authority should, however be mindful not to include restrictions on wind energy development (or other renewable energy infrastructure), such as separation distances from residential or other properties / structures, which are not otherwise provided for under the relevant guidelines.

Summary

In conclusion, the Office would commend your authority on the range of key issues considered in its background papers and its approach to engagement with the public through its publishing of well-considered, formatted and accessible Issues Paper.

Without prejudice to extensive legislative and policy requirements that must be implemented through the development plan, the Office would advise that your authority to pay particular attention to the following issues in the formulating of the development plan.

- In view of the high rate (59%) of all new residences c residential development taking place in the open countryside and the decline of your county's tier 2 settlements, your planning authority should determine what objectives and detailed measures will be necessary to address current deficiencies in your authority's development plan, and to ensure that the core strategy to be adopted under the future development plan can and will be implemented effectively over the plan period.
- Specific and measurable objectives for urban infill / brownfield development will be key
 (RPO34 refers), allied to specific rejuvenation priorities (RPO35), to ensure the achievement
 of compact growth and regeneration under the NPF and the RSES, including the
 requirement that at least 30% of new homes be provided on brownfield land or as infill
 development.
- The importance of resolving any legacy issues of over-zoning of lands that may exist within
 your functional area as well as deriving the requirement for land use zoning objectives for
 residential development from anticipated levels of housing provision in urban and rural areas
 (avoiding double counting) over the lifetime of the plan;
- The coordination of economic, commercial and employment growth with population growth
 for the county, supported by the identification of strategic employment sites for the county's
 key settlements through the development plan review process consistent with the guiding
 principles under section 4.7 of the RSES, in addition to measures to enhance, facilitate and
 support of rural enterprise and to support regional economic networks in accordance with
 RPO 30;
- Finally, it is critical that the plan includes practical and measurable objectives for promoting sustainable settlement and transport strategies, reductions in greenhouse gas emissions, reduced energy usage and adaptation to the effects of climate change, in particular, through the location, layout and design of new development, including targets for modal change over

the plan period and provisions for monitoring over the plan period. In this regard, the Office would advise that climate mitigation and adaptation measures are mainstreamed into the development plan and that the plan provides sufficient clarity in terms of objectives and measures proposed under section 10(2)(n) to inform future LAPs within your functional area. The Office would also advise that all land use zoning is included at development plan stage.

The Office looks forward to reviewing the future draft development plan and is committed to continued positive engagement with your authority in implementation of national and regional policies at county and local level.

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.

Yours sincerely,

Anne Marie O'Connor

C'ONNW.

Deputy Planning Regulator and Director of Plans Evaluations

087 689 4771

Annemarie.oconnor@opr.ie