

10<sup>th</sup> July 2025

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

**Re: Proposed Variation No. 2 to the Kerry County Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 2 (the proposed Variation) to the Kerry County Development Plan 2022-2028 (County Development Plan).

As Kerry County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (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 proposed Variation under the provisions of sections 31AM(1) and 31AM(2) of the Planning and Development Act 2000, as amended (the Act) and this submission has been prepared accordingly.

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, planning authorities are requested 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. Planning authorities are advised by the Office to action an observation.

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

On adoption of the proposed Variation, the Office will consider whether it has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and development of the area concerned.

## **Overview**

The Office acknowledges and welcomes the overall approach of your authority in the preparation of the proposed Variation and in addressing the Revised National Planning Framework 2025 (Revised NPF) and the Regional Spatial and Economic Strategy for the Southern Regional Assembly area (RSES) in accordance with section 13 of the Act.

In particular, the Office welcomes the policy approach to supporting Killarney's designation and role as a Key Town, protecting and supporting the amenities of Killarney National Park and Kerry UNESCO Biosphere Reserve, identifying policy objectives for opportunity sites and under-utilised sites and preparing a Settlement Capacity Audit (appendix A) and Employment Capacity Audit (appendix B).

The Office generally considers that the approach to zoning is consistent with the compact, sequential and proportionate growth of the towns and villages within Killarney Municipal District. It is clear that the proposed Variation provides a sufficient supply of zoned land to meet the housing needs of the area, and careful consideration should be given to the introduction of additional zoning objectives by way of material alterations, particularly where the land in question is peripherally located and non-sequential in terms of zoned or undeveloped land closer to town and village centres.

The Office has, however, recommended amendments in relation to sustainable transport and mobility which will be important in terms of reducing greenhouse gas emissions.

The Office has also recommended amendments to ensure that risk of flooding to people and property is avoided and managed.

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out two (2) recommendations and two (2) observations under the following key themes:

Key theme	Recommendation	Observation
<a href="#">Employment and economic Development</a>		<a href="#">Observation 1</a>
<a href="#">Sustainable transport</a>	<a href="#">Recommendation 1</a>	-
<a href="#">Flood risk management</a>	<a href="#">Recommendation 2</a>	-
<a href="#">Nature conservation</a>	-	<a href="#">Observation 2</a>

## 1. Employment and economic development

The Office welcomes the inclusion of the Employment Capacity Audit for Killarney at appendix B of the proposed Variation.

The Office considers that the provision of information on the quantum of employment zoned lands in Killarney that are developed and undeveloped will further inform the evidence base and the policy objectives of the proposed Variation for Killarney as a Key Town, ensuring consistency with section 6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022) and national and regional policy objectives.

### Observation 1 – Employment zoned land

Having regard to:

- NPO 19 of the Revised NPF (identify and quantify locations for strategic employment development);
- RPO 18 of the RSES (sustainably strengthen the role of Killarney as a sub-regional centre);
- RPO 62 of the RSES (locations for employment development); and
- Section 6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022) (zoning for employment use),

the Planning Authority is advised to provide detail on the quantum of employment zoned lands in Killarney that are developed and undeveloped.

## **2. Sustainable transport**

The Office welcomes the preparation of the Local Transport Plan (LTP) using the Area Based Transport Assessment Advice methodology, which supports the integration of land use and transport planning by including a range of measures to improve sustainable transport.

The LTP indicates one of its key objectives is to promote a modal shift from private car to sustainable modes during the plan period. This will be essential to achieving national mandatory climate action targets to reduce greenhouse gas emissions by 51% by 2030.

Having clear modal shift objectives would assist with achieving these targets and the Office recommends the inclusion of ambitious but realistic mode share targets for Killarney, together with an effective monitoring programme within the proposed Variation.

While the LTP sits alongside the proposed Variation, and local transport objectives KCDP KY-70 and KCDP KY-71 are included, the Office is concerned the LTP measures and strategy have not been adequately prioritised and integrated into the proposed Variation and recommends that more explicit policy support for the implementation of each preferred modal strategy and associated interventions is provided. Priorities around existing deficits within the Killarney area, particularly connectivity to proposed new development areas, for example strategic employment locations and new residential development, and a clear town centre strategy are encouraged.

The Office also considers that the proposed Variation should provide clear mapping of the proposed active travel network and although implementation and timeframes are addressed in the LTP, recommends that priority projects to be progressed during the plan period are identified within the proposed Variation, together with implementation timeframes.

The Office notes Objective KCDP KY-22 of the proposed Variation provides for the Planning Authority to facilitate the provision of a multi-storey car park in Killarney at an appropriate location. The proposed Variation (section 2.1.3.5) states there is sufficient car parking within the town based on current provision, and the development of an additional 139 car parking spaces off Mission Road has recently been the subject of public

consultation in accordance with Part 8 of the Planning and Development Regulations 2001, as amended.

As such, the Office is concerned the provision of a multi-storey car park in Killarney is not supported by the LTP and is not consistent with national and regional policy objectives to improve air quality and integrate land use and sustainable transport. On this basis, the Office considers that Objective KCDP KY-22 should be omitted, and parking options identified in the LTP (table 2.4) should be implemented in order of priority, as part of integration of the LTP measures in the proposed Variation, addressed above.

### **Recommendation 1 - Integration of land use and sustainable transport**

Having regard to the need for integration of land use and sustainable transportation, and in particular to:

- NPO 107 and National Strategic Outcome 5 of the Revised NPF (sustainable mobility);
- NPO 93 of the Revised NPF (air quality);
- RPO 151 of the RSES (integration of land use and transport);
- RPO 152 of the RSES (permeability for walking, cycling and public transport modes);
- RPO 157 of the RSES (preparation of Local Transport Plans); and
- the Climate Action and Low Carbon Development Act 2015 as amended, mandatory target to reduce greenhouse gas emission by 51%, the Climate Action Plan 2025 and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021),

the Office recommends that the Planning Authority:

- (i) identifies priority active travel projects and parking options to be progressed during the plan period together with timeframes;
- (ii) incorporates the measures and proposed modal networks, identified in the Local Transport Plan, and include policy support and clear mapping for the proposed interventions which identifies connectivity for existing and proposed active travel

networks and public transport networks for existing and proposed residential, employment lands and retail sites;

(iii) includes mode share targets for Killarney together with an effective monitoring programme; and

(iv) omits Objective KCDP KY-22 Car Parking.

### **3. Flood risk management**

The Office welcomes the preparation of the Strategic Flood Risk Assessment (SFRA) in accordance with NPO 1 of the Revised NPF and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

The Office welcomes the inclusion of a Plan Making Justification Test (Justification Test) in section 5.2 of the SFRA, which enhances the assessment of the suitability of specific developments located in the area identified as having moderate or high flood risk, as detailed in section 3.7 of the Flood Guidelines. However, no clear conclusion is provided as to whether the Justification Test criteria have been satisfied. Similarly, no determination is provided on whether specified mitigation measures can effectively reduce the risks to an acceptable level while not exacerbating flood risk elsewhere. The Office, therefore, recommends that this is addressed to provide clarity and consistency with the Flood Guidelines.

The Office is concerned that land use zonings for undeveloped lands and existing development in areas that are identified as being at risk of flooding have not been subject to a Justification Test. Lands which have not satisfied all criteria of the Justification Test in Flood Zone A should be zoned for water compatible use, and in Flood Zone B should be zoned water compatible, or substituted for a land use appropriate to the level of flood risk.

In addition, for existing development, when avoidance or substitution is not possible and all criteria cannot be satisfied, a policy should be included to limit development to minor extensions only in accordance with section 5.28 of the Flood Guidelines and limit new development accordingly.

The Office notes that section 1.4.1 of the Proposed Variation No.1 to the Kerry County Development Plan 2022-2028 (proposed Variation No.1) includes general flood risk objectives. As these have not been included in this proposed Variation, the Planning

Authority should clarify whether the general flood risk objectives set out in proposed Variation No.1 also apply to the Killarney Municipal District Settlements' Plan.

## **Recommendation 2 – Flood risk management**

Having regard to:

- NPO 78 of the Revised NPF (avoiding inappropriate development in areas at risk of flooding that do not pass the Plan Making Justification Test (Justification Test));
- RPO 116 of the RSES (considering future appropriate land-use policies in accordance with the requirements of the Guidelines); and
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines),

the Office recommends that the Planning Authority:

- (i) reviews and amend the Strategic Flood Risk Assessment to ensure that it is fully consistent with the Justification Test as set out in the Flood Guidelines, all zoned lands that can accommodate vulnerable uses should be included and any zoning objective for highly vulnerable development (Flood Zone A or B) or less vulnerable development (Flood Zone A) that does not pass the Justification Test in accordance with the Flood Guidelines should be omitted;
- (ii) includes a policy where all criteria of the Justification Test cannot be satisfied, to limit existing development to minor development only as outlined in section 5.28 of the Flood Guidelines; and
- (iii) clarifies that section 1.4.1 Flood Risk Objectives of the Proposed Variation No.1 to the Kerry County Development Plan 2022-2028 applies to the proposed Variation No. 2.

The Planning Authority is advised to liaise with the Office of Public Works to address this recommendation.

#### 4. Nature conservation

The Office welcomes policy Objective KCDP KY-11 of the proposed Variation to facilitate and support Uisce Éireann in developing solutions to the impacts of wastewater discharges from Killarney wastewater treatment plant to Lough Leane during summer droughts.

As Rathmore wastewater treatment plant has the potential to impact the Munster Blackwater River Special Area of Conservation, designated for a range of habitats and species, in particular freshwater pearl mussel, which has high water quality requirements, the Office considers that either a new policy should be provided or Objective KCDP RE-3 of the proposed Variation should be amended to ensure there are no adverse effects from combined wastewater and storm water discharges to the Blackwater River, consistent with national and regional policy objectives.

##### Observation 2 – Rathmore wastewater discharges

Having regard to:

- the Habitats Directive and the Natura Impact Report prepared in respect of the proposed Variation;
- NPO 85 of the Revised NPF (conservation of biodiversity); and
- RPO 117 of the RSES (biodiversity and the Habitats Directive),

the Planning Authority is advised to provide a new objective or amend Objective KCDP RE-3 to ensure there are no adverse effects from combined wastewater and storm water discharges to the Blackwater River, consistent with national and regional policy objectives.

#### Summary

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 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

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 Variation. Where




your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

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](mailto:plans@opr.ie).

Is mise le meas,

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A handwritten signature in dark ink, appearing to read 'AM O'Connor' with a stylized flourish at the end.

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015

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