



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

10th April 2026

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

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

A chara,

Thank you for your authority's work in preparing the Material Alterations (material alterations) to Proposed Variation No. 3 (proposed Variation) of the Kerry County Development Plan 2022-2028 (County Development Plan).

As Kerry County Council (Planning 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 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 accordingly¹.

¹ Chapter 5 of Part 3 of the Planning and Development Act 2024, which relates to the preparation of development plans and variations by planning authorities and the assessment by the Office, was commenced on 31st December 2025. However, section 69(2) provides that the variation of a development plan under section 13 of the Act of 2000 shall continue under that Act after the repeal of section 13 of the Act of 2000.

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 Variation, the Office will consider whether the plan 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 sustainable development of the area concerned.

Overview

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

With respect to the material alterations to zone residential lands, the Office is satisfied that approach to zoning is generally consistent with the NPF Implementation: Housing Growth Requirements (2025). However, the Office is concerned that MA 12 in Castleisland-Corca Dhuibhne rezones a well-located site close to the town centre from Strategic Residential Reserve to Agriculture. While the Office recognises that a similar quantum of land is proposed to be zoned as Strategic Residential Reserve within the settlement as part of the material alterations, given the importance of identifying a strong pipeline of zoned and serviced land to deliver housing, the Office advises the Planning Authority to consider

omitting MA 12 in Castleisland-Corca Dhuibhne to ensure the sustainable growth of the settlement.

The Office welcomes the commitment to address Recommendation 1(iii) in relation to flood risk management, to update the Strategic Flood Risk Assessment (SFRA) to have regard to a recent flood event at Fieries (MA 77).

The Office notes the Planning Authority's response to Recommendation 1(i) and (ii) set out in the notice issued in accordance with section 13(5)(aa) of the Act and is not satisfied that the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines) in relation to the Plan Making Justification Test (Justification Test) and stage 3 flood risk assessments associated with unmapped watercourses have been addressed.

Further, the Office recommends amendments to the SFRA to address these concerns in relation to the material alterations to ensure that risk of flooding to people and property is avoided and managed and to ensure consistency with the Flood Guidelines.

In relation to the environmental assessments of the material alterations, the Office recommends discrepancies between the proposed Variation and conclusions of the Strategic Environmental Assessment (SEA) Environmental Report and the Natura Impact Report (NIR) are addressed.

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 one (1) observation under the following key themes:

Key theme	Recommendation	Observation
Proposed rezoning: Castleisland-Corca Dhuibhne	-	MA Observation 1
Flood risk management	MA Recommendation 1	-
Environmental assessments	MA Recommendation 2	-

1. Proposed rezoning: Castleisland-Corca Dhuibhne

The material alterations to the proposed Variation include MA 12 in Castleisland-Corca Dhuibhne, which proposes to rezone a well-located site close to the town centre from Strategic Residential Reserve to Agriculture. While the Office recognises that a similar

quantum of land is proposed to be zoned as Strategic Residential Reserve within the settlement as part of the material alterations, the recently published housing plan, Delivering Homes, Building Communities 2025-2030, emphasises the need for a strong pipeline of zoned and serviced land to support the delivery of 300,000 new homes to 2030, stating:

...Government will ensure that new homes are built in the right locations, with the necessary services and community facilities in place, in keeping with our climate action goals, and the wider spatial growth of the State.

On that basis the Office advises the Planning Authority to consider omitting MA 12 to ensure future housing growth in Castleisland-Corca Dhuibhne is provided in the right location with the necessary services in keeping with climate action goals.

MA Observation 1 - Material Alteration 12 Castleisland-Corca Dhuibhne

Having regard to the compact and sustainable growth of Castleisland-Corca Dhuibhne and having considered:

- NPO 42 of the NPF to target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040;
- NPO 43 of the NPF to prioritise the provision of new homes at locations that can support sustainable development; and
- NPF Implementation: Housing Growth Requirements (2025),

the Office advises that the Planning Authority omit MA 12 within Castleisland-Corca Dhuibhne.

2. Flood risk management

The Office welcomes MA 77 in response to Recommendation 1(iii) to update the SFRA in relation to a recent flood event in Fieries.

The Office recognises objectives KCDP SP-17 and KCDP SP-18 of the County Development Plan address flood risk in relation to the proposed Variation, and notes that the Planning Authority considers the approach to not provide vulnerable land use zonings in

flood zones, objectives KCDP SP-17 and KCDP SP-18 and flood risk assessment of land use zonings carried out as part of the SFRA is appropriate.

However, the Office is concerned that the material alterations identify vulnerable land use zonings in flood zones, specifically MA 11, MA 12, MA 24, MA 27, MA 38 and MA 41, and that the Justification Test has not been undertaken for highly vulnerable and/or less vulnerable uses on undeveloped lands and existing development in areas at risk of flooding. The Office recommends therefore that this matter is addressed to provide clarity and consistency with the Flood Guidelines.

In addition, as an unmapped watercourse is located on or adjacent to MA 12, MA 48 and MA 49, and as it is not clear that land use zonings either side of these watercourses have been informed by this information, the Planning Authority should review if stage 3 flood risk assessments are required to inform the land use zonings and the SFRA.

MA 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 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; and

- (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.

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

3. Environmental assessments

The SEA Environmental Report concludes that MA 12, MA 16, MA 28, MA 36 and MA 38 were highlighted as having a significant effect on the environment and recommends that the draft proposed Variation be reverted to, and that a number of other material alterations had mitigation measures proposed. This conflicts with section 2 and 3 of the SEA Environmental Report which states that there are no significant effects likely in relation to each site.

As such, the Office recommends that as the SEA has been prepared in parallel with the drafting of the proposed Variation, the assessment and conclusions of the SEA should be confirmed, and the conclusions appropriately applied to the proposed Variation.

The NIR concludes that the material alterations to the proposed Variation are not likely to adversely affect the integrity of any European (Natura 2000) Site, either alone or in combination with other plans or projects, provided that the mitigation outlined in section 4 of the NIR report is incorporated into the proposed Variation.

The Office notes, however, that the recommended mitigation related to MA 40 and MA 59 outlined in section 4 of the NIR has not been incorporated into the proposed Variation. As such, the Office considers that the recommended mitigation should be incorporated into the proposed Variation by way of minor modifications.

MA Recommendation 2 - Environmental assessments

Having regard to the need to ensure all plans and projects are appropriately assessed for significant effects on the environment, and having considered:

- Strategic Environmental Assessment (SEA) Directive to assess the effects of certain plans and programmes on the environment;
- Article 6(3) of the Habitats Directive to ensure any plan or project likely to have a significant effect on a Natura 2000 site undergoes an appropriate assessment; and
- NPO 1 to ensure all plans and projects are subject to the relevant environmental assessment requirements including SEA, Environmental Impact Assessment, Strategic Flood Risk Assessment and Appropriate Assessment as appropriate,

the Office recommends that the Planning Authority:

- (i) reviews the SEA Environmental Report conclusions and applies the appropriate mitigation to the Proposed Variation No. 3 (proposed Variation) of the Kerry County Development Plan 2022-2028 including reverting to draft land use zoning for specific material alterations if appropriate; and
- (ii) incorporates the recommended mitigation relating to MA 40 and MA 59 into the proposed Variation as minor modifications.

The Planning Authority is recommended to consider the Strategic Environmental Assessment, Guidelines for Regional Assemblies and Planning Authorities (2022) and the Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (2010).

Summary

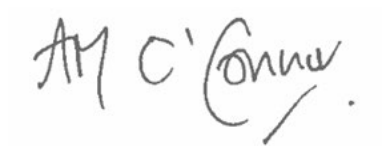
The Office requests that your authority addresses the recommendations and observation outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will 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.

Is mise le meas,

A handwritten signature in black ink that reads "AM C' Connor". The signature is written in a cursive, slightly slanted style.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015
