

9<sup>th</sup> September 2022

Planning Policy Unit, Kerry County Council,

County Buildings,

Rathass,

Tralee,

Co. Kerry,

V92 H7VT.

Re: Issues Paper for the Kenmare Municipal District Local Area Plan 2022-2028

OPR Ref: IP-042-22

A chara,

Thank you for your authority's work in preparing the Issues Paper for the preparation of the Kenmare Municipal District (MD) Local Area Plan 2022-2028 (the LAP).

The Office welcomes the timely commencement of the plan-making process in view of the recent adoption of the Kerry County Development Plan 2022 -2028 (the Development Plan).

The Office notes that the LAP will replace the extant West Iveragh LAP 2019-2025.

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

- Matters generally within the scope of section 19;
- Consistency with the objectives of relevant Development Plan, its core strategy, the Regional Spatial and Economic Strategy for the Southern Regional Assembly (the RSES);
- Consistency with the transport strategy of the National Transport Authority,
  where applicable;

- Ministerial guidelines made under section 28;
- Ministerial policy directives issued under section 29; and
- Such other matters as the Minister may prescribe under section 262 or otherwise prescribe.

The Issues Paper is structured around 13 appropriate key themes: settlements, climate change and achieving a sustainable future, core and settlement strategy, towns and villages and compact growth, rural areas, sustainable communities, Gaeltacht areas, culture and heritage, economic development, tourism and outdoor recreation, the environment, energy, water and waste management and connectivity. The Office considers these themes to be generally appropriate to help focus the public's attention in identifying a strategic vision for the area over the next 6 years, and the key planning and environmental challenges over that period.

The Office has set out some broad issues for your authority to consider in formulating the draft LAP under the following 9 themes:

- 1. Regional Spatial and Economic Strategy (RSES)
- 2. Core Strategy, zoning and compact growth
- 3. Regeneration and development
- 4. Economic Development and employment
- 5. Transport and infrastructure
- 6. Climate action, energy and Strategic Flood Risk Assessment
- 7. Gaeltacht Areas, Culture and Heritage
- 8. Strategic Environmental Assessment
- 9. Other / procedural issues

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 the planning authority to comply with the relevant legislative requirements, or to be consistent with the

fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

## 1. Regional Spatial and Economic Strategy

Section 20(5) of the Act requires the LAP to be consistent with the Regional Spatial Economic Strategy (RSES), in addition to the National Planning Framework (NPF) and the Development Plan.

The provisions of the RSES that are relevant to County Kerry have generally been transposed through the Development Plan, including its core strategy. Therefore in ensuring consistency with the Development Plan, the planning authority can ensure that the LAP is generally consistent with the RSES.

The Office suggests that in aligning with the RSES, it may be appropriate for the LAP to focus, in particular, on qualitative issues such as placemaking and the practical implementation of the 10-minute town concept, regeneration and land activation, taking account of the guidling principles and strategic vision of the RSES, in addition to compliance with the regional policy objectives (RPOs).

The following summary of the below RPOs, amongst others, are also of particular relevance to Kenmare MD LAP:

#### **RPO 26 – Towns and Villages**

- To strongly support the viability of towns and rural settlements.
- To seek investment and initiatives that deliver smart technologies, revitalisation of mixed use town and village centre streets and renewal and reuse of buildings.
- To seek sustainable delivery of holistic infrastructure in towns and villages.
- To support the development of cluster housing within the existing footprint of rural settlements.
- To seek investment in the sustainable development of a New Homes in Small Towns and villages initiative.

#### RPO 27 - Rural

- To support rural economies and rural communities through implementing a sustainable rural housing policy which provide a distinction between areas under urban influence and other rural areas.
- Include policies for protection of the viability of smaller towns and rural settlements.
- Have regard for the viability of smaller towns and rural settlements for areas under urban influence and in rural areas elsewhere.
- Provide for flexibility in zoning and density requirements to ensure that rural villages provide attractive easily developed options for housing.

# RPO 30 – Inter- Urban Networks as Regional Drivers of Collaboration and Growth

 To recognise and support the role of existing and potential inter-urban networks as regional significant drivers of collaboration and growth including the Kerry Hub and Knowledge Triangle.

## **RPO 31 – Sustainable Place Framework**

• To provide for and implement through development plans and local area plans a Sustainable Place Framework to ensure the development of quality places through integrated planning and consistently excellent design.

## **RPO 153 – Capacity of Inter- urban Road Connections**

 To protect, improve and maintain the operation of the National and Strategic Regional Inter-urban road connections within and between cities, settlements, ports and airports by providing effective policies in Development Plans and Local Area Plans.

The LAP should also consider practical implementation issues and measures that can best be promoted via the policies and objectives the LAP.

### 2. Core strategy, zoning and compact growth

The core strategy of the Development Plan provides for a population growth target of about 6% for the county over the plan period, which equates to a housing target of approximately 7,000 new residential units.

The future LAP includes three regional towns, Kenmare, KIllorglin and Cahersiveen; two district towns, Sneem and Waterville; and a number of villages and small settlements. The Development Plan core strategy provides for housing growth targets of 204 units for Kenmare, 251 units for Killorglin and 101 units for Cahersiveen, over the plan period. It also sets housing targets of 21 and 41 for the district towns of Sneem and Waterville, respectively. The housing target is 618 units across the main towns in the municipal district.

The Development Plan also included an objective to prepare a settlement capacity audit for the relevant regional and district towns to inform the land use zoning required to meet the projected population and housing targets (Objective KCDP 3-8).

The preparation of settlement capacity audits for Cahersiveen, Kenmare, KIllorglin, Sneem and Waterville is consistent with the recently adopted *Development Plans*, *Guidelines for Planning Authorities* (2022) (*the Development Plans Guidelines*) which sets out the required approach to determining the zoning of land, including the application of compact growth and the sequential approach to zoning. It is important that the lands proposed to be zoned in settlements, for residential / mixed-residential land uses, in particular, are serviced or will be serviced during the period of the plan so that housing can be delivered more rapidly in the county.

The planning authority should ensure that it has due regard to the Guidelines in preparing the Settlement Capacity Audit, which should include an infrastructural assessment of the existing availability, or the delivery within the period of the LAP, of the following as key determinants for land use zoning proposals:

- Road Access
- Footpath access (including public lighting)
- Cycle access
- Foul sewerage drainage

- Water supply
- Surface water drainage

Close consultation with relevant service providers will be essential to ensure a fully informed audit. In particular, the Office advises that Irish Water should be consulted regarding availability of wastewater services capacity, including treatment plants and network capacity over the plan-period, for the settlements of the county.

The planning authority will be aware of the requirement under section 19(2) of the Act that the LAP shall be consistent with the objectives of the Development Plan, its core strategy and with the RSES. As such it is important to ensure that the LAP appropriately zones lands to facilitate the future growth targets in a sustainable and compact manner in accordance with the settlement hierarchy set out in the development plan core strategy.

The Office would caution against the introduction of any land use zoning objectives that would conflict with the core strategy and the housing supply target for the settlement, the objectives for compact growth under the NPF and RSES (NPO 3c and RPO 10), or the sequential approach to zoning in the *Development Plan Guidelines*.

In this regard, the Office notes that the proposed LAP will replace the existing West Iveragh LAP 2019-2025 to which the Office made a recommendation to omit certain lands in Knightstown and Cahersiveen, on the basis of inconsistency with the development plan objectives / core strategy, and on the basis that it would represent piecemeal and uncoordinated development of Cahersiveen. The Office welcomed the decision of the planning authority to comply with the recommendation. The Office would encourage the planning authority to avoid similar issues arising in the draft LAP, particularly in view of the aforementioned legislative provisions and the strong policy basis that exists for compact growth and sequential approach under the

Development Plan Guidelines<sup>1</sup>, in addition to under the NPF and RSES, in particular NPO 3c and RPO 10.

## 3. Regeneration and Development

Both the NPF (NPO 4 and 6) and RSES (RPO 10) provide a strong emphasis on the opportunities for urban regeneration to create attractive, liveable, well-designed, high quality urban places that provide for a high quality of life and well-being.

In this regard, the Office welcomes the emphasis in the Issues Paper on urban design and quality public realm in towns and villages as an important element to contribute to creating an attractive and distinct environment and to enhancing the overall vitality of the area.

The LAP should consider objectives for appropriate strategic regeneration projects that have best potential for diverse and expansive positive impact, to support relevant applications for funding under the Rural Regeneration and Development Fund. The LAP should also consider objectives to support the Town Centre First Initiative to revitalise towns and villages to support compact growth and the sustainable development of an area.

