

3rd November 2023

Planning Policy Unit,
Planning Department,
Kerry County Council,
County Buildings,
Rathass,
Tralee,
Co. Kerry,
V92H7VT.

Re: Kenmare Municipal District Draft Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the Kenmare Municipal District Draft Local Area Plan 2023-2029 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development Plan, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and relevant section 28 guidelines.

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.

Overview

The Office welcomes the preparation of a draft LAP for the municipal district of Kenmare, consistent with KCDP 3-7, to guide the future development of this environmentally and culturally sensitive sub-county region.

The Office commends the significant work undertaken by the planning authority to inform the draft LAP, the level of detail and the scope and format of the document, which constitutes a detailed strategy for the area. The inclusion of Settlement Capacity Audit (SCA) for residential and certain mixed use lands, provides a reasonable evidence base for individual land use zoning objectives and a clear understanding of the potential residential development capacity of the most relevant lands zoned in the draft LAP.

The draft LAP also sets out a clear strategy to focus on reuse, restoration and regeneration of urban cores and implementation of the Town Centre First: A Policy Approach for Irish Towns (2022) (Town Centre First), with a proactive policy approach to active land management through the use of indicative design briefs and identification of regeneration areas / opportunity sites for settlements, specific regeneration projects and provision for reduced development contributions.

However, the Office is concerned that the extent of zoning for residential use in Kenmare, Killorglin and Waterville does not bear a reasonable relationship with the core strategy of the Kerry County Development Plan 2022-2028 (the Development Plan) and results in a number of instances where poorly located lands have been zoned. This undermines the implementation of effective compact growth and the potential for regeneration of the centres of these settlements. This would be further exacerbated by the proposed R4 Strategic Residential Reserve land use zoning objective, across all zoned settlements.

The Office welcomes the positive policies and objectives for economic growth for the municipal district provided in the draft LAP, and the inclusion of some key baseline data to inform same. However, the Office recommends that a stronger, evidence-based approach be provided for Kenmare town.

Although the draft LAP includes many positive objectives to support and facilitate active and sustainable travel, the Office has determined that some amendments will also be necessary to ensure the transport strategy and associated objectives take account of the current national transport policy and climate policy framework.

Regarding flood risk management, the Office has identified relatively few issues that need to be addressed in respect of the strategic flood risk assessment and in the associated zoning objectives of the draft LAP.

On climate action, the Office welcomes the inclusion of a Climate Action Audit, which is an innovative and very positive addition to the LAP. In addition, the Office welcomes the identification, by way of a symbol, of objectives contributing to the planning authority's climate action strategy. The Office considers these two elements to be good practice.

It is within this context the submission below sets out five (5) recommendations and three (3) observations under the following 9 themes:

Key theme	Recommendation	Observation
Consistency with Development Plan and Core Strategy	-	-
Zoning for residential uses, compact growth and infrastructural services	Recommendation 1 Recommendation 2 Recommendation 3	-

Regeneration	-	-
Economy and Employment	-	Observation 1
Transport and Accessibility	Recommendation 4	-
Flood risk management	Recommendation 5	-
Climate Action	-	-
Environment, Heritage and Amenity	-	Observation 2
Implementation and Monitoring	-	Observation 3

1. Consistency with development plan core strategy

Section 19(2) of the Act requires a local area plan to be consistent with the objectives of the development plan and its core strategy. This requirement also applies under section 20(5) of the Act.

The Office is satisfied that the housing growth targets for the towns of Cahersiveen, Kenmare, Killorglin and Sneem and Waterville under the draft LAP is consistent with the core strategy of the Development Plan, excepting that Table 3.10 contains a typing error in respect of Waterville, referring to 414 units instead of 41 units. This error should be corrected.

However, as set out in the following section, the proposed zoning objectives for residential uses and for a mixture of residential and other uses is not consistent with the core strategy in a number of respects.

2. Zoning for residential uses, compact growth and infrastructural services

The Office welcomes the designation of land use zoning objectives for the regional towns and the district towns, supported by a detailed SCA in accordance with Objective KCDP 3-8 of the Development Plan. The SCA considers the potential yield of lands zoned R1 New/Proposed Residential or M1/M2 Town / Village Centre or Mixed Use/Opportunity Site based on residential densities that are consistent with the section 28 *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages* (2009). The Office considers this to be very good practice.

Having regard to the SCA, the Office is satisfied that the land use zonings and potential housing yield for Cahersiveen and Sneem are generally consistent with the Housing Supply Targets (HST) provided in the Development Plan core strategy. However, it is apparent from the SCA that the lands proposed to be zoned R1 or M1/M2 for Kenmare, Killorglin and Waterville would provide for housing significantly in excess of that provided for in the core strategy¹. This is contrary to the statutory requirements under section 19(2) and section 20(5) of the Act.

As a consequence of the quantum of land zoned for residential development, the draft LAP includes a number of instances in Kenmare and Killorglin where lands are zoned in more peripheral and non-sequential locations contrary to compact growth (NPO 3 and RPO 3.7.22), and development plan policy to '*support a sequential approach to residential development / which first choice location for new housing is within lands within town and village centres*'².

The extent of greenfield lands would also undermine the development of important opportunity sites in the centre of Killorglin and central mixed use sites in Kenmare contrary to the very positive objectives of the draft LAP for the regeneration of these areas.

In this regard, the planning authority is required to reduce the overall quantum of residential zoned lands in Kenmare, Killorglin and Waterville in order to ensure consistency with the Development Plan core strategy and the HST figures for these settlements. The planning authority should therefore review the following sites in relation to their location in achieving compact growth and a sequential approach to development, having regard to Objective KCDP 4-1 and section 6.2.3 of the Development Plan and the policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines) to implement the sequential approach to zoning:

- Killorglin – sites referenced³ KG-6, KG7 and KG8; and

¹ Core Strategy HST for Kenmare(204 units), Killorglin (251 units), and Waterville (41 units)

² Page 117, Section 6.2.3 of Kerry County Development Plan 2022-2028

³ As referenced in the settlement capacity audit, Appendix A, draft LAP

- Kenmare - sites referenced KE1, KE2, KE3, KE4, KE8, KE9 and KE 13.

The Office considers that by focussing on better located lands and omitting more peripheral and non-sequential zonings, including those specified above, the draft LAP would provide a more reasonable relationship between residential zoning and the core strategy of the Development Plan such as would ensure a sufficient supply of zoned land consistent with the housing supply targets.

Finally, the Office notes that extensive lands within the vicinity of the central areas of Kenmare and Killorglin are zoned C5 Tourism and P1 Agriculture. These lands are favourably located in terms of achieving compact growth and providing for a sequential approach to zoning of residential land. The planning authority may wish to consider whether it would be feasible and desirable to bring certain such lands forward for residential development as R1 New Residential, subject to ensuring that the overall balance of R1 lands bears a reasonable relationship with the core strategy allocations.

Recommendation 1 – Residential land use zoning

Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to:

- the requirements under sections 19(2) and 20(5) of the *Planning and Development Act 2000*, as amended, concerning consistency with the objectives of the development plan and its core strategy;
- the core strategy of the Kerry County Development Plan 2022-2028 (Development Plan), and the housing targets allocated to Kenmare, Killorglin and Waterville;
- Objective KC DP 4-1 of the Development Plan to promote the sustainable development of land to achieve compact growth;
- NPO 3a and 3c, and RPO 3.7.22 for compact growth;
- the policy under section 6.2.3 of the Development Plan to ‘*support a sequential approach to residential development...*’; and
- the policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* to implement the sequential approach to zoning,

the planning authority is required to omit the following R1 new residential land use zoning objectives:

- (i) KE1, KE2, KE3, KE4, KE8, KE9 and KE 13 in Kenmare
- (ii) KG-6, KG-7 and KG8 in Killorglin; and
- (iii) other such lands in Kenmare and Killorglin and Waterville as necessary to ensure the remaining area lands zoned R1 bears a reasonable relationship with the core strategy of the development plan, having regard to the potential yield of those lands and other lands where residential units are open for consideration / permitted in principle under the land use zoning matrix.

In addition to proposed R1 zoned lands, additional lands are proposed to be zoned R4 Strategic Residential Reserve in the regional towns and district towns. These lands are more peripherally located than lands zoned R1 and are not appropriate for this six-year plan period. With the exception of Sneem, all of these lands have been categorised as Tier 2 lands in the SCA.

The Office notes that residential units are permitted in principle on these lands, but that Objective KENMD-76 prohibits residential development until 50% of the R1 lands have been developed to the satisfaction of the planning authority and subject to the provision of adequate infrastructure.

These R4 lands amount to an addition of 55% in Cahersiveen, 10% in Kenmare, 13% in Killorglin and 137% in Waterville, over and above the area of proposed R1 lands. There can be no justification for zoning these additional lands in the context of the extent of the excess zoning of R1 lands. Moreover, there is no justification for the proposed R4 zonings under the current Development Plan, which makes no provision for residential reserve.

Recommendation 2 – Residential reserve land use zoning

Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to:

- the requirements under sections 19(2) and 20(5) of the *Planning and Development Act 2000*, as amended, concerning consistency with the objectives of the development plan and its core strategy;
- the core strategy of the Kerry County Development Plan 2022-2028 (the Development Plan);
- Objective KCDP 4-1 of the Development Plan to promote the sustainable development of land to achieve compact growth;
- NPO 3a and 3c, and RPO 3.7.22 compact growth;
- Development Plan policy under section 6.2.3 ‘*support a sequential approach to residential development...*’; and
- the policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that the zoning of land should be informed by a settlement capacity audit, and to implement the sequential approach to zoning,

the planning authority is required to omit the proposed R4 strategic residential reserve zoning objective and associated Objective KENMD-76.

It is further noted that R4 lands are proposed for the seven village settlements. Beaufort, Chapelton, Dún Géagáin, Glenbeigh, Kilgarvan, Knightstown, and Portmagee. As no R1 lands are proposed for these villages, in view of the wording of Objective KENMD-76, the proposed R4 lands in effect become R1 lands.

No SCA or other infrastructure assessment has been carried out for these lands, and the Office is aware that all but one of the village settlements is without wastewater treatment capacity. It is a requirement under both NPO 72 and the policy and objective in the Development Plans Guidelines that an infrastructure assessment or SCA is carried out

for all land proposed to be zoned, and that land that cannot be serviced within the life of the LAP should not be zoned.

As the Office requires the R4 land use zoning objective to be omitted under the recommendation, above, it will be necessary for the planning authority to consider what appropriate zoning objective or objectives would best ensure the sustainable development of those settlements, consistent with the core strategy and taking account of infrastructural services capacity, including tiered approach to zoning.

Recommendation 3 – Residential zonings for villages

Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to:

- the requirements under sections 19(2) and 20(5) of the *Planning and Development Act 2000*, as amended, concerning consistency with the objectives of the development plan and its core strategy;
- the core strategy of the Kerry County Development Plan 2022-2028 (Development Plan), and the housing targets allocated to villages;
- Objective KCDP 4-1 of the Development Plan to promote the sustainable development of land to achieve compact growth;
- NPO 3a and 3c, and RPO 3.7.22 compact growth;
- NPO 72 tiered approach to zoning;
- Development Plan policy under section 6.2.3 ‘*support a sequential approach to residential development...*’; and
- the policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* that the zoning of land should be informed by a settlement capacity audit, and to implement the sequential approach to zoning,

the planning authority is required to determine appropriate land use zoning objectives to replace the proposed R4 strategic residential reserve zoning

objective, consistent with the core strategy and taking account of infrastructural services capacity of the lands concerned.

3. Regeneration

The Office commends the planning authority for the positive, clear strategic vision for the LAP, which focuses on the reuse, restoration and regeneration of urban cores and implementation of the Town Centre First approach as a sustainable, encompassing framework for the creation of a sustainable economic base, settlement consolidation and to support climate action policy.

The policies, objectives and strategies for regeneration for the regional towns and district towns, including the Killorglin Town Centre Smart Regeneration Project (2021), and the Cahersiveen Town Centre Regeneration Project, have great potential to revitalise and renew these historic towns, as long as the pressures for urban sprawl are resisted, as recommended above.

4. Economy and employment

The Office welcomes the generally strategic approach taken to economic issues in the draft LAP. The Office also acknowledges the evidence-base for the overall strategy, as set out under section 2.7.2 of the draft LAP and the details also provided separately for the individual settlements.

While this is a positive approach, the approach to zoning would benefit from a more detailed level of consideration.

This is particularly evident in Kenmare, where c.24.5ha has been zoned for economic and employment related uses - comprising C6 Mixed / general commercial / industrial / enterprise use (c.12.3ha) and C5 Tourism and related (c.8ha) - in addition to brownfield lands zoned M2 town / village centre (c.4.14ha). However, a clear evidence-base and rationale for these zonings has not been presented and no consideration of the differing zoning requirements for employment uses is evident as per section 6.2.5 of the Development Plans Guidelines.

In this regard, it is not apparent that the criteria regarding the location and scale of such uses under section 9.6.1 of the Development Plan, has been applied. The draft LAP also

does not apply the standardised land use zoning objectives (Appendix B) which, although not mandatory, provide appropriate sub-categories for employment land uses consistent with a strategic approach to planning for employment uses.

The Office also notes that no infrastructure assessment has been undertaken for economic and employment uses as part of the SCA.

Accordingly, the Office advises that a more informed approach should be taken in respect of the zoning of lands for employment use, with particular regard to the intensity and nature of potential uses having regard to the accessibility of those lands, their proximity to facilities and services in the town centre, and their status in terms of infrastructural services availability.

Observation 1 – Economic and employment

The planning authority is advised to review its zoning objectives for lands for employment uses with a view to clarifying the type of employment uses based on their intensity and nature relative to the accessibility of their location, and the servicing status of those lands.

5. Transport and accessibility

The Office supports the positive strategies and objectives to promote active and sustainable modes of travel in the draft LAP, consistent with the positive policies and objective for sustainable transport, active travel and climate action in the Development Plan.

The Office welcomes the setting of modal share targets for 2040, but would urge the planning authority to set realistic but ambitious interim targets to be achieved over the LAP period having regard to Objective KCDDP 14-5 of the Development Plan and RPO 163. This would provide focus for the delivery or accommodation of active and sustainable modes in the short term and form key indicators for monitoring of plan implementation.

However, the draft LAP does not refer to relevant current national transport policies, including the *National Sustainable Mobility Policy* (NSMP), the *National Investment Framework for Transport* (NIFTI), which reflect Ireland's mandatory targets for

greenhouse gas reduction (51% by 2030 against 2018 baseline and net zero by 2050) under the *Climate Action and Low Carbon Act 2015, as amended 2021*.

The Office notes the *Design Manual for Urban Roads and Streets* and Transport Infrastructure Ireland (TII) Publications Standard DN-GEO-03084 *The Treatment of Transition Zones to Towns and Villages on National Roads* are appropriately referenced and supported by objectives under the Development Plan. It would welcome reference to support same in the draft LAP in order to ensure the implementation, having regard to the avoid-shift-improve actions of the *Climate Action Plan 2023 (Climate Action Plan)*. In addition, while the Development Plan references and supports *National Cycle Manual* (2011), this has been replaced with the *Cycle Design Manual* (2023). In view of the actions of the *Climate Action Plan*, it would be appropriate to reference and support the latter manual in the draft LAP.

Similarly, while the requirements of *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) (National Roads Guidelines) to maintain the capacity and safety of the national road network are supported by Objective KCDP 14-29 of the Development Plan, an appropriate objective or cross-reference to that objective would be welcomed. In this regard, noting the proposed zoning of lands outside of the designated 50-60kph speed limit, the Office would welcome confirmation in the draft LAP that access to lands outside the 50-60kph speed limit zone should conform to the SPNRGs and to objectives KCDP 14-29 and 14-30 of the Development Plan.

The Office notes the draft LAP includes objectives for a relief road for Kenmare and a major link road for Killorglin. In view of current national policy on sustainable mobility (NSMP) and on investment in transport (NIFTI), it is essential that objectives to deliver such transport infrastructure are evidence-based. This may be done through the preparation of local transport and traffic management plans in accordance with Objective KENMD-58. The Office welcomes this objective as such plans can act as a useful tool to assist in the integration of transport and land use.

The Office notes Objective KENMD-59, which seeks to facilitate the carrying out of works stated in the Municipal District Works Plan which are compatible with environmental protection objectives for the area. It is necessary; however, to amend this to ensure that only works that are consistent with the current national transport policy framework are facilitated.

Recommendation 4 – Sustainable transport and accessibility

Having regard to the need to provide for sustainable transport and, in particular:

- Objective KCDP 14-5 of the development plan to set modal share targets in Local Area Plans;
- RPO 163 Sustainable Mobility Targets, RSES, to set targets for sustainable mobility in Local Area Plans;
- the *Climate Action and Low Carbon Development Act 2015*, as amended, mandatory target to reduce greenhouse gas emissions by 51% and the *Climate Action Plan 2023* and *National Sustainable Mobility Policy (2022)* targets to reduce vehicle kilometres travelled per year and associated actions and goals;
- the *National Investment Framework for Transport in Ireland (2021)*; and
- the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and objectives KCDP 14-29 and KCDP 14-31 of the development plan,

the planning authority is required to:

- (i) insert an objective to confirm that access to lands outside the 50-60kph speed limit zone will conform to the requirements of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* to objectives KCDP 14-29 and 14-30 of the Kerry County Development Plan 2022-2028,
- (ii) insert an objective to deliver new roads infrastructure based on an objective evidence-base, such as through the Local Transport and Traffic Management Plans under KENMD-58, or otherwise, including demonstration of consistency with current national transport policy; and
- (iii) amend KENMD-59, to add the following text (in red):

*Facilitate the carrying out of the works stated in the ‘Schedule of MD Works Plan’ for the Kenmare MD which are compatible with environmental protection objectives for the area **and with the National***

Sustainable Mobility Policy (2022), the National Investment Framework for Transport in Ireland, or subsequent policy documents.

The planning authority is also advised to appropriately reference the following:

- a) *National Sustainable Mobility Policy (2022), the National Investment Framework for Transport in Ireland;*
- b) Design Manual for Urban Roads and Streets;
- c) the Cycle Design Manual (2023),
- d) TII Publications Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads'.

6. Flood risk management

The Office welcomes the preparation of an SFRA and the inclusion of detailed and appropriate flood risk management objectives – KENMD-46 to KENMD-53 – including provisions for sustainable urban drainage and nature based solutions for managing surface water runoff, which are becoming increasingly important due to increased rainfall intensity from climate change.

While the draft LAP has largely had regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, as amended, there remains some outstanding areas that results in the draft LAP being inconsistent with NPO 57 and RPOs 114 and 115.

Specifically, there is an absence of plan making justification tests for the built up area, including 'town / village centres' and 'mixed use / opportunity sites', in particular, where structural and non-structural measures are required.

In relation to Cahersiveen, parts of sites M1.1 (CH-13) and M1.2 (CH-11) and all of site M1.3 (CH-12) fall partly within flood zones A and B. An objective restricting uses to only water-compatible development within Flood Zone A and less vulnerable development in Flood Zone B, is required, unless these sites pass the plan-making justification test.

In terms of data, the Strategic Flood Risk Assessment (SFRA) has, in some instances, relied upon National Indicative Fluvial Mapping (NIFM), alone, however NIFM data should only be used in conjunction with other appropriate datasets. In cases where there

is no Office of Public Works (OPW) Catchment Flood Risk Assessment and Management (CFRAM) or NIFM datasets (note, NIFM must be confirmed with another dataset such as past flood events, surveys, site visits etc.) for relevant watercourses, flood risk assessments are required to inform zoning decisions.

In relation to the flood zone maps for Sneem, Waterville and Portmagee, the NIFM data does not appear to have been taken into account as a data source in conjunction with other data sets.

In addition, there is no need to distinguish between fluvial and coastal flood, as has been done in the SFRA for Kenmare and Killorglin. Datasets should be combined to inform one flood zoned map for clarity in order to represent the overall combined flood risk.

Recommendation 5 – Flood risk management

Having regard to flood risk management and, in particular:

- NPO 57 requiring implementation of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) and integration of sustainable water management solutions; and
- RPO 3.10, flood risk management and integration of sustainable water management solutions,

the planning authority is required to:

- (i) carry out the plan making justification tests for the built up area, including ‘town / village centres’ and ‘mixed use / opportunity sites’, in particular, where structural and non-structural measures are required;
- (ii) limit development to only water-compatible development within Flood Zone A and less vulnerable development in Flood Zone B, on sites M1.1 (CH-13), M1.2 (CH-11) and M1.3 (CH-12) within Cahersiveen unless these sites first pass the plan-making justification test;
- (iii) Ensure the Strategic Flood Risk Assessment, including any proposals to zone land, is based on appropriate datasets. Where data sets are not

available, supplementary flood risk assessments will be required to inform the extent of flood risk areas;

- (iv) take National Indicative Fluvial Mapping data into account for the flood zone maps for Sneem, Waterville and Portmagee; and
- (v) provide combined datasets between coastal and fluvial flooding for Kenmare and Killorglin to inform single flood zoned maps for these settlements.

The planning authority should consult the Office of Public Works in addressing this Recommendation.

7. Climate action

The Office has addressed above the main issues of concern regarding climate change relating to the zoning of land for development, flood risk management, sustainable transport, and regeneration and renewal of existing areas.

Otherwise, the Office commends the planning authority for including a Climate Action Audit, which lists the key actions of the draft LAP addressing climate mitigation and climate adaptation across four critical themes of 'spatial planning / zoning', 'transport', 'built environment (residential and commercial)' and 'community / social (Just Transition)'.

This is a very positive addition to the draft LAP and is regarded as good practice. However, it is noted that several of the climate actions referred to do not actually appear to be explicitly supported in the draft LAP, such as the avoid-shift-improve paradigm and blue / green infrastructure. Further, it also highlights actions, such as support of consolidation growth, regeneration / reuse / redevelopment, which are seriously undermined by other objectives, such as excess zoning. For accuracy, the Office advises that the draft LAP (or the audit, where appropriate) should be amended in order to ensure alignment with the key actions identified in the audit.

The Office also acknowledges the identification, by way of a symbol, of those plan objectives that contribute to climate action. This is also regarded as good practice.

8. Environment, heritage and amenity

The Office welcomes the positive policies and objective included in the draft LAP concerning built and natural heritage.

The Office notes the planning authority has carried out Strategic Environmental Assessment (SEA) and prepared an Environmental Report and the mitigation measures integrated into the draft LAP on foot of same. The *Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities (2022)* advise that

...an assessment of cumulative effects involves a structured approach to determining the interactions between the plan being assessed and other plans, programmes, projects and activities that could combine to produce significant effects on the environment when considered in cumulation.

While approaches to carrying out assessment of cumulative effects and presenting the results will vary depending on the scale of the plan, no meaningful assessment of potential cumulative impacts appears to have been carried out as part of the SEA, as reported in the SEA Environmental Report.

The Office notes the planning authority carried out appropriate assessment and has prepared a Natura Impact Report documenting same. According to the *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2010)*,

The first step in this [stage 2 appropriate] assessment is to identify the conservation objectives of the Natura 2000 site and to identify those aspects of the plan or project (alone and in combination with other plans or projects) that will affect those objectives.

While the conservation objectives are appended to the LAP, the appropriate assessment itself does not refer to the conservation objectives for the European sites concerned, or to the potential for adverse effects arising thereon from the draft LAP.

In addition, some of the mitigation measures recommended for inclusion in the draft LAP do not appear to have been incorporated into the draft LAP.

Observation 2 – Environmental assessments

The Office advises the planning authority to satisfy itself that:

- (i) it has adequately addressed cumulative impacts in its carrying out of and reporting its strategic environmental assessment of the draft LAP, having regard to the *Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities (2022)*;
- (ii) it has carried out appropriate assessment of the draft LAP on any European site in view of its conservation objectives; and
- (iii) the mitigation measures recommended in the Natura Impact Report have been incorporated into the draft LAP.

9. Implementation and monitoring

The Office notes that no provision has been made for monitoring the implementation of the draft LAP. The inclusion of a clear monitoring strategy of key plan objectives will enable the planning authority to be more effective in implementing the draft LAP, and will assist in meeting obligations under section 15(1) and (2) of the Act in respect of securing the objectives of the development plan, under which the LAP sits.

In this regard, the Development Plans Guidelines place significant emphasis on the role of plan implementation, monitoring and reporting. Also, the *Local Area Plan Guidelines for Planning Authorities (2013)*, strongly advises LAPs to include an Implementation and Infrastructure Delivery Schedule, including the implementation, and monitoring of the policies and objectives of the local area plan. The planning authority is encouraged to periodically review the success or otherwise of the implementation of the policies and objectives of the LAP through an effective monitoring system. In this regard, the Office considers the approach taken in the Limerick Development Plan 2022-2028 to be good practice.

Observation 3 – Implementation and Monitoring

The Office advises the planning authority to include a monitoring strategy for implementation of the draft LAP, having regard to section 6.5 of the *Local Area*

Plan Guidelines for Planning Authorities (2013), the provisions of the Development Plans, Guidelines for Planning Authorities (2022) and section 15 of the Planning and Development Act 2000, as amended).

Summary

Arising from the foregoing evaluation and assessment of the Kenmare Municipal District Draft Local Area Plan 2023-2029, the Office concludes that apart from the issues raised in the recommendations, particularly in relation to land use zoning, the draft LAP is generally acceptable and in accordance with the Development Plan, national and regional policy.

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed. Where your authority decides not to comply with the recommendations of the Office, made in the draft LAP and report, please outline the reasons for the decision in the chief executive's report.

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,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations