



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: IP-008-23

10th March 2023

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

**Re: Issues Paper for the Killarney Municipal District (MD) Local Area Plan 2023 –
2029**

A chara,

Thank you for your authority's work in preparing the Issues Paper for the proposed Killarney MD Local Area Plan, 2023 - 2029 (the Issues Paper). The Killarney MD Local Area Plan, 2023 – 2029 (the LAP), which will replace the Tralee Town Plan (contained in Volume 2 of the Kerry County Development Plan, 2022 – 2028), and the Killarney Municipal District LAP, 2018 - 2024, is a mandatory local area plan under section 19(1)(b) of the *Planning and Development Act 2000*, as amended (the Act).

The Office welcomes the commencement of the plan-making process, through the publication of the Issues Paper, in view of the provisions under sections 18(4)(b) and 19(2B) and in view of the recent adoption of the Kerry County Development Plan 2022 - 2028 (the Development Plan) on 4th of July 2022.

The Office acknowledges your authority's work, more broadly, in advancing the preparation of the LAP.

As section 20(1) does not prescribe the requirements for public consultation at pre-draft stage for LAPs, the planning authority is commended for publishing an Issues Paper,

engaging proactively with the public and notifying the Office of the intention to prepare the LAP.

In accordance with the provisions of section 31AO of 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 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;
- 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 Office has set out some broad issues, relevant to the preparation of most, if not all LAPs, in addition to some specific issues of particular relevance to the preparation of this LAP, under the following:

1. Strategic Policy Framework
2. Development plan and core strategy
3. Zoning, compact growth and infrastructural services
4. Regeneration
5. Education, social and community amenities
6. Economic development and employment
7. Transport and mobility
8. Climate change and flood risk management
9. Environment and natural and built heritage
10. Implementation and monitoring
11. Other matters

The Office's comments are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process. They do not affect the obligation on your 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. Strategic Policy Framework

The planning authority will be aware that section 20(5) of the Act requires the LAP to be consistent with the objectives of the RSES, in addition to the National Planning Framework (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant the development plan.

The provisions of the RSES have generally been transposed through the Development Plan. Therefore, in ensuring consistency with the Development Plan and core strategy, the planning authority can ensure that it is also generally consistent with the RSES and NPF. However, the Office encourages the planning authority to liaise with the Southern Regional Assembly in preparation of the draft LAP to ensure consistency with the RSES, particularly where clarity is required on the objectives and guiding principles set out therein.

The RSES Settlement Typology (table 3.2) identifies Killarney as a Key Town and the region's eight largest urban settlement outside the cities. RPO 18 includes an objective to strengthen the role of Killarney as a strategically located urban centre of significant influence in a sub-regional context, a centre of excellence in tourism, recreation and amenity sectors, to promote its role as a leader in these sectors, in particular training and education. Further RPO 18 aims to strengthen Killarney's overall multi-sectoral dynamic as a key settlement in the Kerry Hub Knowledge Triangle accessible to key transport infrastructure.

In aligning with the RSES, the LAP should consider the strategic vision, goals and guiding principles of the RSES, in addition to consistency with the relevant regional policy objectives (RPOs).

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



2. Development plan and core strategy

Section 19(2)(b) of the Act also requires that the LAP shall be consistent with the objectives of the development plan and its core strategy. A key message of the section 28 *Local Area Plan Guidelines for Planning Authorities* (2013) (LAP Guidelines) is that consistency between local area plans and the core strategy of development plans is an essential requirement, particularly in relation to the quantum and location of lands identified for development.

The Office therefore cautions against the introduction of any objectives that would conflict with the detailed provisions of the core strategy for the proposed area of the LAP and the housing supply target for the settlements in the LAP area.

The Office welcomes that the Issue Paper indicates that the emphasis will be on the growth of the 'Key Town' of Killarney, and the District Towns (Barraduff, Kilcummin and Rathmore) to a lesser extent, while maximising the use of brownfield sites, infill sites and re-use of existing housing stock / vacancy buildings.

The LAP should also consider how the delivery of housing in locations that are currently serviced in terms of the social and physical infrastructure that communities expect, and are easily accessible from existing urban areas by walking, cycling and public transport can be supported and prioritised.

3. Zoning, compact growth and infrastructural services

Prioritising development that achieves compact growth in accordance the NPF (NPO 3c) and the RSES (RPO 35) will play a central role to the achieving the National Climate Objective and the Government's obligatory target of 51% for greenhouse gas (GHG) emissions reduction by 2030 and for a carbon neutral economy by 2050.

In this regard any provisions or standards for residential density or building height in the LAP should have regard to relevant section 28 guidelines, including *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages* (2009), *Urban Development and Building Heights Guidelines for Planning Authorities* (2018), and *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020) and should be consistent with any SPPRs.

4. Regeneration

Both the NPF (NPO 4, 6, 18a, 18b and 35) and the policy objectives and provisions of the RSES place a strong emphasis on the opportunities for urban and village regeneration to create attractive, liveable, well-designed, high quality urban places that provide for a high quality of life and well-being. Regeneration and revitalisation of settlements through reuse of brownfield sites and vacant/underutilised buildings will play a crucial role in mitigating climate change and in achieving the Government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

The LAP provides an opportunity to identify specific regeneration projects aimed at enabling compact growth and Town Centre First (TCF) implementation, consistent with the objectives of the regeneration strategy of the Development Plan and the guiding principles of the RSES for urban infill and regeneration.

The Office commended the approach and the vision in the adopted Development Plan for the policy commitments to the regeneration and renewal of towns and villages in the county over the plan period in a manner that is consistent with the proper planning and sustainable development of the area. The Office noted and welcomed the concrete regeneration initiatives and site-specific projects which support compact growth, place-making and quality environments.

The Office also welcomes your Council's successful bidding in securing €21m under the Urban Regeneration and Development Fund for the further development of Killarney as a world class tourist destination. The project identified in the Issues Paper, a new Primary Care facility, a town centre quarter and cultural heritage experience, should act as a catalyst for urban consolidation and compact forms of development consistent with NPO 3 and RPO 35. This town regeneration project in addition to other urban regeneration measures identified for Killarney in the Issues Paper is welcomed and it will be important for the LAP to identify further opportunity/regeneration sites, vacant and underutilised buildings. In particular it would be useful to clearly identify the boundaries of all 'Opportunity Sites', including 'smaller opportunity sites' on the land use zoning map to provide clarity.

The LAP should also identify specific investment and/or infrastructure to support regeneration development, such as site assembly, land acquisition, and/or sustainable transport initiatives. The best use of the planning authority's own powers in terms of land

activation, such as compulsory purchase, derelict sites etc. will be important in this context.

Furthermore, the town enhancement projects in the District Towns will support the sustainable development of these settlements consistent with NPO 4, 6, 18a, 18b and 35.

The Office encourages the planning authority to make the implementation of these initiatives a key focus over the lifetime of the LAP.

Also important in this respect is the Government's *Town Centre First: A Policy Approach for Irish Towns*, which policy envisages TCF plans as central to informing the future direction of towns and the priority investment interventions supported through TCF-aligned funding streams.

The identification of intended sources of funding to facilitate, support or complement key regeneration projects, such as the recently announced *Croí Cónaithe (Towns) Fund Scheme (2022)*, is a further land activation measure to be considered in the LAP.

5. Education, social and community amenities

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. In this regard, the LAP should be consistent with NPO 31, which seeks to align population and employment growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas to meet the diverse needs of local populations. The LAP should also be consistent with the objectives of the RSES for education facilities. It should also have regard to the provisions for social audits under the *Development Plans, Guidelines for Planning Authorities (2022)* (Development Plans Guidelines) (or civic infrastructure audits under the LAP Guidelines)¹.

It is an objective (NPO 4) of the NPF to ensure the creation of liveable places that are home to diverse and integrated communities and (NPO 28) providing improved integration and greater accessibility in delivering sustainable communities and associated services. This includes planning for the housing/transport/accessibility and leisure needs of an aging

¹ The Athy Social Infrastructure Audit, which supported the Athy Local Area Plan, 2021 – 2027 is a good example of such an audit.

population (NPO 30) and for the Traveller community. The LAP should also be consistent with the objectives of the RSES for social and community facilities.

The NPF expects the local authority's *Local Economic and Community Plan 2016-2022* should also inform the LAP to provide for the co-ordinated spatial planning of community services for the area. In addition, the local authority's *Traveller Accommodation Programme 2019-2024* should also inform the LAP.

Having regard to NPO 33 to prioritise new homes that can support sustainable development at an appropriate scale of provision relative to location, it is important that the LAP takes an integrated approach to the planning of education, social and community facilities and amenities. The LAP should consider the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents. Specifically in relation to schools, the planning authority should consult with the Forward Planning & Site Acquisitions Section of the Department of Education.

In addition, and aligned with the need for a sustainable settlement and transport strategy, the LAP should also ensure that education, childcare, and social and community facilities can be easily accessed by walking or cycling from existing and proposed new residential areas.

6. Economic development and employment

The LAP Guidelines state that LAPs should include objectives to promote local economic development and employment growth by focusing on issues such as the creation of vibrant and dynamic city and town centres where local businesses thrive and the provision of low cost accommodation for start-up businesses.

RSES recognises the Kerry Hub and Knowledge Triangle as an innovative economic hub within the established network of Killarney, Tralee, Killorglin and the Atlantic Economic Corridor (AEC) which will drive economic growth and capitalise on connectivity to the Cork and Limerick-Shannon Metropolitan Areas and the AEC.

An integrated approach to land use and transport planning for enterprise, employment and commercial development will also play an important role in mitigating climate change and in achieving the Government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

The facilitation of retail facilities will also need to be considered to provide for the anticipated population growth. Regard should be had, in particular, to the sequential approach to the location of retail development and other provisions of the *Retail Planning Guidelines for Planning Authorities* (2012) and the position of the settlement in the retail hierarchy of the Development Plan.

7. Transport and mobility

The objectives and provisions of the NPF (NPO 27, NPO 33 and NPO 64, among others) and the RSES recognise the importance of implementing an integrated land use and transportation approach.

A mandatory national target of 51% reduction in GHG emissions by 2030 will be implemented through the *Climate Action Plan 2023*, which commits to delivering an additional 500,000 daily sustainable journeys by 2030 (an increase of 14% on current levels) through, among others, a significant increase in walking and cycling, supported by the goals of government's *National Sustainable Mobility Policy* (2022).

An integrated approach to land use and transport planning will be central to achieving these targets. In addition to the above, the LAP should be informed by the guiding principles and be consistent with the RPOs of the RSES relating to integration of land use and transport planning, where applicable.

The RSES sets out guiding principles for integration of land use and transport planning and identifies the requirement for local transport plans (LTPs) for certain settlements and/or under certain circumstances. The Office acknowledges and welcomes the Development Plan policy objective (KCDP 14-24) to prepare a Local Transport Plan (LTP) for Killarney, within two years of adoption. The LTP can include priorities for settlements in terms of public transport infrastructure and services, cycle investment and improvements to the pedestrian environment. The Office notes that RSES advocates that policies, objectives and measures that emerge from the LTP be incorporated into LAP..

Furthermore policy objective (KCDP 14-13) requires to develop in accordance with the National Cycle Manual and the NTA, an integrated network of cycle ways in our larger urban centres, to ensure permeability within and between residential areas, linking to town centres, schools and places of work informed by Transport Mobility Plans for Tralee, Killarney and Listowel.

The LTP will be key to informing the objectives, policies and measures in the LAP so that the modal share targets for Tralee set out in the Development Plan can be achieved. The NTA and TII ABTA Advice Note and *ABTA How to Guide, Guidance Document Pilot Methodology* (2021) should be considered by the planning authority in preparing any LTP. The planning authority is advised to consult with both NTA and TII in advance of preparing the LTP.

Consistency with the transport strategy and associated objectives and policies of the Development Plan is required. In particular the Office notes and welcomes Development Plan policy objective KCDP 14-1 to deliver sustainable transport infrastructure investments as identified for the road network, public/rural transport, and walking/ cycling infrastructure to facilitate and realise the 10-minute town concept.

The transport strategy of the LAP should also demonstrate consistency with the Avoid-Shift-Improve principle, the implementation of the Decide Provide approach and the 10-minute town concept.

The proactive implementation of the *Design Manual for Urban Roads and Streets* 2019, including in particular filtered permeability, will ensure that over time the area will better accommodate pedestrians and cyclists, in addition to public transport where available. Similarly, the implementation of the NTA's *Permeability Best Practice Guide* (2015) will also ensure enhanced pedestrian and cycle routes within the area of the LAP.

8. Climate change and flood risk management

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The NPF acknowledges climate change as a national environmental challenge and it is an objective (NPO 54) to reduce Ireland's carbon footprint in support of national targets for climate policy mitigation and adaptation, including targets for GHG emissions reduction.

The effective implementation of climate mitigation objectives through the LAP, consistent with national and regional policy objectives (and guiding principles) identified by the Office under each of the themes, above, will be critical to the achievement of the Government's GHG emissions reduction target to mitigate climate change.



In terms of climate adaptation, flood risk management is the most critical climate change adaptation measure to be addressed in the LAP, informed by Strategic Flood Risk Assessment (SFRA). The planning authority should ensure that it has regard to the detailed requirements and provisions of the section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* (Flood Guidelines). The planning authority is advised to liaise with the OPW regarding the requirements in respect of the LAP.

The planning authority should overlay the flood risk zones on any proposed land use zoning maps, to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. The planning authority is also requested to make a copy of digital mapping data available to the Office and to the OPW to facilitate assessment.

As noted, above, the implementation of objectives for green and blue infrastructure consistent with national and regional policy objectives should also form an important part of the LAP's response to climate change adaptation.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, such as Sustainable urban Drainage Systems (SuDS). In this regard the Office draws the planning authority's attention to *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)* which was issued by the Department of Housing, Local Government and Heritage after the adoption of the Development Plan.

9. Environment and natural and built heritage

The planning authority is the competent authority for the purposes of Strategic Environmental Assessment (SEA) and Appropriate Assessment. The planning authority will be aware of its obligations and responsibilities under the SEA Directive and under the Habitats Directive.

In this regard the planning authority is required to have regard to the revised section 28 *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)*. It should also consider the *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2010)*, as revised.

It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The planning authority should ensure the LAP is consistent with objectives of the NPF concerning environmental protection (NPO 52, NPO 57, NPO 58, NPO 60, NPO 62, NPO 63, NPO 64 and NPO 65, among others), in addition to the objectives or guiding principles of the RSES.

In particular, the Office highlights the importance of integrating green and blue infrastructure into the LAP, in accordance with NPO 58 and the objectives and guiding principle of the RSES. Planning for green and blue infrastructure, such as public parks and water bodies can contribute to climate change adaptation, in particular flood risk management through nature-based solutions. It can also make a positive contribution to climate mitigation, when integrated with greenways, and have positive impacts on biodiversity.

The Killarney National Park and Kerry UNESCO Biosphere Reserve is of regional and national importance and is recognised in Development Plan objectives, KCDDP 11-10, KCDDP 11-11, KCDDP 11-12, to protect and support these amenities. The Kerry Biosphere now includes Killarney National Park as its core, with the MacGillycuddy Reeks and other parts of the Special Area of Conservation (SAC) to the south and east of the National Park as a buffer, and with Killarney town and the Lough Leane catchment as a transition zone.

Regarding built-heritage, NPO 17, the RSES and several section 28 guidelines (LAP Guidelines and the Development Plans Guidelines, among others) recognise that protecting, conserving and managing sites and features of special interest, in addition to public realm improvements, can instigate a heritage-led regeneration of settlements to generate economic benefits in terms of tourist footfall, improved retail environment and improved quality of life. The re-use of built heritage will contribute to compact growth and regeneration and to climate change mitigation having regard to embodied carbon.

Although the key built-heritage related objectives and policies are contained in the Development Plan, the planning authority should consider what location specific objectives or measures would assist in the protection or improvement of built heritage over the period of the LAP. In this regard the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*, as amended.

10. Implementation and monitoring

The NPF and the RSES place increased emphasis on and recognise the importance of monitoring the implementation of statutory strategies and plans, as a measure of plan effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authority will be aware of its duty and function under section 15(1) and 15(2) of the Act, to secure the objectives of the Development Plan and to report on progress achieved. As the implementation of the objectives of the LAP derive from the objectives of the Development Plan, the obligations under the aforementioned subsections are also relevant to the LAP.

The planning authority is therefore encouraged to provide for monitoring of implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines.

11. Other matters

The Office invites the planning authority to submit a digital copy of all mapped data in respect of the proposed draft LAP in order to better facilitate its evaluation and assessment of the plan. In this regard, all spatial data should be in the format of either Web Map Service (WMS) or shapefile format, with the relevant attribute information attached.

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 LAP:

- the housing supply targets for all settlements should be consistent with the Kerry County Development Plan 2022 – 2028;
- consider policy support measures that support Killarney's designation and role as a Key Town;
- ensure that the policy framework as a whole protects and supports the amenities of Killarney National Park and Kerry UNESCO Biosphere Reserve as a regional and national attraction;



- identify opportunity/regeneration sites, vacant and underutilised buildings, together with specific investment and/or infrastructure to support regeneration development, such as site assembly, land acquisition, and/or sustainable transport initiatives;
- consider how to prioritise housing delivery in areas close to the facilities and services of the town and village centres, where land is already served by appropriate infrastructure or is capable of being serviced within the plan period, and is accessible by walking, cycling and public transport;
- the LAP should be informed by the preparation of a Local Transport Plan and should integrate land use and transport planning to provide for enhanced active and sustainable transport modes to help achieve the 10-minute town concept. The planning authority is advised to consult with the NTA and TII in this regard; and
- prepare an updated Strategic Flood Risk Assessment (SFRA) and include policies and objectives in relation to the implementation of SuDS and nature based solutions as a means for managing surface water run-off at key development sites. The planning authority is advised to consult with the OPW in this respect.

The Office looks forward to reviewing the future draft LAP and is committed to continued positive engagement with your authority in implementation of national and regional policies at the 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