

3<sup>rd</sup> June 2022

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

# <u>Re: Proposed Amendment no. 1 [Fenit] Tralee Municipal District Local Area Plan</u> <u>2018 – 2024.</u>

A chara,

Thank you for your authority's work in preparing proposed Amendment No. 1 (the proposed Amendment) to the Tralee Municipal District Local Area Plan 2018 – 2024 (the LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the work your authority has put in to the preparation of the proposed Amendment against the backdrop of an evolving national and regional planning policy and regulatory context, including the National Planning Framework (NPF), the Southern Regional Assembly (SRA) Regional Spatial and Economic Strategy (RSES) and the establishment of the Office.

The Office strongly commends the proactive approach of your authority to the regeneration of Fenit, as evidenced by the preparation of the Fenit Village Design Masterplan which forms the basis of the proposed Amendment to the Tralee Municipal District Local Area Plan 2018 – 2024.

The Fenit Village Design Masterplan provides a strong basis for a plan-led approach to the enhancement and strategic redevelopment of this village in a manner which supports the creation of a strong sense of place whilst enhancing the vitality of the village centre.

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As your authority will be aware, a key function of the Office is the assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

The Office has evaluated and assessed the proposed Amendment no. 1 under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act). The submission below has been prepared to provide strategic level input to your authority in finalising the proposed Amendment. No recommendations or observations are considered necessary in respect of the proposed Amendment.

## 1. Consistency with the National Planning Framework

The Office is satisfied that the proposed amendment, incorporating an objective that facilitates the delivery for this Village Design Masterplan is strongly aligned with the objectives of the National Planning Framework (NPF).

The proposed Amendment to the LAP facilitates the strengthening and the diversification of this rural village through the focus of housing (NPO 16), and also provides for the proportionate and tailored approach to residential development in this rural settlement

(NPO 18a). The proposed Amendment also provides for the provision of a stronger urban place thus enhancing the attractiveness of the village as a place to live and work (NPO 4), facilitates village regeneration (NPO 6), compact growth (NPO 3) and making better use of underutilised land (NPO11).

Furthermore, and having regard to the *Climate Action Plan 2021* and to the objectives of the NPF to support the transition to a low carbon economy (NPO 53 and 54), the Office welcomes and acknowledges that the village centre regeneration will make a positive contribution to sustainable travel patterns by encouraging modal shift to walking and cycling.

## 2. Consistency with the Regional Spatial Economic Strategy

Compact growth and urban regeneration are fundamental RSES policy objectives both highlighting the need to identify infill and brownfield opportunities to intensify housing development and achieve the sustainable compact growth of all settlements. The Office welcomes the approach in the proposed masterplan as it provides a framework consistent with RSES (RPO 34 and RPO 35).

Moreover RSES recognises that the regeneration and rejuvenation of cities, towns and villages of all types and scale can play a role in making stronger urban places (RPO 31) and thus promoting rural villages as attractive places to live and work.

The focus on village centre regeneration provides for enhanced economic development opportunities, especially within the context of the proposed Tralee-Fenit Greenway and tourism development generally, consistent with RPO 26 and RPO 53.

Furthermore, the Office welcomes and acknowledges that the proposed Amendment provides a framework to support a sustainable pattern of development through the location of housing proximate to existing amenities and services where people can choose to use greener modes of transport, such as walking and cycling (RPO 174).

# 3. Consistency with Kerry County Development Plan, 2015 – 2021

The Office notes the county settlement hierarchy within the Plan has designated Fenit as a 'village' in the Settlement Hierarchy. The proposed Amendment facilitates the future development of the town consistent with its position in the settlement hierarchy.

The Office also notes that the proposed Amendment is consistent with the settlement hierarchy in the draft Kerry County Development Plan 2022 – 2028.

### 4. Section 28 Guidelines

The approach in the proposed amendment to prioritise the most spatially centrally located development site in Fenit is welcomed and commanded by the Office, moreover is consistent with the general approach in the section 28 guidelines for *Development Plans and the Development Plans Guidelines for Planning Authorities – Draft for Consultation* (2021) that require a sequential approach is followed, whereby the most spatially centrally located development sites in settlements are prioritised for new development first.

The proposed design-led approach is also welcomed in the context of the statutory guidelines on *Sustainable Residential Development in Urban Areas* (2009), which identifies the need that new developments shall recognise the necessity to allow for the consolidation of the village and development of a sense of place. The approach advocated in the Fenit Village Design Masterplan would also facilitate an appropriate scale and density to the established pattern of development, ensuring the masterplan proposal will not dominate in terms of scale.

The planning authority is advised, having regard to section 28 guidelines *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009) and generally to the provision and maintenance of surface water drainage infrastructure, and moreover the requirements to address the necessity of adaptation to climate change, to ensure the master plan takes due account of 'Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in *Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document* (2021).

Your authority is also advised, to ensure best practice is adhered to, consult with the OPW in advance of the completion of the Fenit Village Design Masterplan.

Finally, the Office strongly welcomes the design-led approach to redevelopment followed by your authority. This will contribute to a sense of place and identity, making the village more pleasant for people to live in and work in.

### Summary

Arising from the foregoing evaluation and assessment of the proposed Amendment, the Office concludes that no recommendations are warranted since the proposed Amendment is generally consistent with national and regional planning policies and the draft Kerry County Development Plan, 2022 – 2028.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the proposed Amendment to the Local Area Plan.

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 plans@opr.ie.

Is mise le meas,

C'Onna.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations