



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

12th December 2025

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

Re: Proposed Variation No. 3 to the Kerry County Development Plan 2022-2028

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 3 (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 (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 (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.

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 Variation, the Office will consider whether the Variation has been made in a manner consistent with the recommendations of the Office and whether the Variation 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 National Planning Framework First Revision (2025) (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly area, in accordance with section 13 of the Act.

In particular, the Office welcomes the policy approach to supporting town centre and rural regeneration by identifying policy objectives for opportunity sites in Castleisland, Daingean Uí Chúis/Dingle and Milltown, and cluster development in village settlements. The Office also welcomes the commencement of the Castleisland Town Centre First Masterplan and Public Realm Plan process, the preparation of a Settlement Capacity Audit for regional and district towns, and the inclusion of strong policy objectives to protect cultural heritage and Gaeltacht Corca Dhuibhne.

The Office generally considers that the approach to zoning is consistent with the compact, sequential and proportionate growth of the towns and villages within the Castleisland-Corca Dhuibhne Municipal District and with the NPF Implementation: Housing Growth Requirements (2025).

In relation to flood risk, the Office recommends amendments to the Strategic Flood Risk Assessment (SFRA) to ensure that risk of flooding to people and property is avoided and managed and to ensure consistency with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

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 one (1) recommendation under the following key theme:

Key theme	Recommendation	Observation
Flood risk management	Recommendation 1	-

Flood risk management

The Office welcomes the preparation of the SFRA in accordance with National Policy Objective (NPO) 1 of the NPF and the Flood Guidelines.

The Office recognises flood risk objectives KCDP SP-16 – SP-20 of Variation No.1 to the County Development Plan apply to this Variation and welcomes the inclusion of land use zoning assessments at section 5.1 of the SFRA, which are a useful basis for a Plan Making Justification Test (Justification Test), in accordance with the Flood Guidelines.

Justification Tests have not however been undertaken for land use zonings for highly vulnerable and/or less vulnerable uses on undeveloped lands and existing development in areas at risk of flooding. This particularly applies in relation to proposed land use zonings within town and village centres. The Office recommends therefore that this matter is addressed to provide clarity and consistency with the Flood Guidelines.

The Office welcomes the inclusion of unmapped watercourses at section 5.1.13 of the SFRA, however it is not clear that land use zonings either side of these watercourses have been informed by this information. As such the Planning Authority should review if stage 3 flood risk assessments are required to inform the land use zonings and the SFRA.

Finally, flood risks from all sources of flooding should be identified and considered in the SFRA including past flood events recorded by the Office of Public Works and by the Planning Authority, for example past flooding to properties should be considered in establishing the flood zones at Fieries.

Recommendation 1 – Flood risk management

Having regard to:

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

the Office recommends that the Planning Authority reviews and amends the Strategic Flood Risk Assessment (SFRA) to:

- (i) ensure that it is fully consistent with the Justification Test as set out in the Flood Guidelines, 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 or a determination provided on whether specified mitigation measures can effectively reduce the risks to an acceptable level while not exacerbating flood risk elsewhere;
- (ii) determine if stage 3 flood risk assessments are required for lands along either side of unmapped watercourses which have no flood risk extents illustrated on the flood zone mapping, if required undertake stage 3 flood risk assessments and if necessary re-zone lands for an appropriate use; and
- (iii) identify flood risks from all sources of flooding including detail available from past flood events to further inform the SFRA, and if necessary re-zone lands for an appropriate use.

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

Summary

The Office requests that your authority addresses the recommendation 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 recommendation of the Office, or otherwise makes the Variation in such a manner as to be inconsistent with the recommendation 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.

Is mise le meas,

A handwritten signature in dark ink, appearing to read 'AM O'Connor'.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015