It will be important to identify key regeneration proposals for brownfield sites (opportunity sites) in the towns and the planning authority should take this opportunity to put in place a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites. This may include a range of proactive land activation measures, which may include the use of compulsory purchase and derelict site orders. The planning authority will be aware of the recently announced Croí Cónaithe (Towns) Fund which will initially focus on supporting refurbishment of vacant homes in regional towns and should be suitably promoted in the forthcoming LAP.

<sup>&</sup>lt;sup>1</sup> The Development Plans Guidelines provide that where land use zoning is being undertaken as part of the preparation of a local area plan, the specified approach to zoning detailed in Chapter 6 and in Chapter 4 of the guidelines should be followed by the planning authority.

### 4. Economic Development and Employment

The Office acknowledges the regional economic significance of the Kenmare Municipal District having regard to the location of the Kerry hub and Knowledge Triangle. The LAP should build upon the success of these economic drivers through the inclusion of specific policies and objectives to further attract economic investment to the area in accordance with Development Plan objective KCDP 9-8.

At a more general level, the policy approach to economic development in the LAP should be consistent with the RSES economic strategy, particularly RPO 30, in respect of inter-urban networks as regional drivers of collaboration and growth and RPO 62, in respect of locations for economic development.

In support of the above policy objective, it will be important that the planning authority takes an integrated approach to land use and transportation in relation to employment development to ensure that the need to travel by car is reduced or minimised, in line with RPO 151. This means giving careful consideration to the need to zone lands that are peripherally located and poorly serviced by sustainable transport options.

In respect of retail development, the planning authority is reminded to take account of the town centre health check assessment including required key actions from the Retail Strategy prepared for the Development Plan, and to ensure that it has due regard to the *Retail Planning Guidelines for Planning Authorities* (2012).

#### 5. Transport and Infrastructure

The Office notes objective KCDP 14-5 of the Development Plan which seeks to specify baseline figures and targets for modal share in new and varied local area plans, as informed by the preparation of local transport plans.

The Office would encourage the planning authority to prepare any local transport plan in close consultation with the NTA and TII, and in accordance with the policy objective(s) of the Development Plan. Regarding modal share targets, the Office would suggest that where such targets are proposed they should aim to be ambitious, but should take realistic account of potential for alternative modes in the

different settlement contexts within the LAP. Consultation with the NTA is advised in this regard.

Further, when setting modal share targets, the planning authority should determine what practical actions, including objectives, policies and measures, can be included in the LAP to help achieve them, in tandem with projected population and economic growth over the plan period. In particular, the local transport plans should inform the land use zoning proposals within the LAP.

It will be important to ensure that the planning authority takes an integrated approach to land use transport planning, consistent with the guiding principles of the RSES. In this regard the Office supports the approach outlined in the Issues Paper, which emphasises the importance of the location of residential and work environments in relation to supporting transport infrastructure to ensure sustainable communities are developed in line with climate change mitigation and quality of life considerations.

This approach should also be supported by the proactive implementation of the *Design Manual for Urban Roads and Streets* (revised 2019), to ensure that urban settlements increasingly become better suited to accommodating pedestrian and cyclists, in addition to public transport where available. Overall, the Office considers that there is significant potential for the future LAP to reduce the carbon footprint of the county in support of national targets, consistent with NPO 54 and the *Climate Action Plan 2021*, through the promotion of sustainable settlement and transportation strategies.

The planning authority will be aware of the current draft Direction issued by the Minister under section 31 of the Act concerning certain provisions of the Kerry County Development Plan 2022-2028, specifically in relation to the provision of access / intensification of access to national roads. In this respect, the planning authority is advised to ensure that the LAP is consistent with the Development Plan, as affected by the Direction process.

#### 6. Climate Action, Energy and Strategic Flood risk Assessment

The Office welcomes the emphasis given to climate change in the Issues Paper and endorses the statement:

This LAP will secure the implementation of the climate change objectives and policies as set out in the Kerry County Development Plan 2022-2028. This LAP also recognises the growing importance of biodiversity and nature conservation as a means to both mitigate and adapt to climate change.

As referred to above, the planning authority will be aware of the current draft Direction issued by the Minister under section 31 concerning certain provisions of the Kerry County Development Plan 2022-2028, including specifically in relation to wind energy development. In this respect, the planning authority is advised to ensure that the LAP is consistent with the Development Plan, as affected by the Direction process.

The planning authority will be aware of the need to prepare a Strategic Flood Risk Assessment (SFRA) as part of the forthcoming draft LAP, consistent with *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (*Planning System and Flood Risk Management Guidelines*).

Under section 4.23 of the *Planning System and Flood Risk Management Guidelines*, where a planning authority is considering (in the plan) the future development of areas at risk of flooding, that would generally be inappropriate under the sequential approach (section 3.2), the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning will satisfy the Justification Test for the plan making stage (Box 4.1).

Your authority will also be aware of the *Department of Environment, Community and Local Government Circular PL 2/2014*, which clarifies that the application of the justification test also applies to existing developed areas of towns and cities located in Flood Zone A and B.

Further advice in relation to the above and other matters relating to the SFRA, including the use of appropriate and relevant flood risk data sets, can be obtained from the Office of Public Works (OPW), and the Office would advise direct consultation with the OPW in advance of the publication of the draft LAP. Coastal flooding will also be an important consideration for Kerry, as a coastal county.

The Office would also advise that flood maps be overlaid on proposed zoning maps to provide clarity and transparency for members of the public.

Regarding climate adaption, the LAP should be consistent with the relevant objectives and be informed by the guiding principles of the RSES.

## 7. Gaeltacht Areas, Culture, and Heritage

The Office welcomes the identification of keys issues and trends concerning An Gaeltacht and the need to protect and preserve the Irish language and culture.

The planning authority is encouraged in the LAP, to support the preparation of Language Plans for South Kerry and the Gaeltacht service town of Cahersiveen in accordance KCDP 4-9, KCDP 6-58 and KCDP 8-6. The Language Plans can be used as a tool to enhance the use of the Irish language in line with NPO 29 and RPO 195.

The Office acknowledges that there has been a decline in the number of daily Irish speakers outside the education system in the Uíbh Ráthach Gaeltacht within the Kenmare MD LAP area. The Planning Authority should include policies and objectives in the draft LAP to support the Uíbh Ráthacht Task Force to help promote the use of the Irish language in the area.

The Planning Authority is also advised to consult with the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media in the preparation of the LAP.

#### 8. Strategic Environmental Assessment and Appropriate Assessment

The Office notes the intent of the planning authority to undertake Strategic Environmental Assessment and Appropriate Assessment as part of the LAP process.

The Habitats Directive Assessment of plans or projects as outlined in Article 6 (3) and (4) of the *European Communities* (1992) Council Directive 92/43/EEC on the conservation of natural habitats require that a Screening for Appropriate Assessment is prepared for the LAP.

If it is concluded that likely significant effects on areas designated as Natura 2000 sites cannot be excluded, a Natura Impact Report must be prepared and an Appropriate Assessment must be carried out.

### 9. Other / procedural issues

Having regard to section 15 of the Act and the provisions of section 6.5 of the *Local Area Plan Guidelines for Planning Authorities* (2013), the planning authority should provide for monitoring and evaluation of implementation of the policies and objectives of the LAP, which could include reviewing progress achieved in securing the objectives of the development plan across a range of relevant areas.

The Office welcomes the planning authority's decision to publish an Issues Paper and invite submissions in respect of the preparation of an LAP for the Kenmare Municipal District, in view of the discretion allowed by the planning authority in this regard under section 20(1) of the Act.

### Summary

In summary, the Office commends your authority for the preparation of this Issues Paper.

The Office advises your authority to pay particular attention to the following issues in the preparation of the local area plan:

- Ensure that any lands zoned for New Residential are appropriate in terms of delivery of the housing supply target for the towns and villages in the core strategy of the County Development Plan, are serviced or serviceable within the plan period (based on settlement capacity audits), and are consistent with compact growth and the sequential approach to development;
- Ensure consistency with the principles set out in the Government's Town
  Centre First Policy;
- Identify opportunity sites which can support town centre regeneration and economic development and include proactive land activation measures to tackle dereliction and underutilisation of buildings and promote high quality place-making;
- The approach to economic development and employment should be informed by the RSES economic strategy, including the Kerry Knowledge Triangle;
- Any modal share targets should be ambitious but realistic and be informed by the preparation of a local transport plan in consultation with the NTA and TII;

- Particular regard should be had to Flood Risk Management and the Planning System, Guidelines for Planning Authorities (2009), as amended, and the OPW should be consulted in the preparations for the LAP;
- The LAP should support the preparation of language plans to promote the development of the Gaeltacht areas in accordance with the NPF and the RSES; and
- Provide for monitoring and implementation of the policies and objectives of the LAP.

The Office looks forward to reviewing the draft local area 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.

Is mise le meas,

**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations