

Draft Kenmare Municipal District Local Area Plan 2023-2029



Proposed Material Alterations
Chief Executive's Report

March 2024



TABLE OF CONTENTS

	Page
1.0 Introduction	4
2.0 List of Submissions/Observations	7
3.0 Submissions	9
3.1 Statutory Submissions	9
3.2 Amendment Submissions	37
CE Opinion in relation to the issues raised & CE Recommendation in relation to each proposed material alteration	
<i>Section 1</i>	
3.2.1 Amendment 1	37
<i>Section 2</i>	
3.2.2 Amendment 2	38
3.2.3 Amendment 3	38
3.2.4 Amendment 4	39
3.2.5 Amendment 5	40
3.2.6 Amendment 6	42
3.2.7 Amendment 7	43
3.2.8 Amendment 8	44
3.2.9 Amendment 9	44
3.2.10 Amendment 10	45
3.2.11 Amendment 11	46
3.2.12 Amendment 12	47
<i>Section 3</i>	
3.2.13 Amendment 13	48
3.2.14 Amendment 14	48

	Page
<i>Cahersiveen</i>	
3.2.15 Amendment 15	49
3.2.16 Amendment 16	49
3.2.17 Amendment 17	49
3.2.18 Amendment 18	51
3.2.19 Amendment 19	51
<i>Kenmare</i>	
3.2.20 Amendment 20	52
3.2.21 Amendment 21	52
3.2.22 Amendment 22	53
3.2.23 Amendment 23	53
3.2.24 Amendment 24	53
3.2.25 Amendment 25	54
3.2.26 Amendment 26	54
3.2.27 Amendment 27	54
3.2.28 Amendment 28	55
3.2.29 Amendment 29	56
3.2.30 Amendment 30	56
3.2.31 Amendment 31	57
3.2.32 Amendment 32	57
3.2.33 Amendment 33	58
<i>Killorglin</i>	
3.2.34 Amendment 34	58
3.2.35 Amendment 35	58
3.2.36 Amendment 36	59
3.2.37 Amendment 37	59
3.2.38 Amendment 38	59

	Page
3.2.39 Amendment 39	59
<i>Sneem</i>	
3.2.40 Amendment 40	60
3.2.41 Amendment 41	61
3.2.42 Amendment 42	61
<i>Waterville</i>	
3.2.43 Amendment 43	62
3.2.44 Amendment 44	62
3.2.45 Amendment 45	63
<i>Baile an Sceilg</i>	
3.2.46 Amendment 46	63
3.2.47 Amendment 47	63
3.2.48 Amendment 48	65
<i>Beaufort</i>	
3.2.49 Amendment 49	66
3.2.50 Amendment 50	66
<i>Chapelstown</i>	
3.2.51 Amendment 51	67
3.2.52 Amendment 52	67
<i>Dún Géagáin</i>	
3.2.53 Amendment 53	67
<i>Kilgarvan</i>	
3.2.54 Amendment 54	68
<i>Knightstown</i>	
3.2.55 Amendment 55	68
3.2.56 Amendment 56	68
3.2.57 Amendment 57	69

	Page
3.2.58 Amendment 58 <i>Portmagee</i>	70
3.2.59 Amendment 59 <i>Rural</i>	70
3.2.60 Amendment 60	71
3.3 Submissions that do not relate to Proposed Material Alterations	71
4.0 Chief Executive's Recommendations	73
Appendix: Settlement Capacity Audit Maps for Reference Purposes Only	79

1.0 Introduction

1.1 Legal Preamble

Under Section 18 of the Planning and Development Act 2000 (as amended), Kerry County Council as a Planning Authority may prepare for any particular area within its functional area, a Local Area Plan (LAP) in respect of that area. The Act requires the Plan to consist of a written statement and a plan, indicating objectives for the proper planning and sustainable development of the area. Such objectives are to be consistent with the objectives of the County Development Plan.

It is an objective of Kerry County Council as a Planning Authority to prepare local area plans for the settlements within the Municipal Districts as outlined in Objective KCDP 3-7 of the Kerry County Development Plan 2022-2028 (KCDP 2022-2028). The plan for each settlement shall zone sufficient lands for residential, commercial, economic and social development, within defined development limits, and in accordance with its function. Plans will also make provision for the conservation and improvement of the cultural, natural and built heritage of an area.

When adopted by the Council, local area plans provide the overall framework for the development of an area and are a material consideration in the assessment of planning applications. In addition to its regulatory functions, plans provide both a blueprint for maximising the social and economic potential of each settlement, and a tool for the spatial management of an area.

1.2 Environmental Assessments

In preparing the Local Area Plan, the Planning Authority determined that: -

- Pursuant to the relevant criteria as set out in the Planning & Development Regulations, 2001 as amended, that the proposed plan will not significantly affect the environment, and
- Following the preparation of an Appropriate Assessment, no adverse effects on integrity of the Natura 2000 sites were considered likely.
- A Strategic Flood Risk Assessment was carried out in accordance with Department Guidelines.

1.3 Public Consultation

In accordance with Section 20(1) of the Planning and Development Act 2000 (as amended) Notice of the Draft Local Area Plan, SEA Environmental Report, the Habitats Directive Assessment/ Natura Impact Report and the Strategic Flood Risk Assessment were published in a local newspaper and invited observations and submissions. Copies of the Draft Local Area Plan and Environmental Reports were placed on display for public inspection from Thursday 31st August 2023 until Friday 3rd November 2023 (both dates inclusive) and submissions/observations were invited during this period. A number of well attended open days for members of the public were held in the Cahersiveen, Kenmare, Killorglin and Knightstown during the public consultation period. The Draft LAP was also translated into Irish.

There were 230 no. submissions received during the public consultation period, on the Draft Kenmare Municipal District Local Area Plan 2023-2029. In accordance with Section 20 (3)(ja)(i) of the Planning & Development Act 2000, as amended, written submissions and observations were

published on the website of the authority, <https://consult.kerrycoco.ie/en/node/1973/submissions>. The Chief Executive's Report and Recommendations on Submissions were presented and considered at the Kenmare Municipal District meeting held on 11th January 2024 where it was decided to amend the plan.

The Proposed Material Alterations to the Draft Kenmare Municipal District Local Area Plan 2023-2029 were placed on display (in English & Irish) for public inspection from Thursday 1st February 2024 until Friday 1st March 2024 (both dates inclusive) and submissions/observations were invited during this period.

1.4 Statutory Bodies

Under Section 20(3)(E) of the Planning and Development Act 2000 (as amended) the Planning Authority is required to consult the prescribed authorities listed under Part 3 Section 13 of the Planning and Development Regulations 2001 (as amended) and those prescribed under Article 13K of the Planning & Development (Strategic Environmental Assessment) Regulations 2004-2011.

1.5 Submissions Received

There were 39 no. submissions received during the public consultation period on the Proposed Material Alterations to the Draft Kenmare Municipal District Local Area Plan 2023-2029. In accordance with Section 20 (3)(ja)(i) of the Planning & Development Act 2000, as amended, written submissions and observations were published on the website of the authority, <https://consult.kerrycoco.ie/en/node/2852/submissions>.

In this Chief Executive's Report submission reference numbers are hyperlinked to their published location.

The Chief Executive's Report on Proposed Material Alterations in accordance with Section 20(3)(l) (i) & (ii) of the Planning & Development Act 2000, as amended, shall:

- i. list the persons who made submissions or observations,
- ii. provide a summary of –
 - a. the recommendations, submissions and observations made by the Minister, where the notice was sent before the establishment of the Office of the Planning Regulator,
 - b. the recommendations, submissions and observations made by the Office of the Planning Regulator, and
 - c. the submissions and observations made by any other persons,
 in relation to the draft local area plan in accordance with this section,
- iii. contain the opinion of the Chief Executive in relation to the issues raised, and his or her recommendations in relation to the proposed material alteration to the draft local area plan, including any change to the proposed material alteration as he or she considers appropriate, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

2.0 List of Submissions/Observations

The following table lists those who made a submission on the Proposed Material Alterations to the Draft Kenmare Municipal District Local Area Plan 2023-2029 in alphabetical order. The table includes the reference number for each submission, the amendment referred to if applicable, along with the page of the report where the submission is summarised.

Ref. No.	Author	Amendment	Page
KE-C19-10	Alan Kelly T.D.	Amendment 47	64
KE-C19-36	Anthony & Siobhan O'Callaghan	Amendment 31	57
KE-C19-20	Cherryhill Developments	Amendment 19	51
KE-C19-21	Cherryhill Developments	Amendment 37	59
KE-C19-25	Cherryhill Developments	Amendment 37	59
KE-C19-12	Christopher and Siobhan Breen	Amendment 50	66
KE-C19-13	Christopher and Siobhan Breen	Amendment 50	66
KE-C19-17	Clare O Riordan	Amendment 27	54
KE-C19-6	Coiste Forbartha na Sceilge	Amendment 47	64
KE-C19-14	Daniel O'Shea	Amendment 41	61
KE-C19-3	Department of Education	Statutory	25
KE-C19-30	Department of Housing, Local Government & Heritage	Statutory	32
KE-C19-28	Department of the Environment, Climate & Communications	Statutory	32
KE-C19-37	Dolent Properties LP	Amendment 28	55
KE-C19-1	Environmental Protection Agency (EPA)	Statutory	24
KE-C19-5	Gina & Paul Keating	Amendment 44	62
KE-C19-27	Langley Humphreys	N/A	71
KE-C19-38	Lena O'Sullivan	N/A	71
KE-C19-39	Martin Hallissey	Amendment 21	52
KE-C19-2	Michael Healy-Rae T.D.	Amendment 47	64
KE-C19-32	Muiris & Bernie O Donoghue	Amendment 10	45
KE-C19-33	National Transport Authority (NTA)	Statutory	36
KE-C19-16	Niall & Anita O'Donovan	Amendment 44	62

Ref. No.	Author	Amendment	Page
KE-C19-9	Nicholas Browne & Son Ltd	Amendment 47	64
KE-C19-8	Nicholas Browne Foodstore & Filling Station Ltd	Amendment 47	64
KE-C19-18	Office of Public Works (OPW) - Flood Risk Management	Statutory	27
KE-C19-34	Office of the Planning Regulator (OPR)	Statutory	9
KE-C19-29	P.J. O'Sullivan	Amendment 57	69
KE-C19-19	Padraig Sheahan	N/A	71
KE-C19-7	Peter Browne	Amendment 9	44
KE-C19-11	Transport Infrastructure Ireland (TII)	Amendment 60	25
KE-C19-31	Uisce Éireann	Statutory	35
KE-C19-15	Valentia Island Development Company C.L.G.	Amendment 10	45
KE-C19-35	Valentia Transatlantic Cable Foundation	Amendment 1, Amendment 9	37, 44
KE-C19-22	Valentia/Portmagee H&CSA Designation Action Group	Amendment 1	37
KE-C19-23	Valentia/Portmagee H&CSA Designation Action Group	Amendment 4	40
KE-C19-24	Valentia/Portmagee H&CSA Designation Action Group	Amendment 10	45
KE-C19-26	Valentia/Portmagee H&CSA Designation Action Group	Amendment 10	45
KE-C19-4	William Browne	Amendment 60	71

Structure of the CE Report

Each material alteration (amendment) has been responded to in this report. The submissions received in relation to the Proposed Material Alterations to the Draft Kenmare Municipal District Local Area Plan 2023-2029 have been summarised based on the amendment referred to.

3.0 Submissions

3.1 Statutory Submissions

3.1.1 **Submission KE-C19-34: OFFICE OF THE PLANNING REGULATOR (OPR)**

Submission Summary:

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000 (the Act), as amended, and within the context of the Office's earlier recommendations and observations. The Office's evaluation and assessment of the proposed material alterations has had regard to the current Development Plan, the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly area, and relevant section 28 guidelines.

Overview

The Office would like to advise the Planning Authority that the majority of its material alterations are acceptable with the exception of some zoning amendments which zone peripheral lands for development at locations primarily outside the CSO Boundary (2022) (CSO Boundary). These alterations are also significant in the context of the Office's submission to the draft LAP which had advised of its concern regarding the extent of land zoned for residential development in Kenmare, Killorglin and Waterville, which already significantly exceeds that required to meet the Housing Supply Target (HST) for these settlements in the core strategy of the Kerry County Development Plan 2022 – 2028 (the Development Plan). The submission also raised concerns about the zoning of lands in peripheral and non-sequential locations and the potential to undermine compact growth and regeneration. In this regard, **Recommendation 1** required the Planning Authority to omit certain R1 zoned lands in Kenmare and Killorglin, and other such lands in Kenmare and Killorglin and Waterville having regard to the HST allocations in the core strategy of the Development Plan and various policies / objectives promoting compact growth and sequential development. However, the material alterations to the draft LAP increase rather than reduce the quantum of lands available for residential development over the plan period in Kenmare, Killorglin and Waterville, and as such the Planning Authority has failed to address Recommendation 1 of the Office's submission to the draft LAP. The net effect of the material alterations is an increase of approximately 13 ha in R1 zoned lands across the settlements of Cahersiveen, Kenmare, Killorglin, Sneem and Waterville. Furthermore, the lands proposed to be zoned R1 by the material alterations represent a pattern of zoning residential lands in peripheral locations, often with deficiencies in infrastructure, and which often leapfrog undeveloped and sequentially preferable lands.

Recommendations 2 and 3 of the Office's submission to the draft LAP required the Planning Authority to omit the R4 strategic reserve zoning objective and associated objective KENMD-76, and to determine appropriate land use zoning objectives to replace the R4 zoning. While it is acknowledged that some of the material alterations omit or rezone some R4 zoned lands, it has been retained in a number of settlements including, among others Cahersiveen, Killorglin and Chapeltown. Objective KENMD-76 has also been retained, albeit with a change to restrict its use until 80% of R1 lands have been developed, with associated changes to sections 3.1.2 and 3.1.2.2. Therefore, the Planning Authority has partially addressed Recommendations 2 and 3 of the Office's submission to the draft LAP, and the Office is satisfied with the alterations made

to Objective KENMD-76. Notwithstanding, the Planning Authority has zoned further R4 lands in peripheral and non-sequential locations in the settlements of Cahersiveen and Chapeltown.

Observation 1 of the Office's submission to the draft LAP advised the Planning Authority to review its zoning objectives 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 servicing. This observation stemmed from an absence of a clear evidence-based rationale for economic and employment related zonings particularly in Kenmare and the exclusion of economic and employment lands from the SCA. Material Alteration 60 zones a significant site for industrial / enterprise / employment fronting the N70 national road at a location remote from Killorglin and where the 100 kmh speed limit applies. There is no evidence-based rationale underpinning the zoning of land for employment purposes at this location consistent with section 2.4 of the Spatial Planning and National Roads, Guidelines for Planning Authorities (2012) (National Roads Guidelines). The Strategic Environmental Assessment (SEA) Environmental Report (SEA Environmental Report) identifies likely significant effects in relation to this material alteration

In summary, the Office is generally satisfied with the responses to **Recommendations 4 and 5** and **Observation 2**, and considers the majority of material alterations to be acceptable and reasonable. In this regard, the Office welcomes Material Alteration 5 which introduces a new section 2.9 regarding climate action to ensure that the integration of climate action policy also aligns with the vision, strategic objectives and actions outlined in the Local Authority Climate Action Plan (LACAP).

Notwithstanding, the Office has grave concerns with a number of the zonings introduced as material alterations, which compound the issues raised in Recommendation 1 of the submission on the draft LAP. The SEA Environmental Report identifies likely significant effects in relation to Material Alterations 18, 21, 31, 33, 35, 36, 37 and 38 including that they do 'not support the sequential approach for residential development'.

The submission sets out five recommendations. 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.

Zoning for residential development

While the Office was satisfied with the land zoned for residential development and the potential housing yield for Cahersiveen and Sneem in the draft LAP, it concluded that the extent of lands zoned R1 and M1 / M2 in Kenmare, Killorglin and Waterville provided for housing supply significantly in excess of the housing targets in the core strategy. This in turn informed Recommendation 1 of the Office's submission to the draft LAP.

The Office's evaluation of the revised SCA notes that the quantum of lands zoned R1 has increased to approximately 55 ha. In addition, the Planning Authority has rezoned sites KE-1, KE-3, KE-4, KE-8 and KE-9 to R2 – Existing Residential notwithstanding that they are largely undeveloped, and this in turn provides for a further 2 ha (approximately) of residential lands.

Collectively, the R1, M1 / M2 and undeveloped R2 lands now provide for approximately 1,750 housing units across the five settlements of Cahersiveen, Kenmare, Killorglin, Sneem and Waterville. While the balance between zoned residential lands and housing supply targets are still generally acceptable in Cahersiveen and Sneem, there is a significant mismatch in the other three settlements.

Kenmare

The material alterations to the draft LAP include a significant number of zoning changes across the settlement of Kenmare. The Office has assessed the material alterations and concludes that the majority are acceptable with the exception of Material Alterations 21, 31 and 33. The Office's assessment notes that the quantum of lands zoned R1 has increased by approximately 3.5 ha and that the R1, M1 / M2 and undeveloped R2 lands provide a housing yield of up to 788 units, which is nearly four times Kenmare's housing supply target of 204 units.

In respect of sites KE-1, KE-2, KE-4, KE-8 and KE-9, the Office accepts the zoning changes to R2 / O1 proposed in Material Alteration 20 having regard to the residential zonings in the Kenmare Functional Area Local Area Plan 2010 – 2016 and their relatively small size. In respect of site KE-13, the Office accepts the rationale provided by the chief executive to retain the R1 zoning on the site.

The Office considers that **material alterations 21, 31 and 33 in Kenmare are inconsistent** with RPO 151, RPO 91 and KCDP 4-1.

Killorglin

The material alterations to the draft LAP include a significant number of zoning changes across the settlement of Killorglin.

The Office has assessed the material alterations relating to residential and concludes that Material Alterations 34 and 39 are acceptable.

Recommendation 1 of the Office's submission to the draft LAP required the Planning Authority to omit sites KG-6, KG-7, KG-8 and KG-9. The Office has considered the rationale provided by the chief executive for retaining the R1 zoning on sites KG-6 and KG-7 and considers that it is acceptable.

Notwithstanding, the Office notes that sites KG-8 and KG-9 have not been omitted from the draft LAP as recommended by the chief executive. The Office remains of the view that zoning site KG-8 (4 ha) and site KG-9 (2.1 ha) would not contribute to compact growth and sequential development.

The Office notes that the quantum of lands zoned R1 has increased by approximately 5.5 ha and that the R1 and M1 / M2 lands provide a housing yield of up to 683 units, which is nearly three times Killorglin's housing supply target of 251 units.

The Office considers that **material alterations 35, 36, 37 and 38 in Killorglin are inconsistent** with RPO 151, RPO 91 and KCDP 4-1.

Cahersiveen

The material alterations affecting Cahersiveen are generally acceptable in relation to their location and the quantum of lands zoned R1. Recommendation 2 of the Office's submission to the draft LAP required the Planning Authority to omit the R4 – Strategic Residential Reserve lands across various settlements including Cahersiveen. The Office has considered the rationale provided by the chief executive and the changes to objective KENMD-76, and accepts the retention of the R4 zoning on site CH-4 which is close to the town core.

The Office considers that the zoning of **material alteration 18 in Cahersiveen is inconsistent** with RPO 151, RPO 91 and KCDP 4-1.

Chapelstown

Material Alterations 51 and 52 affect the village of Chapelstown and propose to extend the settlement boundary to provide for R2 and R4 zonings.

Material Alteration 51 proposes to zone land R2 – Existing Residential adjoining the GAA Club. The Office considers that this zoning is acceptable having regard to the established residential use of the land, its relatively small size and close proximity to the village centre.

Material Alteration 52 proposes to zone land R4 – Strategic Residential Reserve at the northern periphery of the village. The Office considers that **zoning this site is inconsistent** with RPO 151, RPO 91 and KCDP 4-1.

Zoning for economic development and employment

Observation 1 of the Office's submission to the draft LAP advised the Planning Authority to review its zoning objectives for employment uses with a view to clarifying the type of employment based on their intensity and nature relative to accessibility, and their servicing. While no review of the employment zonings informed the material alterations to the draft LAP, the Office accepts the rationale provided by the Chief Executive for the types of employment zonings proposed.

The Office questions the rationale for rezoning further employment lands at a location removed from the settlement of Killorglin, as proposed under **Material Alteration 60**. Specifically, Material Alteration 60 proposes to zone a 4.5 ha rural site as C2 - Industrial / Enterprise / Employment.

The land is located in an isolated rural area, approximately 2.5 km west of the town of Killorglin. The site fronts the N70 national road where the 100 km/h speed limit applies, and therefore the National Roads Guidelines and related regional / development plan policies are relevant to the Office's assessment of Material Alteration 60.

The Office considers that zoning land for industrial / enterprise / employment uses at this location on the N70 **is not consistent** with the National Roads Guidelines, RPO 151 and Development Plan Objective KCDP 9-22.

Other Matters

Observation 2 of the OPR's submission to the draft LAP related to the environmental assessments prepared alongside the draft LAP, namely the SEA Environmental Report and Natura Impact Report.

In this regard, the Office notes the addition of section 7.4 (Cumulative Impacts) to the SEA Environmental Report and the inclusion of additional information on European Site Conservation Objectives and the potential for adverse effects arising thereon in Appendix One of the Natura Impact Report (NIR Addendum Report).

However, while the NIR Addendum Report acknowledges that a number of the mitigation measures identified in the original NIR report could have been more completely incorporated into the plan, and states that this has been addressed within the proposed amendments / material alterations report, with the exception of Material Alteration 22 (subsection 3.2.2.7.3), it is not clear how this has been addressed. The Planning Authority is reminded of its obligations as the competent authority under the Habitats Directive and relevant national legislation.

In respect of Recommendation 5, it is not clear that all the matters raised have been addressed in the material alterations, and the Planning Authority should endeavour to resolve any outstanding matters where this can be undertaken as minor modifications to the LAP, in consultation with the OPW.

Observation 3 of the OPR's submission to the draft LAP advised the Planning Authority to include a clear monitoring strategy of the key plan objectives to enable the Planning Authority to be more effective in implementing the associated policies and objectives of the draft LAP particularly in terms of complying with the obligations under section 15(1) and (2) of the Act in respect of securing the objectives of the Development Plan.

In response to this, the Local Authority has introduced Material Alteration 1, which proposes to include a new section under Section 1 - Implementation and Monitoring.

The Office welcomes the inclusion of the additional section in this respect which is considered to be in accordance with the Development Plans Guidelines which places a significant emphasis on the role of plan implementation, monitoring and reporting.

In this regard, the Planning Authority should commit to periodically reviewing the success and / or progress of the associated policies and objectives outlined in the LAP.

Response:

The views of the Office of the Planning Regulator (OPR) in relation to the Proposed Material Alterations are acknowledged and noted. The recommendations of the OPR are dealt with as follows with each recommendation being responded to.

MA Recommendation 1 – Residential zonings in Kenmare

Having regard 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) and the housing supply target for Kenmare;
- the extent of sequentially preferable located R1 – New / Proposed Residential lands proposed to be zoned in Kenmare to meet the housing supply target in the core strategy;
- the lack of adequate infrastructure to support residential development as identified in the Settlement Capacity Audit;
- Objective KCDP 4-1 of the Development Plan to promote the sustainable development of land to achieve compact growth;
- Objective KENMD-3 of the Draft Kenmare Municipal District Local Area Plan 2023-2029 regarding sustainable management of the land resource and to ensure integrated and consolidated development;
- Regional Policy Objectives RPO 35 (Support for Compact Growth), RPO 91 (Decarbonisation in the Transport Sector), and RPO 151 (Integration of Land Use and Transport) of the RSES; and
- the policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* (Section 6.2.3) that '*planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently*'.

the planning authority is required to make the LAP without the following Material Alterations:

- i. Material Alteration 21 (Site: KE-18);
- ii. Material Alteration 31 as it relates to Site KE-102; and
- iii. Material Alteration 33 (Site: KE-3).

In relation to Material Alteration 21, the justification and rationale for this recommendation is noted and agreed with.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. This site is located outside of the settlement boundary as proposed in the Draft LAP, and notwithstanding its proximity to existing residential and other mixed uses, it is considered that there are other more suitable infill sites that should be developed first.

The National Planning Framework sets out a two-tier approach to land zoning, Tier 1 Serviced Zoned Land (this zoning comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development), and Tier 2 Serviceable Zoned Land (this zoning comprises lands that are not currently sufficiently serviced to support new development but have potential to become fully serviced within the life of the plan i.e. the lands are currently constrained due to the need to deliver some or all development services required to support new development, i.e. road or footpath access including lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity). There is no continuous footpath between this site and the town centre, and the provision of this infrastructure is outside of the control of the landowner. This site can therefore not be considered to be Tier 1 Serviced Zoned Land.

These lands are located on the periphery of Kenmare, bordering the settlement boundary. There are more appropriate lands located between this site and the town centre that should be developed before peripheral locations are considered for development.

In relation to [Material Alteration 31](#), the justification and rationale for this recommendation is noted and agreed with.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. This site is located outside of the settlement boundary as proposed in the Draft LAP, and notwithstanding its proximity to existing residential and other mixed uses, it is considered that there are other more suitable infill sites that should be developed first closer to the town centre.

The National Planning Framework sets out a two-tier approach to land zoning, Tier 1 Serviced Zoned Land (this zoning comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development), and Tier 2 Serviceable Zoned Land (this zoning comprises lands that are not currently sufficiently serviced to support new development but have potential to become fully serviced within the life of the plan i.e. the lands are currently constrained due to the need to deliver some or all development services required to support new development, i.e. road or footpath access including lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity). There is no continuous footpath or public lighting between this site and the town centre. This site can therefore not be considered to be Tier 1 Serviced Zoned Land, so would therefore not comply with Objective KCDP 3-6 of the KCDP 2022-2028. The provision of a footpath that would be required to link the site to the town centre is outside of the landowners control.

Notwithstanding the site's planning history, these lands are located on the periphery of Kenmare, bordering the settlement boundary. There are more appropriate lands located between this site and the town centre that should be developed before peripheral locations are considered for development.

In relation to Material Alteration 33, the justification and rationale for this recommendation is noted and agreed with.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. This site is located on the periphery of Kenmare, and notwithstanding its proximity to existing residential and other mixed uses, it is considered that there are other more suitable infill sites that should be developed first closer to the town centre. These lands are located on the periphery of Kenmare, bordering the settlement boundary. There are more appropriate lands located between this site and the town centre that should be developed before peripheral locations are considered for development.

MA Recommendation 2 – Residential zonings in Killorglin

Having regard 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), and the housing supply target for Killorglin;
- the extent of sequentially preferable R1 – New / Proposed Residential lands proposed to be zoned in Killorglin to meet the housing supply target in the core strategy;
- the lack of adequate infrastructure to support residential development as identified in the Settlement Capacity Audit;
- Objective KCDP 4-1 of the Development Plan to promote the sustainable development of land to achieve compact growth;
- the extent of preferable located M1 – Mixed Use lands in the town centre and Objective KCDP 4-61 to consolidate, intensify and enhance existing core retail areas;
- Objective KENMD-3 of the Draft Kenmare Municipal District Local Area 2023-2029 regarding sustainable management of the land resource and to ensure integrated and consolidated development;
- Regional Policy Objectives RPO 35 (Support for Compact Growth), RPO 91 (Decarbonisation in the Transport Sector), and RPO 151 (Integration of Land Use and Transport) of the RSES; and
- the policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* (Section 6.2.3) that 'planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently' and
- Sections 2.5.2 and 4.4 of the *Retail Planning Guidelines for Planning Authorities (2012)* – Sequential Development Approach,

the planning authority is required to make the LAP without the following Material Alterations:

- i. Material Alteration 35 (Site KG-102);
- ii. Material Alteration 36 (Site KG-104);
- iii. Material Alteration 37 (Site KG-8b); and

iv. Material Alteration 38 (Site KG-103).

In relation to Material Alteration 35, the justification and rationale for this recommendation is noted and agreed with.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. This site is located outside of the settlement boundary as proposed in the Draft LAP, it is considered that there are other more suitable infill sites that should be developed first closer to the town centre. There is a significant quantum of unzoned lands between this site and the settlement boundary, in addition to zoned lands within the settlement boundary. The site therefore does not meet this zoning criteria.

The National Planning Framework sets out a two-tier approach to land zoning, Tier 1 Serviced Zoned Land (this zoning comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development), and Tier 2 Serviceable Zoned Land (this zoning comprises lands that are not currently sufficiently serviced to support new development but have potential to become fully serviced within the life of the plan i.e. the lands are currently constrained due to the need to deliver some or all development services required to support new development, i.e. road or footpath access including lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity).

The National Transport Authority (NTA) in their submission (Section 3.1.9) raises concerns with the site which is at a significant remove from the settlement boundary, as it would not contribute to the achievement of compact growth and the promotion of sustainable mobility.

According to the sewer network maps, the site is not served by the public sewer, and this is confirmed by planning histories in the area. There is no continuous footpath or public lighting between this site and the town centre. This site is therefore not Tier 1 Serviced Zoned Land and based on the level of servicing required, it cannot be considered to be Tier 2. The tiered approach is incorporated into the *Development Plans Guidelines for Planning Authorities (2022)*, the site therefore does not meet the criteria to be zoned and would also contravene Objective KCDP 3-6 of the KCDP 2022-2028. There is a proliferation of septic tanks/wastewater treatment tanks in the general area as the sewer does not extend as far as the site. Allowing for cluster development on these lands served by individual wastewater treatment systems would add to this problem. As the site is not serviced and is located outside of the town of Killorglin, and does not comply with Objective KCDP 3-6, obtaining planning permission for a residential development on this site would be extremely difficult as the site fails to meet the policies of the Council regarding residential development.

In relation to Material Alteration 36, the justification and rationale for this recommendation is noted and agreed with.

In the LAP it is stated that “any retail development that takes place in Killorglin should take place in the town centre in order to encourage its regeneration and development as a vibrant town centre”. Retail development on this site which is located a significant distance outside of the town centre, would therefore contravene the LAP. This proposed amendment is contrary to national planning policy and guidance, specifically undermines the ‘Town Centre First’ policy enshrined in the County Plan and the LAP and undermines the promotion of compact growth and potential for redevelopment of brownfield/infill sites more centrally located.

Development on this site was previously refused by An Bord Pleanála (Planning Reg. No. 11/4) due to traffic safety and impact on the town centre. Objective KCDP 4-42 as contained in the KCDP 2022-2028 states that it is the policy of the Council to “promote the development of the town centre as the primary location for retail and as an attractive location for shopping, business, tourism, residential and community life”. A mixed-use development on this site would therefore not be in accordance with the provisions of the County Development Plan in relation to the location of retail development. The zoning of this site cannot address the reasons for refusal.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. These lands are not sequential in relation to the development of Killorglin.

In relation to Material Alteration 37, the justification and rationale for this recommendation is noted and agreed with.

The site is not located between existing developments, and there is a significant quantum of unzoned greenfield lands between this site and the town centre. This site is very clearly located on the periphery of Killorglin, and therefore is a peripheral location.

The distance to the town centre is considered to be underestimated in the submission received (Written Submission KE-C19-25, Section 3.2.37) and this site would not accord with the principles of a 10 minute town, for example the primary school is 20 minutes walk from the site and the secondary school is nearly 30 minutes walk.

Sufficient lands have been zoned in Killorglin to meet current and indeed future housing targets. The zoning of these lands does not follow the Tiered Approach to Zoning. For a site to follow the approach, lands will generally be positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands. Inclusion in Tier 1 will generally require the lands to be within the footprint of or spatially sequential within the identified settlement. Due to the location of the site on the periphery of Killorglin, its location and the undeveloped lands between the site and the town proper, means that does not accord with the Tiered Approach.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. It is considered that there are other more suitable infill sites that should be developed first closer to the town centre. There is a significant quantum of unzoned lands between this site and the town centre.

In relation to Material Alteration 38, the justification and rationale for this recommendation is noted and agreed with.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. This site is located outside of the settlement boundary as proposed in the Draft LAP, a distance of approx. 350 metres outside the boundary. It is considered that there are other more suitable infill sites that should be developed first closer to the town centre. There is a significant quantum of unzoned lands between this site and the settlement boundary, in addition to zoned lands within the settlement boundary. The site therefore does not meet this zoning criteria.

The National Planning Framework sets out a two-tier approach to land zoning, Tier 1 Serviced Zoned Land (this zoning comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development), and Tier 2 Serviceable Zoned Land (this zoning comprises lands that are not currently sufficiently serviced to support new development but have potential to become fully serviced within the life of the plan i.e. the lands are currently constrained due to the need to deliver some or all development services required to support new development, i.e. road or footpath access including lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity).

The National Transport Authority (NTA) in their submission (Section 3.1.9) raises concerns with the site which is at a significant remove from the settlement boundary, as it would not contribute to the achievement of compact growth and the promotion of sustainable mobility.

According to the sewer network maps, the site is not served by the public sewer, and this is confirmed by planning histories in the area. There is no continuous footpath or public lighting between this site and the town centre. This site is therefore not Tier 1 Serviced Zoned Land and based on the level of servicing required, it cannot be considered to be Tier 2. The tiered approach is incorporated into the *Development Plans Guidelines for Planning Authorities (2022)*, the site therefore does not meet the criteria to be zoned and would also contravene Objective KCDP 3-6 of the KCDP 2022-2028. There is a proliferation of septic tanks/wastewater treatment tanks in the general area as the sewer does not extend as far as the site. Allowing for cluster development on these lands served by individual wastewater treatment systems would add to this problem. As the site is not serviced and is located outside of the town of Killorglin, and does not comply with Objective KCDP 3-6, obtaining planning permission for a residential development on this site would be extremely difficult as the site fails to meet the policies of the Council regarding residential development.

MA Recommendation 3 – Strategic Residential Reserve Zoning in Cahersiveen

Having regard 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), and the housing supply target for Cahersiveen;
- the extent of lands already zoned R4 – Strategic Residential Reserve (site CH-4) in Cahersiveen;
- Objective KCDP 4-1 of the Development Plan to promote the sustainable development of land to achieve compact growth;
- Objective KENMD-3 of the Draft Kenmare Municipal District Local Area Plan 2023-2029 regarding sustainable management of the land resource and to ensure integrated and consolidated development;
- Regional Policy Objectives RPO 35 (Support for Compact Growth), RPO 91 (Decarbonisation in the Transport Sector), and RPO 151 (Integration of Land Use and Transport) of the RSES; and
- the policy and objective of *Development Plans, Guidelines for Planning Authorities (2022)* (Section 6.2.3) that '*planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently*'.

the planning authority is required to make the LAP without Material Alteration 18 (Site CH-103).

In relation to Material Alteration 18, the justification and rationale for this recommendation is noted and agreed with.

Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first. This site is located over 200 metres outside of the settlement boundary, and notwithstanding its proximity to existing residential and other mixed uses, it is considered that there are other more suitable infill sites that should be developed first. In the context of a town like Cahersiveen, this site is over 1km from the centre of the town.

The National Transport Authority (NTA) in their submission (Section 3.1.9) raises concerns with the site which is at a significant remove from the settlement boundary, as it would not contribute to the achievement of compact growth and the promotion of sustainable mobility.

To zone lands in the environs of the town would contravene objectives contained in the LAP and KCDP.

Speed limit of 60kph on the N70 is reflective of its peripheral location.

Given the level of R1 New/Proposed Residential in Cahersiveen, it is not realistic that R4 lands will be realised over the lifetime of the LAP, and it is considered that the lands zoned R4 located in the core of the town will be sufficient to cater for the long-term residential needs of Cahersiveen, i.e. they will be focused on first for rezoning in future plans if required.

MA Recommendation 4 – Strategic Residential Reserve Zoning in Chapeltown

Having regard 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;
- Objective KCDP 4-1 of the Kerry County Development Plan 2022-2028 to promote the sustainable development of land to achieve compact growth;
- Objective KENMD-3 of the Draft Kenmare Municipal District Local Area Plan 2023-2029 regarding sustainable management of the land resource and to ensure integrated and consolidated development;
- the lands already zoned R4 – Strategic Residential Reserve on Geokaun View;
- the stated objective for Chapeltown in section 3.4 of the draft LAP to encourage a compact and sustainable village structure;
- Regional Policy Objectives RPO 35 (Support for Compact Growth), RPO 91 (Decarbonisation in the Transport Sector), and RPO 151 (Integration of Land Use and Transport) of the RSES; and
- the policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* (Section 6.2.3) that '*planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently*',

the planning authority is required to make the LAP without Material Alteration 52.

In relation to Material Alteration 52, the justification and rationale for this recommendation is noted but it is not agreed with.

The issue of housing provision on Valentia Island was raised in a number of submissions received on the Draft LAP. It was in this context that this site was considered.

This site is 250m from the centre of the village. The site is opposite an existing small scale residential development, Geokaun View. This site is therefore a natural extension of the village with existing residential development opposite part of the site.

In the Draft LAP a small quantum of lands in one infill location was zoned R4 Strategic Residential Reserve which might accommodate 2 no. houses based on the surrounding pattern of development. In order to allow for the growth of Chapeltown, and provide for housing on the island of Valentia, as an alternative to one-off houses, additional lands are required to be zoned. This site would allow for a development that would be commensurate with the scale of the existing village and would therefore be appropriate in its context.

Section 5.4 *Cluster Developments in Village Settlements* as contained in the KCDP 2022-2028 states that it is the policy of Kerry County Council to “strengthen and diversify rural towns and villages to be a focus for local housing”. This is supported by Objective KCDP 5-9 which references settlements listed in Table 5.1. Chapeltown is identified on Table 5.1 as a settlement where clusters will be encouraged. Sites of an appropriate scale are therefore required in order to allow for clusters to be proposed.

This material alteration is therefore considered to be in accordance with the proper planning & sustainable development of the area.

MA Recommendation 5 – Industrial / Enterprise / Employment zoning in Killorglin

Having regard 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
- Objective KCDP 9-22 of the Kerry County Development Plan 2022-2028 regarding proposals for economic development and safeguarding the strategic function of the national road network;
- Regional Policy Objective 151 of the RSES and its principles for land use and transport integration, namely that employment development is consolidated and intensified in a manner which renders it serviceable by public transport and ensures that it is highly accessible;
- section 3.2.3.8 of the Draft Kenmare Municipal District Local Area Plan 2023-2029 and the extent of lands already zoned for commerce / industry / enterprise / economic development in the main settlement of Killorglin; and
- the Strategic Flood Risk Assessment's assessment of the proposed material alterations which indicate a need for a justification test; and
- Regional Policy Objectives RPO 114 (Flood Risk Management) Objectives RPO 116 (Planning System and Flood Risk Management) of the RSES,

the planning authority is required to make the LAP without Material Alteration 60.

In relation to Material Alteration 60, the justification and rationale for this recommendation is noted and agreed with.

Concerns have also been raised with regards to this site in the submissions from Uisce Éireann (see Section 3.1.8), TII (see Section 3.1.4), NTA (see Section 3.1.9) and by the OPW (see Section 3.1.5).

Sequential development is an overarching objective in sustainable planning. As stated in the *Development Plans Guidelines for Planning Authorities (2022)* with regards to Sequential Test and Accessibility. Accessibility is a central consideration in selecting employment zonings. The sequential approach to land-use zoning will apply, with lands contiguous to existing development within a settlement being prioritised for high-intensity employment zoning ahead of lands located further on the periphery of the settlement. In this case the site is approx. 3 kilometres west of Killorglin, therefore located at a distance from the settlement.

This site would not meet the criteria for designating employment zonings as set out in Section 9.6.1 of the KCDP 2022-2028

The site is not serviced, nor cannot be reasonably considered that it can be during the lifetime of the plan due to its remote location from Killorglin. The submission from Uisce Éireann (Section 3.1.8) recommends that this material alteration is not accepted.

As referenced in the submission from TII (Section 3.1.4), the site is located on the N70, a National Secondary Road, where the maximum speed limit applies. The relevant provisions of the KCDP 2022-2028 with regards to access onto national roads is to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development. This objective is supported by:

- Objective KCDP 14-29, to protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions, and
- Objective KCDP 14-30, to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

The proposal to zone these lands would therefore contravene the provisions of the Development Plan in relation to access onto National Roads.

A watercourse/stream runs along the eastern site boundary, along with smaller watercourses to the north, south and east. The National Indicative Fluvial Mapping (NIFM) indicates that the eastern part of the site is at risk of flooding. The SFRA's assessment of this proposed material alteration is that "the proposed land use zoning is not suitable and development proposals for this site should include a site-specific flood risk assessment, completed in accordance with the Planning System and Flood Risk Management Guidelines (2009). This should include a Justification Test". The OPW have in their submission (Section 3.1.5) have outlined that Kerry County Council should follow the sequential approach and avoid areas at flood risk first, followed by substitution and only justify in exceptional circumstances. As this site is not within or adjoining a town or city core it would not satisfy the criteria of a Justification Test and it would not be appropriate to complete one.

There is a significant quantum of lands zoned for C2.1 Industrial/Enterprise/Employment uses in Killorglin. The C2.1 lands are located within the town boundary. These zoned lands are therefore sufficient to meet the employment/enterprise needs for Killorglin over the lifetime of the LAP. No justification therefore exists to zone these lands C2.1 in a remote location outside of the settlement.

It is not the policy of the Council to zone lands for specific uses in the rural area. Development proposals in these areas are assessed against the policies contained in the Development Plan.

Recommendation:

It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made without the following proposed material alterations:

Kenmare

- Material Alteration 21
- Material Alteration 31
- Material Alteration 33

Killorglin

- Material Alteration 35
- Material Alteration 36
- Material Alteration 37
- Material Alteration 38

Cahersiveen

- Material Alteration 18

Rural

- Material Alteration 60

It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made with material alteration 52 in Chapelstown.

3.1.2 [Submission KE-C19-1](#): ENVIRONMENTAL PROTECTION AGENCY (EPA)

Submission Summary:

The submission notes the proposed determination regarding the need for SEA of the Proposed Material Alterations. The recommendations as contained in the EPA Guidance Document, *SEA of Local Authority Land Use Plans – EPA Recommendations and Resources* should be considered, as appropriate and relevant to the Proposed Material Alterations.

The EPA advise that Kerry County Council should ensure that the LAP, as amended, is consistent with the need for proper planning and sustainable development, that national commitments on climate change mitigation and adaption are aligned with, and that the LAP is consistent with relevant higher level plans and programmes.

Where further changes to the draft LAP are proposed, these should be screened for likely significant effects in accordance with SEA regulations.

The EPA also advise regarding the content of the SEA Statement which is to be prepared once the plan is adopted.

Response:

The submission by the EPA in relation to the implications of the SEA Regulations in relation to the Proposed Material Alterations is noted.

Recommendation:

No further amendment/modification proposed.

3.1.3 [Submission KE-C19-3](#): DEPARTMENT OF EDUCATION**Submission Summary:**

The Dept. notes that the proposed amendments to the draft LAP do not result in a change to the projected school place requirements or impact on current school place provision. Therefore, the Department re-confirms the project school place requirements outlined in its submission of 26th October 2023.

Response:

The submission by the Dept. of Education is noted.

Recommendation:

No further amendment/modification proposed.

3.1.4 [Submission KE-C19-11](#): TRANSPORT INFRASTRUCTURE IRELAND (TII)**Submission Summary:**

Section 2.16 Rural Amendment, Amendment 60

TII notes with serious concern Amendment 60 where it is proposed to zone lands to the west of Killorglin as C2.1 Industrial/Enterprise/Employment adjoining the N70, national road, at a location where a 100kph speed limit applies.

TII state that direct access or intensification of direct access to a national road in such circumstances conflicts with the provisions of official policy that applies to ensure proposals comply with the requirements of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

TII advises that there are significant policy issues to address relating to any new direct access or intensification of existing access on to National Routes to ensure proposals are consistent with the relevant specific provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) as well as accessibility, capacity, and road safety considerations.

TII recommends the omission of **Amendment 60** from the final Kenmare MD LAP 2023-2029.

Section 3 Settlements

TII notes that a number of the Settlement Plans included for Regional and District towns situated on the national road network included in the MD LAP include objectives related to public realm, traffic calming/management and provision of improvements to cycleway and pedestrian facilities, etc.

Where national roads are impacted, even in reduced speed urban contexts, adherence will be required to complementary TII Publications (formerly the NRA DMRB) in the interests of safeguarding the safety of all road users. In that regard, the planning authority is requested to note complementary TII Publication 'The Treatment of Transition Zones to Towns and Villages on National Roads' (TII Publications DN-GEO-03084).

TII also state in their submission that for all works to a national road it remains the requirement that a Design Report is completed and submitted for works impacting national roads in accordance with TII Publications DN-GEO-03030 (Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes).

Settlement Frameworks

It is noted that a number of the proposed settlement frameworks adjoin or extend along the national road network outside locations subject to a reduced 50 –60kph urban speed limit.

TII state in their submission that access to national roads in such circumstances conflicts with the provisions of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines. Therefore, TII recommends review of the identified zoning designations and settlement frameworks and confirmation that access to lands which adjoin or extend along the national road network outside locations subject to a reduced 50 –60kph urban speed limit should conform to the requirements of the DoECLG Spatial Planning and National Roads Guidelines concerning the general restriction on access to national roads as well as Objective KCDP 14-29 and Objective KCDP 14-30 of the adopted Kerry County Development Plan, 2022-2028.

Response:

The submission from the TII in relation to Amendment 60 is noted with regards to the amendment not complying with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities. This amendment also contravenes Objectives KCDP 14-29 & 14-30 of the Kerry County Development Plan 2022-2028.

In relation to Amendment 60, see the response/recommendation to the OPR in Section 3.1.1 (Page 22).

It is the policy of the KCDP 2022-2028 to comply with the requirements of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) as outlined in Objectives KCDP 14-29 and 14-30 of the KCDP 2022-2028. The LAP forms part of a planning policy framework hierarchy and therefore all policies and objectives in the KCDP apply to this LAP and it is considered there is no need for duplication. It is not the

intention of the LAP to contain objectives that are in the County Development Plan. Reference is made throughout the LAP to where the relevant policies/objectives can be found in the County Development Plan.

There is an extensive network of National Roads throughout the MD area serving a number of settlements. Kerry County Council have reviewed the zoning designations and settlement boundaries and can confirm that any proposed access to lands (which adjoin or extend) along the national road network outside locations subject to a reduced 50 – 60km/h urban speed limit shall comply to the requirements of the DoECLG Spatial Planning and National Roads Guidelines concerning the general restriction on access to national roads as well as Objectives KCDP 14-29 and KCDP 14-30 of the KCDP 2022-2028. Access will only be permitted within the designated speed limit area. All proposed developments along these routes are referred to the TII for their attention.

Objective KCDP 14-31 as contained in the KCDP 2022-2028 references the TII Publications Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads'.

Recommendation:

See response and recommendation in Section 3.1.1 (Page 22) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without material alteration 60.

No further amendment/modification proposed in relation to other issues raised in the submission.

3.1.5 Submission KE-C19-18: OFFICE OF PUBLIC WORKS (OPW) - FLOOD RISK MANAGEMENT

Submission Summary:

The OPW, as lead agency for flood risk management in Ireland, welcomes the opportunity to comment on the Proposed Material Alterations to the Draft Kenmare Municipal District Local Area Plan. This submission is made specifically concerning flood risk management.

Amendment 3

The OPW welcomes the proposal to include a new objective in Section 2.9.2 on Land Use & Flood Risk Management. The Circular should be corrected to PL2/2014.

Amendment 15

The material alteration proposes amending text in Section 3.2.1.5.3 in relation to Cahersiveen. A Justification Test comprises two processes, the Plan-making Justification Test and the Development Management Justification Test. No Plan-making Justification Tests have been completed or supplied for Cahersiveen. When both avoidance and substitution cannot take place and where it is intended to zone or otherwise designate land which is at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be considered inappropriate, then the Planning Authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or

designation for development will satisfy all criteria of the Plan-making Justification Test. This assessment should be completed by the Planning Authority and not passed to development management stage.

Amendment 60

The material alteration proposes to zone lands as Industrial/Enterprise/Employment that are overlapping with Flood Zone A and B and that are not located in the settlement boundary. The SFRA's assessment of the proposed material alteration is that "the proposed land use zoning is not suitable and development proposals for this site should include a site-specific flood risk assessment, completed in accordance with the Planning System and Flood Risk Management Guidelines (2009). This should include a Justification Test". Kerry County Council should follow the sequential approach and avoid areas at flood risk first, followed by substitution and only justify in exceptional circumstances. As this site is not with or adjoining a town or city core it would not satisfy the criteria of a Justification Test and it would not be appropriate to complete one.

National Indicative Fluvial Mapping (NIFM) Watercourses

The NIFM dataset has been used to establish Flood Zones for settlements such as Waterville and Glenbeigh. The OPW had previously commented that "For a number of sites in the settlements it is stated that "The watercourse is only mapped by NIFM and therefore Flood Zones cannot be assigned". Indicative mapping should not be used as the sole basis for defining the Flood Zones, or for making planning policy. Therefore, indicative mapping can be adopted to inform the Flood Zone mapping if the dataset can be confirmed with another dataset such as past flood events, surveys, site visits etc". This comment has not been fully addressed, as text in relation to the OPW NIFM dataset in the SFRA not being suitable for definition of flood zones or for plan making decisions has not been updated and does not reflect that the dataset has been used for this purpose.

Unmapped Watercourses

The OPW had previously commented that "For the unmapped watercourses Kerry County Council should carry out a risk assessment of each and establish if Stage 3 detailed flood risk assessments are required to be carried out to inform the zoning and planning decisions". This comment has not been addressed and Material Alterations have been proposed to zone lands adjacent to unmapped watercourses, without Kerry County Council having carried out flood risk assessments. Material Alterations 21 and 33 propose zoning lands as R1 New/Proposed Residential, and Material Alteration 18 proposes zoning lands as R4 Strategic Residential Reserve. The SFRA notes that these zonings are adjacent to unmapped watercourses. Objective KENMD-50 requires applicants at development management stage to carry out the flood risk assessment, define Flood Zones and apply the sequential approach and Justification Test where necessary. Kerry County Council should carry out an appropriate flood risk assessment to ascertain the risk to the zonings and assess if the proposed zoning is appropriate. Table A5: Elements of initial flood risk assessment (SFRA and FRA) in the Technical Appendix of the Guidelines notes for site-specific flood risk assessments that "Where no SFRA has been produced flood zones should be produced in accordance with OPW specifications", in this case this would only be applicable to areas outside of settlement boundaries. Please see comments above in Amendment 15 that a Justification Test comprises two processes.

Flood Zone Mapping

On some Flood Zone maps it is difficult to distinguish Flood Zone A from Flood Zone B. One such example is in Kenmare Town where it appears that Flood Zone A is either omitted or hidden under Flood Zone B in the town centre. Kerry County Council might consider using the darker shade for Flood Zone A extents or ensure that both Flood Zones are clearly legible.

Interactive Mapping

The OPW notes and welcomes that interactive mapping has been updated to remove indicative flood mapping datasets.

Justification Test

Existing, developed, zoned areas at risk of flooding

The OPW had previously commented that “The SFRA states for any areas that are already developed and are at flood risk that, “The zoning designation applies to the existing built-up area. Therefore, the sequential approach cannot be used and a Justification Test does not apply”. The SFRA references Section 5.28, as amended in Circular PL2/2014, to be considered for future development in these areas. This section of Guidelines allows that the Justification Test will not apply for minor type development, however this relates to the development management stage and not the plan-making stage.

Circular PL 2/2014 included an insertion of new Section 4.27a, which is in relation to the plan making stage which states that “In some instances, particularly in older parts of cities and towns, an existing land use may be categorised as a “highly vulnerable development” such as housing, zoned for residential purposes located in flood zone A/B. Additional development such as small scale infill housing, extensions, or changes of use that could increase the risk or number of people in the flood-prone area can be expected in such a zone into the future. In these instances, where the residential / vulnerable use zoning has been considered as part of development plan preparation, including use of the Justification Test as appropriate and it is considered that the existing use zoning is still appropriate, the development plan must specify the nature and design of structural or non-structural flood risk management measures required prior to future development in such areas in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased or, if practicable, will be reduced. Planning authorities should consider the issues and opportunities raised in section 4 of Appendix B (Technical Appendices) in this regard, and may consider including certain objectives or conditions as part of the zoning”.

Therefore, if a plan-making Justification Test is appropriate, it should be completed by Kerry County Council. Please note that the Justification Test applies only to the urban centre (i.e., the core area of a city, town or village which acts as a centre for a broad range of employment, retail, community, residential and transport functions), and would not be applicable to the periphery of urban areas”. This comment has not been addressed in Material Alteration Stage and no Plan-making Justification Tests have been supplied for existing areas at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be considered inappropriate.

Consideration of Climate Change Impacts

The OPW welcomes that climate change maps for the National Indicative Fluvial Mapping (NIFM) overlaid with land use zoning mapping have been included for both the mid-range and high-end future scenarios.

Nature-based Solutions and SuDS

The OPW previously commented on the Draft Plan that "The Guidelines recommend that the SFRA provide guidance on the likely applicability of different SuDS techniques for managing surface water run-off at key development sites, and also identifies where integrated and area based provision of SuDS and green infrastructure are appropriate in order to avoid reliance on individual site by site solutions. There are a number of sites identified as opportunity sites or included in the Settlement Capacity Audits in the Draft Plan where integrated and area based provision of SuDS and green infrastructure may be appropriate in this context". This comment has not been addressed in the Material Alterations Stage.

Comments Specific to Settlements

Kenmare

The OPW had previously commented on the Draft Plan to the site zoned N1.6 zoned as a Carpark. Proposed flood defence schemes are designed to protect existing areas and communities and not potential developments. These lands appear to be currently greenfield lands which are part of a convent. It may be premature to develop these lands prior to the construction of the scheme and that the areas that benefit from the scheme have been established. If the site is not protected by the scheme the mitigation measures will need to be set out as the site is entirely within Flood Zone A and should not cause flooding elsewhere. If the site is protected by the scheme, then it must be described how the residual risks will be dealt with on the site. Latest information on the Kenmare Flood Relief website does not appear to show any proposed measures in the vicinity of this site. The scheme is currently at Scheme Development and Design and on the project timeframe this stage is not expected to be completed until mid-2025.

Sneem

The OPW had previously commented on the Draft Plan that "Kerry County Council may have more detailed information than the OPW's indicative fluvial and coastal mapping. Minor Works funding was received from the OPW in 2009 for a flood assessment and hydrometric study of the Ardshellhane River. The updated SFRA has stated "It was deemed appropriate to use NIFM for Flood Zone Mapping due to the previous flood mapping carried out for the Sneem FRS Feasibility Study. This flood mapping presented in this report corresponds well to the NIFM with the exception of flood extents located to the north west of the town". It would have been expected that the Sneem FRS Feasibility Study extents, produced from a more detailed study of the area, would have been more robust than the OPW's indicative fluvial extents, however it would appear that after Kerry County Council reviewed the two datasets, the NIFM dataset was considered in preference to the Sneem FRS Feasibility Study.

Response:

In relation to Amendment 3, the correction regarding Circular PL2/2014 will be included in the text of the final plan.

In relation to Amendment 15, the Planning Authority is satisfied that the zoning of these lands passes the Justification Test. The settlement is targeted for growth in the Development Plan, therefore Criteria 1 of the Justification Test is met. The development of this site is required to meet the proper planning and sustainable development of Cahersiveen, therefore Criteria 2 of the Justification Test is met. The site has been subject to SEA/SFRA which fulfils Criteria 3 of the Justification Test. Combined with the additional objective as included in Amendment 15, it is considered that the zoning of this site is in accordance with the proper planning and sustainable development of the area.

In relation to Amendment 60, see the response and recommendation to the OPR in Section 3.1.1 (Page 22).

On Page 14 of the SFRA on the Material Alterations it states that the National Indicative Fluvial Mapping (NIFM) Flood Extents, 2020, "may be used for Flood Risk Identification but not suitable for defining flood zones or for plan making decisions". In relation Waterville the SFRA states that Indicative Fluvial Mapping (NIFM) Flood Mapping 2020 indicates that localised areas along the southern fringes of the settlement boundary may be at risk of fluvial flooding in the current or future scenarios, as indicated by the 0.1% AEP flood extent map below. For Glenbeigh the SFRA states that there is a record of recurring fluvial flooding within the settlement. Indicative Fluvial Mapping (NIFM) Flood Mapping 2020 indicates that areas within the settlement are at risk of fluvial flooding for present and future scenarios, as indicated by the 0.1% AEP flood extent map below.

In relation to unmapped watercourses, the SEA identified watercourses in proximity to Amendments 21 and 33. The Planning Authority also agrees with the OPR's recommendations in relation to these three amendments which would see the LAP made without them. Kerry County Council therefore does not support the proposed residential zonings proposed for these three sites.

Flood Zone maps will be examined in relation to clarity before their inclusion in the final LAP.

There is a section on SuDS in the SFRA (February 2024) prepared in response to the Material Alterations. As per this SFRA, drainage designs for developments should follow the sustainability hierarchy summarized on Table 6.2 of the SFRA. In addition, the LAP recommends the use of SuDS in all developments, which is supported by Objectives KENMD-48 and KENMD-77. There are also policies and objectives in relation to SuDS contained in the KCDP 2022-2028.

Recommendation:

See response and recommendation in Section 3.1.1 of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without material alteration 60.

No further amendment/modification proposed in relation to other issues raised in the submission.

3.1.6 **Submission KE-C19-28:** **DEPARTMENT OF THE ENVIRONMENT, CLIMATE & COMMUNICATIONS****Submission Summary:**

The Department welcomes the proposed inclusion of a new section on Climate Action, Amendment 5.

The submission covers the area of Heat Policy, and that it is referenced in the text of Section 2.3.1. The Draft LAP should give consideration to the Strategic Outcomes contained in the National Development Plan, and the Plan should take into account the Southern Region RSES which is support of the development of district heating.

The support of the avoid-shift model of transport, and that the plan will be key to achieving ambitious transport emissions reductions is noted and supported.

The Department welcomes the support of micro generation and self-consumers in Amendment 5.

Response:

The support as contained in this submission is welcomed.

For additional support in relation to district heating, please refer to the KCDP 2022-2028, in particular Section 12.5.4.4 in Chapter 12 Energy.

Recommendation:

No further amendment/modification proposed.

3.1.7 **Submission KE-C19-30:** **DEPARTMENT OF HOUSING, LOCAL GOVERNMENT & HERITAGE****Submission Summary:**Amendment 4

No objection to amended text. It is noted that the amendments reflect those proposed by the Department during public consultation of the Draft Plan.

Amendment 5

No objection to proposed amended text. It is recommended that the following text in the Kerry County Development Plan 2022-2028, outlined below in italics, with respect to historic buildings is also considered for inclusion and/or referenced in this section;

It is also the policy of the Council to support the retention of existing buildings in recognition that rebuilding creates significant quantities of carbon emissions, as well as the loss of the pre-existing embodied carbon. In particular, the Council acknowledges the role of these historic structures to mitigate climate change, in recognition of their embodied energy, use of local natural materials and to deliver compact growth outcomes.

KCDP 8-36 Address the impact of climate change in accordance with the Built and Archaeological Heritage Climate Change Sectoral Adaptation Plan and Kerry County Council's Climate Change Adaptation Strategy 2019-2024.

Amendment 10

There is no objection to the proposed amendment from 'Heritage and Culturally Sensitive Areas to 'Industrial Heritage & Culturally Significant Areas'.

Amendment 27

It is noted that the new zoning is located to the rear of a terraced row of residential protected structures on Market Street (RPS KY-0431-4037) and a protected structure (RPS KY-0438) on Bridge Street. The site also borders an architectural conservation area. It is recommended that the zoning text includes the following;

'Development on this site shall be of a sensitive high quality architectural design and scale so as not to detract from the character and setting of the adjoining protected structures and architectural conservation area'.

Amendment 28

The proposed indicative carpark lies to the rear of The Shrubberies which is both a protected structure RPS-KY-0408 and archaeological monument KE 093-061008. The indicative carpark lies within the curtilage and what was formally a designed garden which is evident on the historic mapping. In light of the proximity to the protected structure and archaeological monument and the high potential for a negative visual and physical impact on the historic landscape it is recommended that the indicative carpark is removed. The Department does not have an objection to relocating the indicative carpark at a distance from and at a less sensitive location within the wider parcel of zoned land. For what pertains to the remainder of the zoning amendments it is noted that the proposed zonings already exist, and the intent is to alter their locations within the overall parcel of land. To this end the Department has no objection. It is however recommended that the proposed new residential zoning be subject to architectural (historic landscape assessment) and archaeological assessment in advance of development.

Amendment 31

The Department has no objection on architectural heritage grounds to the proposed zoning. It is however recommended that the zoning objective seek the retention and/or reinforcement of existing mature vegetation along the shared boundary with the fever hospital which is a protected structure RPS KY-0394 and archaeological monument KE 093-106. This will ensure no negative visual impact on the protected structure and archaeological monument.

Amendment 57

The Department has no objection to the proposed change in zoning. It is noted that the site is located in between two protected structures; RPS-KY-0671 Church of the Immaculate Conception and the Old and New Cable Terrace and Cable Station, RPS-KY-0672-0695. It is recommended that any zoning objective includes the following text;

Development on this site shall be of a high-quality architectural design and of an appropriate layout, scale and massing so as not to detract from the setting and appreciation of the adjoining protected structures. Any development proposals shall be supported by a detailed landscaping.

Amendment 58

The proposed development site adjoins two protected structures, RPS-KY-0697-0698, The Slate works and First Message Building and architectural conservation area. The site is also located within proximity to archaeological monument RMP KE079-135, Quarry. Any development on this site would have to have due regard to the presence of the adjoining protected structures and architectural conservation and respond sensitively in terms of design and scale. It is recommended that any zoning objective includes the following text;

Development on this site shall be of a high-quality architectural design and of an appropriate layout, scale and massing so as not to detract from the setting and appreciation of the adjoining protected structures and architectural conservation area.

Response:

As set out in Section 1.4.1 Role of the KCDP 2022-2028 in the Draft LAP, “unless otherwise stated, the policies, objectives and development management standards as set out in the KCDP 2022-2028, apply to this Plan”. It is therefore not the intention to duplicate objectives contained in the KCDP 2022-2028 in the LAP.

The support of the Dept. in relation to Amendment 10 is noted.

In relation to Amendment 27 and its location relative to protected structures, it is considered that the policies/objectives contained in both the LAP and the KCDP 2022-2028 afford sufficient protection.

In relation to Amendment 28, the car park as shown is indicative only, as it is indicative its location is not defined. The protected structure and archaeological monument can therefore be avoided. It is considered that the policies/objectives contained in both the LAP and the KCDP 2022-2028 afford sufficient protection with regards to built heritage and archaeological impacts.

In relation to Amendment 31, see response/recommendation to the submission from the Office of the Planning Regulator in Section 3.1.1.

It is considered that the policies/objectives in the LAP in relation to Knightstown will afford sufficient protection to protected structures in relation to any proposals for the site of Amendment 57, in particular Objective KENMD-KS-3.

It is considered that the policies/objectives in the LAP in relation to Knightstown will afford sufficient protection to protected structures in relation to any proposals for the site of Amendment 59, in particular Objective KENMD-KS-3.

Recommendation:

No further amendment/modification proposed.

3.1.8 [Submission KE-C19-31](#): UISCE ÉIREANN**Submission Summary:**

Uisce Éireann welcomes the inclusion of Proposed Material Alterations arising from the PA consideration of the initial submission on the Draft Kenmare MD Local Area Plan (LAP). UE have provided observations and comments on the Proposed Material Alterations to the Draft LAP in relation to public water services below. Reference should also be made to their submission at the Draft LAP stage.

Availability of Water Services

As identified in the UE submission at the Draft Plan stage, a high-level review of the land-use zoning maps in the Draft LAP and in the Material Alterations has been carried out. Available network information indicates network extensions may be required to service some zoned sites.

In particular this may apply to sites zoned in the Material Alterations as follows:

- Kenmare – MA No. 30 – Lissaniska
- Kenmare – KE – 3b
- Killorglin – KG – 102 and KG - 103

Depending on the extent of development realised, localised network upgrades may also be required. In particular, this may apply to sites zoned in the Material Alterations as follows:

- Sneem – SM – 1b

To maximise the use of existing water services, we encourage phased sequential development in areas with existing water services infrastructure and spare capacity. In this regard, UE draw attention to several sites which are zoned in the Material Alterations which are outside the boundary of towns/villages, details as follows:

- Kenmare – MA No. 30 – Lissaniska
- Killorglin – KG – 103 and KG – 104
- Killorglin – Amendment 60 – proposal to zone lands to west of Killorglin as C2.1 Industrial/Enterprise/Employment. This site is not serviced from a wastewater perspective; the site is also not contiguous to any settlement or other zoned sites and is not in line with policy on phased sequential development and compact growth. Given the above, UE recommend that this MA is not accepted.

In addition, to maximise the capacity of existing collection systems for foul water, the discharge of additional surface water to combined (foul and surface water) sewers is not permitted.

Third-party agreement will be required where it is proposed to service a new development via private property or private water services infrastructure, this may apply to the following sites zoned in the Material Alterations as follows:

- Kenmare – New Residential site KE-18 (changed from Strategic Residential Reserve in the Draft LAP)
- Killorglin – KG – 10a
- Waterville – WE – 9b

There are a number of sites zoned in the Material Alterations in settlements for which there are no water services available e.g. Beaufort and Chapelstown.

Response:

The issues raised in relation to the network in the submission are noted. The response/recommendation to the submission from the Office of the Planning Regulator in Section 3.1.1 is relevant with regards to a number of the sites referred to.

Recommendation:

No further amendment/modification proposed.

3.1.9 **Submission KE-C19-33: NATIONAL TRANSPORT AUTHORITY (NTA)**

Submission Summary:

In the submission, the inclusion of a number of Amendments arising from consideration of the NTA's submission on the Draft Local Area Plan, in particular Amendments 2, 5 and 7, is acknowledged and supported.

The submission from the NTA states that in relation to the achievement of NPF National Strategic Outcomes concerning compact growth, sustainable mobility and enhanced regional accessibility, it is noted with concern that under Amendment 60 it is proposed to zone lands to the west of Killorglin as C2.1 Industrial/Enterprise/Employment, adjoining the N70 national road, at a location which is at a considerable remove from the settlement boundary and does not appear to support the achievement of sustainable, compact growth. For the reasons outlined, the omission of Amendment 60 should be considered.

Similar concerns would also apply to a number of other Amendments which provide for the zoning of lands outside of and at a significant remove from settlement boundaries, including, Amendment 18 (Strategic Residential Reserve) in Cahersiveen, Amendment 30 (C6 Mixed/General Commercial/Industrial/Enterprise) in Kenmare, and Amendments 35 & 38 (R1 New/Proposed Residential) in Killorglin. For the reasons outlined above in relation to the achievement of compact growth and the promotion of sustainable mobility, the omission of these amendments should be considered

Response:

The response/recommendation to the submission from the Office of the Planning Regulator in Section 3.1.1 is relevant with regards to the sites referred to.

Recommendation:

No further amendment/modification proposed.

3.2 Amendment Submissions**CE Opinion in relation to the issues raised & CE Recommendation in relation to each proposed material alteration****3.2.1 Amendment 1**

It is proposed to include a new section, Implementation & Monitoring, in Section 1 as follows;

Implementation & Monitoring

The Plan sets out the Council's vision and strategy for the Municipal District of Kenmare, including specific policy and objectives to provide a framework for the sustainable development of the Municipal District over the period 2023-2029. Regular monitoring of the progress made in relation to ensuring the effective delivery of the objectives set out in the Plan will take place. The implementation of the Local Area Plan requires the cooperation and participation of all stakeholders. Coordination between other key departments in the Local Authority will be critical in ensuring that those objectives relating to issues such as roads, housing and community development are achieved.

Submission KE-C19-22: VALENTIA/PORTMAGEE H&CSA DESIGNATION ACTION GROUP**Submission Summary:**

This submission welcomes the inclusion of the sentence “the implementation of the Local Area Plan requires the cooperation and participation of all stakeholders”. The submission requests further community consultation during the UNESCO application process.

Submission KE-C19-35: VALENTIA TRANSATLANTIC CABLE FOUNDATION**Submission Summary:**

With a view to fully exploiting the opportunities which the UNESCO designation will undoubtedly deliver, the submission supports the Material Alterations of the Kenmare Municipal District LAP, specifically, Amendment 1 and Amendment 9.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- It was an observation in the OPR submission on the Draft LAP to include a monitoring strategy. This amendment was proposed in response to that observation.

- In their submission (Section 3.1.1), the OPR welcomed the inclusion of this section which it considers to be in accordance with the Development Plans Guidelines.
- The purpose of the Plan is to set out a comprehensive local planning framework with clear policies and objectives including land use zoning. It is therefore not the appropriate forum for Kerry County Council to detail the UNESCO World Heritage Site application process. The local authority will continue to engage with the community going forward.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.2 Amendment 2

It is proposed to include a new objective in Section 2.11 (Connectivity Objectives) as follows;

Ensure new roads infrastructure is based on an objective evidence-base, such as through the Local Transport and Traffic Management Plans, or otherwise, including demonstration of consistency with current national transport policy.

It is proposed to amend objective KENMD-59 as follows;

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.

It is proposed to amend the text of Section 2.11.1.2.1 as follows;

The council will facilitate the sustainable development of greenways & cycleways in compliance with the Cycle Design Manual (2023).

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- It was a recommendation in the OPR submission on the Draft LAP regarding sustainable transport and accessibility to insert new objectives and amend text, and to reference appropriately. This amendment was proposed in response to that submission.
- The submission received from the NTA (Section 3.1.9) acknowledges this amendment and supports it.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.3 Amendment 3

It is proposed to include a new objective in Section 2.9.2 (Land Use & Flood Risk Management Objectives) as follows;

Ensure that minor proposals for development, (e.g. small extensions to existing houses or changes of use), in areas at moderate to high risk of flooding should be assessed in accordance with Section 5.28 of the Guidelines, incorporating the additional guidance in Planning Circular PL2/2012.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to the submission by the OPW (Flood Risk Management Section).
- The submission received from the OPW (Section 3.1.5) welcomes this proposal.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.4 Amendment 4

It is proposed that the LAP refer to the “*Transatlantic Cable Ensemble*” as opposed to “Valentia Cable Sites”. This reference will be amended throughout the LAP.

It is proposed to amend objective KENMD-25 as follows;

Support the designation of the ~~Valentia Cable Sites~~ *Transatlantic Cable Ensemble* as an UNESCO World Heritage Site.

It is proposed to amend objective KENMD-26 as follows;

The Department supports the ambition to support the conservation and presentation of the key cable sites at the old Slate Yard and ‘First Message’ & ‘Telegraph Field’ sites in accordance with ~~Department of Culture, Heritage and Gaeltacht and UNESCO guidance~~ *the Guidance and Toolkit for Impact Assessments in a World Heritage Context issued by the World Heritage Centre and ICOMOS.*

It is proposed to amend the text of Section 2.6.2.3 as follows;

Funding has been awarded to the ~~Valentia Trans-Atlantic Cable Station~~ *Transatlantic Cable Ensemble* as part of the Rural Regeneration and Development Fund. This project will ~~restore~~ conserve the Valentia Trans-Atlantic Cable Station.

It is proposed that the following text be added in relation to the Telegraph Field in Section 2.6.2.3 as follows;

The Telegraph field at Foilhommerum Bay is where a temporary cable station was constructed when the first successful sustainable cable connection was made in 1866, albeit only in operation for two years.

It is proposed to amend and include the following text in Section 2.6.2.2.2 as follows;

The Plan area contains the UNESCO World Heritage Site of Sceilg Mhichíl ~~and Staigue Fort, which is one of three monuments in the county included in the Western Stone Forts nomination on Ireland’s ‘Tentative Listing’.~~ County Kerry will be unique in Ireland in having potentially two World Heritage Properties situated within sight of each other. *it is critical that the management, conservation and presentation of these two properties complement each other. and that this is reflected in the LAP. It is the policy of the Council to support the Sceilg Mhichíl World Heritage Property Management Plan.*

It is proposed to include a new objective in Section 2.6.2 (Built Heritage Objectives) as follows;
Support the Sceilg Mhichíl World Heritage Property Management Plan 2020-2030.

Submission KE-C19-23: VALENTIA/PORTMAGEE H&CSA DESIGNATION ACTION GROUP

Submission Summary:

This submission seeks clarity on the specific sites included in the Transatlantic Cable Ensemble and refers to a World Heritage Property Management Plan for the Valentia Island and Portmagee area.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission from the Dept. of Housing, Local Government & Heritage (Section 3.1.7) outlines that the Dept. has no objection to the amended text and that the text reflects those proposed by the Dept. in their submission on the Draft LAP.
- In relation to the submission received from the Valentia/Portmagee H&CSA Designation Action Group, a World Heritage Property Management Plan for the Valentia Island and Portmagee area is not within the remit of the LAP. As the Dept. of Housing, Heritage & Local Government prepared the Sceilg Mhichíl World Heritage Property Management Plan, that they would be the relevant authority in this regard.
- The Transatlantic Cable Ensemble contains the relevant sites on Valentia and in Newfoundland.
- It is considered that the amendment supports the Transatlantic Cable Ensemble.
- An errata has been discovered regarding the 6th part of this amendment. The section that this part refers to should read to be Section 2.6.2.4.1, and it is recommended that the text of this part be modified as follows:
 - *County Kerry will be unique in Ireland in having potentially two World Heritage Properties situated within sight of each other and it is critical that the management, conservation and presentation of these two properties complement each other.*
- It is in accordance with the proper planning & sustainable development of the area.

3.2.5 Amendment 5

It is proposed to include a new section, Climate Action, in Section 2.9 as follows;

Climate Action

In the context of this LAP the integration of climate action policy aligns with the vision, strategic objectives and actions outlined in Kerry County Council's Local Authority Climate Action Plan (LACAP) to be adopted in Q1 of 2022. The LACAP recognises in the context of land use plans, the integration of spatial, transport and energy planning is fundamental to achieving decarbonisation, particularly in the challenging sectors of heating and transport.

Decarbonisation of heating in the built environment across the residential and non-residential sectors is a key challenge for climate action in the context of this LAP. While the Council has taken a proactive approach in the promotion and implementation of energy efficiency initiatives

in its own building stock to date, it has challenging targets to achieve public sector targets (a 50% improvement in energy efficiency and 51% cut in emissions) by 2030. Equally, reaching targets for decarbonisation in the private sector will be challenging. While national building regulations will oversee compliance with evolving European energy legislation in existing and new (to NEZB standards) buildings - the LAP can indirectly support initiatives that seek to decarbonise the heating sector at a local level. Here, consolidated growth principles can again facilitate a more cost-effective roll-out of retro-fitting projects at larger spatial scale; and facilitate investigations into potential communal heating schemes, such as district heating schemes, and/or other potential renewable heat sources. The LAP also supports the energy user of the future - the "self" or "pro-consumer" - essentially where energy is consumed close to where it is produced. Many of these self-consumer energy projects are exempted development e.g. installation of solar PV panels. However, the LAP supports community-based generation in line with policy and objectives outlined Chapter 12 of the KCDP 2022-2028 and evolving micro-generation and export to grid legislation.

Regarding the decarbonisation of transport, consolidated growth and the support of the avoid-shift-improve model in the LAP will be key to achieving ambitious transport emissions reductions. This LAP therefore strongly supports "avoid" by ensuring via consolidated growth/high density living in our settlements people reside close to where they work, go to school etc; "shift" by ensuring people can, via, active travel safely walk, cycle or use public transport and by "improve" ensure the Plan supports the roll out of alternative fuels such as EV charging infrastructure.

It is proposed to amend the text of Section 2.3.1 as follows;

It is important to acknowledge that the redevelopment of brownfield sites is inherently more sustainable than the development of greenfield sites and should be encouraged. This principle of consolidated growth is in line with Climate Action Policy as outlined in the Draft Local Authority Climate Action Plan 2024-2029. In the context of this LAP, consolidated growth allows for the provision of more sustainable forms of municipal services such as the decarbonisation of heat at scale. The potential e.g. of district heating schemes or large scale retro-fitting projects that electrify heating at scale, is more economically feasible in consolidated settlements. When discussing redevelopment proposals, it is important to address the potential of these sites for economic development; employment creation and supporting climate action through decarbonisation of two significant sectors – heat and transport.

It is proposed to amend the text of Section 2.3.2 as follows:

The Briefs establish the broad development principles for the areas and set out the general distribution of land uses, circulation systems and key access points. The Briefs also indicate how future land uses should integrate with surrounding development and provide for the future phasing of development. In addition, the brief incorporates the need for future developments to be aligned with climate action policy particularly evolving regulations for Net Zero Emissions Buildings (NZEB) as further EU Directives on energy are transposed.

The Briefs seek to demonstrate, whilst having regard to the existing site context and character, the following:

- Overall layout and distribution of uses and open space on the subject lands;
- That building design choices will be climate proofed and evaluated in terms of energy performance, energy management, carbon emissions and future operational costs;
- Principal road infrastructure and access;

- Principal pedestrian and cycle routes and access *particularly as they relate to mitigating emissions from the transport sector*;
- Improvements to existing road infrastructure; and
- Incorporation of existing features of biodiversity value (e.g. hedgerows, trees, watercourses) & enhancement of biodiversity.

The delivery of the above infrastructure/principles are set out in the accompanying maps. The proposals contained in these Briefs have regard to the policies, objectives and standards contained in the Kenmare MD LAP and KCDP. The Briefs will be used as a tool for the co-ordinated delivery of development over the coming years *underpinned by climate action policy particularly as it relates to reducing emissions from heating and transport*. It will ensure that development is integrated and designed appropriately in accordance with the proper planning and sustainable development of the area.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- It was proposed in response to the submission from the Department of Environment, Climate and Communications.
- The submission from the Dept. (Section 3.1.6) welcomes this amendment.
- The submission from the NTA (Section 3.1.9) also supports this amendment.
- This amendment provides reference to Kerry County Council's Local Authority Climate Action Plan, which was adopted on 22nd January 2024. The text of the amendment should therefore be updated to reflect this, which would be a consequential change and not material.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.6 Amendment 6

It is proposed that Table 2.7 be replaced.

Settlement Status	Settlement	WWTP (Headroom)	Water Supply
Regional Town	Cahersiveen		
	Kenmare	*	
	Killorglin		
District Town	Sneem	**	
	Waterville		
Villages	Baile an Sceilg		
	Beaufort	#	
	Chapelton	#	
	Dún Géagáin		
	Glenbeigh	***	

	Kilgarvan		
	Knightstown	##	
	Portmagee		
<p>* the upgrade of this WWTP is anticipated to be completed in December 2025 # no public WWTP present ** WWPS Upgrade programme and is currently at detailed design stage *** part of the STVGP, project is at Stage 2 – Preliminary Business Case ## project to upgrade WWTP being advanced under the STVGP</p>			
Key	Capacity available	Potential capacity	No capacity capital investment is required

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This table was updated based on the information provided by Uisce Éireann as part of their submission on the Draft LAP.
- This information is subject to change, and the latest Uisce Éireann Capacity Registers should be consulted for an up-to-date position in relation to a settlement.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.7 Amendment 7

It is proposed to amend Objective KENMD-58 as follows;

Prepare Local Transport & Traffic Management Plans for the settlements as appropriate, *following the principles of the ABTA approach as set out by the National Transport Authority and Transport Infrastructure Ireland.*

It is proposed to include a new objective in Section 2.11 (Connectivity Objectives) as follows;

Facilitate the implementation of the Connecting Ireland and Local Link Rural Transport programmes within the MD area, by facilitating the operation of public transport services between and within settlements and maximising walking accessibility to services through development consolidation within settlements and the enhancement of local connectivity.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to the submission from the National Transport Authority on the Draft LAP.
- The submission from the National Transport Authority (Section 3.1.9) supports this amendment.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.8 Amendment 8

It is proposed to amend Objective KENMD-28 as follows;

Facilitate where appropriate the development of projects listed in the 'Skellig Coast Visitor Experience Development Plan' and the 'West Cork and Kenmare Destination and Experience Development Plan'.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The West Cork and Kenmare Destination and Experience Development Plan was published after the Draft LAP. It was therefore considered appropriate to amend the LAP to include reference to it.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.9 Amendment 9

It is proposed to amend the text of Section 2.6.2.3 as follows;

For 100 years, the Valentia Cable Stations ~~was~~ were the hub of transatlantic communication. The ~~Cable Station and slate yard in Knightstown,~~ Slate Yard (1858) in Knightstown, the Telegraph Field (1866) in Foilhummerum, and the Cable Station (1868) in Knightstown, are of enormous national and international heritage value in terms of their industrial archaeology, history, and contribution to mankind's technological progress.

Submission KE-C19-7: PETER BROWNE**Submission Summary:**

This submission expresses gratitude for changes made in relation to acknowledgement of the 1866 transatlantic cable heritage at the Telegraph Field, Foilhummerum.

Submission KE-C19-35: VALENTIA TRANSATLANTIC CABLE FOUNDATION**Submission Summary:**

With a view to fully exploiting the opportunities which the UNESCO designation will undoubtedly deliver, the submission supports the Material Alterations of the Kenmare Municipal District LAP, specifically, Amendment 1 and Amendment 9.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment provides additional context regarding the Slate Yard, Telegraph Field and Cable Station and lists them in chronological order.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.10 Amendment 10

It is proposed to amend all references to “Heritage & Culturally Sensitive Areas” in the LAP to “*Industrial Heritage & Culturally Significant Areas*”.

It is proposed to omit Figure 2.9: Area 2 Telegraph Field H & CSA.

Submission KE-C19-15: VALENTIA ISLAND DEVELOPMENT COMPANY C.L.G.**Submission Summary:**

This submission commends the revisions made to the Local Area Plan for Valentia Island particularly the removal of the protection areas on the Western side of the Island. The submission supports these changes, which reflect the evolving needs and priorities of our community which include, community development, preservation of heritage sites, infrastructure improvements, affordable housing initiatives, tourism and economic development, environmental conservation, and collaborative planning. The submission supports the alterations made to the Local Area Plan and is committed to working together for the sustainable development and prosperity of Valentia Island and its residents.

Submission KE-C19-24: VALENTIA/PORTMAGEE H&CSA DESIGNATION ACTION GROUP**Submission KE-C19-26: VALENTIA/PORTMAGEE H&CSA DESIGNATION ACTION GROUP****Submission Summary:**

This submission welcomes the removal of Foilhummerum and Reencaheragh areas but do not support the restrictions that will still be placed on Knightstown. This submission requests the omission of the Heritage and Culturally Sensitive Areas or Industrial Heritage and Culturally Significant Areas designations in their entirety from the LAP, and also the omission of Figures 2.8 and Figures 2.9. It is considered by this submission that this designation presents a serious threat to the sustainable development of Knightstown, which has the potential to become a viable compact village with appropriate density to provide for houses and employment for the region if it is allowed to grow.

Submission KE-C19-32: MUIRIS & BERNIE O DONOGHUE**Submission Summary:**

This submission objects to the sterilisation of Knightstown as it appears that there will be no future housing or work opportunities created there. This submission also outlines concerns with the UNESCO process.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission from the Dept. of Housing, Local Government & Heritage (Section 3.1.7) outlines that the Dept. has no objection to the amendment to the name.
- It is considered that the proposed title, Industrial Heritage & Culturally Significant Areas, is an appropriate title which reflects the industrial heritage character of the area.

- Kerry County Council is satisfied that the existing designations in the KCDP 2022-2028 affords sufficient safeguards to protect the area around the Telegraph Field from inappropriate development. It is therefore considered appropriate to omit Figure 2.9 in the LAP as per the amendment.
- The structure in the Telegraph Field does not form part of the UNESCO application. The denoted areas did not by their nature infer or impart any form of statutory zoning status but rather served as an indicator of the importance of the areas which through their setting positively contributes to the World Heritage Status hoping to be afforded to these areas. This importance is both on a local and global scale. These denoted areas are a requirement as part of the UNESCO world heritage status application process and are necessary as other locations globally do not have the statutory ability to protect World Heritage Sites from inappropriate development.
- The submission from the Valentia/Portmagee H&CSA Designation Action Group requests that both figures 2.8 and 2.9 are omitted. Figure 2.9 is omitted as part of this amendment. It would not be considered appropriate to omit Figure 2.8 in Knightstown, and also as figure 2.8 is not included in the amendment that went out for public consultation, its omission at this point of the plan making process cannot be considered.
- The UNESCO application (nomination for World Heritage status) is fully supported by Kerry County Council, and both the KCDP 2022-2028 and the LAP contain policies and objectives to achieve this goal.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.11 Amendment 11

It is proposed to amend Objective KENMD-19 as follows;

Support Údarás na Gaeltachta & Coiste Forbartha na Sceilge in relation to projects for the provision of sustainable accommodation projects within the Gaeltacht settlements of Baile an Sceilg, Dún Géagáin, *An Gleann* and *An Chillín Liath*, and other community-led affordable housing projects in Gaeltacht Uíbh Ráthaigh.

It is proposed to amend Objective KENMD-14 as follows;

Facilitate and support Language Plans - Brí Uíbh Ráthaigh–Plean Teanga Chiarraí Theas 2019-2026, (Language Plan for South Kerry) and the language plan for Cahersiveen, a designated Baile Seirbhíse Gaeltachta, and *Nascadh Uíbh Ráthaigh*, to achieve their target of increasing the number of daily Irish Speakers.

It is proposed to amend the text of Section 2.6.1.2 as follows;

~~2.6.1.2 Uíbh Ráthach Task Force Tascfhórsa Uíbh Ráthaigh~~

~~The Uíbh Ráthach Gaeltacht Interagency Taskforce published an integrated cross sectoral regeneration plan for the region in July 2019 with the focus on employment and quality of life. The plan seeks to create 145 full-time jobs and a 3% increase in population with a focus on developing innovations in alternative farm enterprises, the development of a digital hub and an increase in tourist visitors. The report also targets a 5% increase in daily Irish speakers and the reestablishment of an Irish language summer college, in order to combat falling levels of spoken Irish in~~

~~the area. This Plan supports the ambitions of the Uíbh Ráthach Task Force and any reports/plans/actions that they promote in keeping with the principles of proper planning and sustainable development~~

The Action Plan for Rural Development (2017) proposed that a Task Force should be established for the Gaeltacht area of Uíbh Ráthach to address issues pertaining to population structural deficiencies. The development of an integrated, cross sectoral plan for the Uíbh Ráthach Gaeltacht to address the social and economic needs of the community was proposed and an ambitious regeneration plan for the region was launched in July 2019. The areas of focus in that plan centred on employment and quality of life improvements as facilitators of population growth and restructuring. A second action plan for the period 2023-2026 has been adopted by the Tascfhórsa, building upon the steps taken in phase one and focusing on critical enablers of economic growth and development as well as building further foundations for key quality of life initiatives in the area. This LAP supports the ambitions of the Uíbh Ráthach Task Force.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- These amendments were proposed in response to submissions received on the Gaeltacht.
- They provide additional context and support to develop the Gaeltacht areas.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.12 Amendment 12

It is proposed to amend the text of Section 2.7.3 as follows:

KCC recognises the important employment role played by agriculture, forestry and fishing within the Kenmare MD, with 1,082 jobs employed in these sectors. Kenmare MD has a higher percentage of people working in both the traditional sectors of agricultural/forestry/fishing (11%) compared to the county average of 8%. KCC is committed to supporting the growth and sustainable development of these employment sectors. It is the policy of the Council to support and promote the sustainable development of the marine/aquaculture sector in order to maximise its contribution to employment and growth in coastal communities and the economic wellbeing of the area. *There are a number of locations associated with aquaculture in the municipal district, including Cromane.*

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment is a reflection of the contribution aquaculture makes to the economy of the MD, in particular that Cromane is a location for aquaculture.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.13 Amendment 13

It is proposed to amend the text of Section 3.1.2.2 as follows:

- Residential development on R4 (Strategic Residential Reserve) lands will be permitted only on completion of 50% 80% of the R1 (New/Proposed Residential) zoned lands subject to the provision of adequate infrastructure.
- ~~Where no lands have been identified as R1 or R4 in a particular settlement, residential development will only be considered subject to consideration of the KCDP Core Strategy and the provision of adequate water infrastructure.~~
- *Ensure that residential development on R4 (Strategic Residential Reserve) lands in Villages complies with the Core Strategy and is subject to the provision of adequate water infrastructure.*
- *In Small Village Settlements (where no lands have been identified as R1 or R4), cluster type residential development will only be considered subject to the provision of adequate water infrastructure as per Section 3.5.2 of this Plan.*

It is proposed to amend Objective KENMD-76 as follows;

Prohibit development on lands zoned R4 (strategic residential reserve) until 50% 80% of the R1 (new/proposed residential zoned) lands have been developed to the satisfaction of the Planning Authority and subject to the provision of adequate infrastructure.

It is proposed to include a new objective in Section 3.1.2 (Residential Objectives) as follows;

Ensure residential development on R4 (Strategic Residential Reserve) lands in Villages shall comply with the provisions of the Core Strategy and is subject to the provision of adequate water infrastructure.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- These amendments were proposed to address the recommendations of the OPR in response to Draft LAP, in relation to residential reserve land use zoning and residential zonings for villages.
- The submission from the OPR (Section 3.1.1) states that the Office is satisfied with the alterations made to Objective KENMD-76.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.14 Amendment 14

It is proposed to amend Objective KENMD-70 as follows;

Ensure that all new development shall maintain the integrity of the surrounding rural landscape and rural character of the settlement while ensuring that future development supports the existing role and function of the village as a small local focal point for its surrounding rural community *and that it supports the aim to increase the number of daily Irish speakers in the area.*

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to a submission received on the Draft LAP.
- Given that part of the MD is a Gaeltacht, such support is considered appropriate.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.15 Amendment 15

It is proposed to amend the text of Section 3.2.1.5.3 as follows;

to limit development to only water-compatible development within Flood Zone A and water compatible/less vulnerable development in Flood Zone B, unless proposals within these sites first pass a flood risk management justification test, to the satisfaction of the Planning Authority.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to the recommendation in the OPR submission to the Draft LAP on flood risk management.
- See response/recommendation to the OPW (Section 3.1.5).
- It is in accordance with the proper planning & sustainable development of the area.

3.2.16 Amendment 16

It is proposed to amend the Cahersiveen zoning map from M4 Built Up Area to N1.6 Car Parking.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- Car parking in Cahersiveen was raised as an issue in a number of submissions on the Draft LAP. This amendment was proposed in response to this issue.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.17 Amendment 17

It is proposed to amend the Cahersiveen zoning map from G1 Open Space, Park to R1 New/Proposed Residential.

It is proposed to include a new section, Residential Lands on Marina Road, in Section 3.2.1.5 (Town Centre) as follows:

3.2.1.5.6 Residential Lands on Marina Road

This site is located between Marina Road and Marian Place/St. Joseph's Terrace. The site together with the adjoining lands to the south are strategically located in close proximity to the town centre, the marina and the proposed South Kerry Greenway. The site which is located on a rocky outcrop elevated over the waterfront can be considered a landmark one. Potentially, the site presents an opportunity to provide for a

mixture of residential units but also for tourism/recreational use that could serve the needs of the Greenway users or visitors to the Dark Sky Reserve in a sustainable manner and within walking distance of the town centre.

There are development constraints associated with the site, which should be addressed as part of any planning application, including the following.

- Topography: This is a prominent site, which is elevated above and overlooking the waterfront. The site along Marina Road is mainly dominated by a steep rockface. Any proposal for these lands should be designed to a high architectural standard. A detailed design statement is required outlining how the proposal would both provide a local landmark development and satisfactorily integrate into the townscape/landscape.*
- Amenities: Development proposals should seek to improve the amenities of the area and should not unduly impact existing residential amenities.*
- Access: Limited vehicular access is currently available via Marian Place and pedestrian connectivity onto Marina Road. Detailed proposals should be provided for access and servicing arrangements. This may involve localised road widening requirements. Pre-planning consultation with the Area Engineer is also advised.*
- Archaeology: The eastern end of the site contains a monument (souterrain) listed on the Record of Monuments and Places. A buffer zone between the monument and a development proposal may be required. Any such buffer should be satisfactorily incorporated into the overall development proposal.*
- Biodiversity: This site contains semi-natural vegetation likely to be of some ecological interest. Development proposals shall be accompanied by an ecological impact assessment report and shall incorporate biodiversity considerations into the project design.*

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This zoning change was proposed in response to a request in a submission on the Draft LAP to amend the zoning of this site.
- The submission from the OPR (Section 3.1.1) states that “the material alterations affecting Cahersiveen are generally acceptable in relation to their location and the quantum of lands zoned R1”.
- It was proposed to include a section of text to ensure the appropriate development of this site having regard to its topography, amenities, access, archaeology and biodiversity.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.18 Amendment 18

It is proposed to zone lands outside of the settlement boundary of Cahersiveen as R4 Strategic Residential Reserve.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 20) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.19 Amendment 19

It is proposed to amend the Cahersiveen zoning map to extend the settlement boundary and zone as R1 New/Proposed Residential and R2 Existing Residential.

It is proposed to amend the Cahersiveen zoning map from R4 Strategic Residential Reserve/G3 Landscape Protection to omit these areas from the settlement.

Submission KE-C19-20: CHERRYHILL DEVELOPMENTS**Submission Summary:**

This submission supports the inclusion of this site for residential development. The reasons indicated for the support of this site for zoning in the submission are that the lands are construction ready as all services are available, the site is an infill site, and the close proximity of the lands to the town centre will promote sustainable modes of transport.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission from the OPR (Section 3.1.1) states that “the material alterations affecting Cahersiveen are generally acceptable in relation to their location and the quantum of lands zoned R1”.
- In the context of the submission received in relation to this amendment, the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (DoHLGH, 2024) were published in January 2024 and set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. These Guidelines replace the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009). The text of the LAP will therefore be updated to reflect the publication of these Guidelines, which is not considered to be a material change.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.20 Amendment 20

It is proposed to amend the Kenmare zoning map from R1 New/Proposed Residential to R2 Existing Residential and O1 Strategic Reserve, White Land.

It proposed to amend the Kenmare zoning map from R1 New/Proposed Residential to R2 Existing Residential.

It is proposed to amend the Kenmare zoning map from R1 New/Proposed Residential to R2 Existing Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- These amendments to the Kenmare Zoning Map were made in response to the submission from the OPR on the Draft LAP, in particular Recommendation 1 – Residential land use zoning.
- In the submission from the OPR on the Material Alterations, “the Office accepts the zoning changes to R2/O1 proposed in Material Alteration 20 having regard to the residential zonings in the Kenmare Functional Area Local Area Plan 2010-2016 and their relatively small size”.
- The largest of these sites is 0.88 hectares which is proposing to change the zoning of to O1 Strategic Reserve, White Land. The other sites are all less than 0.5 hectares.
- These sites are small infill sites.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.21 Amendment 21

It is proposed to amend the Kenmare zoning map from R4 Strategic Residential Reserve to R1 New/Proposed Residential.

Submission KE-C19-39: MARTIN HALLISSEY

Submission Summary:

This submission welcomes this material alteration to the draft plan.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 14) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.22 Amendment 22

It is proposed to include the following text in Section 3.2.2.7.3 as follows;

The development of lands adjoining the River Finnihy including lands adjoining the tidal waters downstream of Cromwell bridge will be subject to project level environmental assessment and be required to take into consideration the requirements of the Habitats Directive, Departmental flood risk management guidelines and Inland Fisheries Ireland's planning guidelines on urban watercourses, as appropriate.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This change to the text of Section 3.2.2.7.3 was proposed having regard to the NIR mitigation measures on the Draft LAP.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.23 Amendment 23

It is proposed to include a new objective in Section 3.2.2.6 (Community Facilities Objectives) as follows;

Support the development of a community centre at an appropriate location within the town of Kenmare.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- Support for the development of a community centre in Kenmare is considered appropriate for the LAP.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.24 Amendment 24

It is proposed to include a new objective in Section 3.2.2.9 (Recreation & Amenities Objectives) as follows;

Seek to improve pedestrian connectivity between the Peninsula Lands looped walk and the town centre in a sustainable manner in consultation and engagement with the local community and stakeholders.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- Improving linkages between the Peninsula Lands and the town centre is considered to be appropriate in the context of Kenmare.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.25 Amendment 25

It is proposed to amend the Kenmare zoning map from R2 Existing Residential to C5 Tourism & Related.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment is proposed in response to a submission received on the Draft LAP.
- The site referred to does not contain an existing dwelling and is therefore not R2 Existing Residential. Changing the zoning of this part of the site to C5, as per the surrounding lands, is therefore considered to be appropriate.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.26 Amendment 26

It is proposed to include a new objective in Section 3.2.2.9 (Recreation & Amenities Objectives) as follows;

Support the sustainable development of Maritime and River related recreational facilities at an appropriate location or locations within the town of Kenmare.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- Given the location of Kenmare, bordering Kenmare River, an additional objective in the LAP to support the development of water based recreational facilities is considered to be an appropriate objective for the town.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.27 Amendment 27

It is proposed to amend the Kenmare zoning map from G1 Open Space, Park to M2 Town Centre.

Submission KE-C19-17: CLARE O RIORDAN**Submission Summary:**

This submission notes that part of the site is zoned as a flood plain area. The submission concludes that there is no record of the site flooding, and therefore request that the flood plain element of the rezoning of the site be removed from the final plan.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The site proposed to be zoned M2 which is subject of this amendment is not located within a flood zone.

- Flood Zone B as per CFRAMS mapping is shown to apply to an area to the north of the proposed M2 zoning, in the area zoned G1 in the Draft LAP, between the site of the amendment and the River Finnihy.
- Flood zones are determined based on OPW CFRAM mapping. As this mapping/information is obtained from the OPW, it is not within the remit of Kerry County Council to amend same, and to omit flood zones from the map would not be in accordance with the recommendations of the OPR/OPW in relation to flood risk assessment that was made on the Draft LAP.
- Consideration has been given in the amendment to the proximity of this site to the River Finnihy.
- The council is supportive of the growth of the town centre, with this modest site being seen as a natural extension to the town centre.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.28 Amendment 28

It is proposed to amend the Kenmare zoning map from C5 Tourism & Related/R1 New/Proposed Residential to R1 New/Proposed Residential/C5 Tourism & Related and include an indicative car park.

Submission KE-C19-37: DOLENT PROPERTIES LP

Submission Summary:

It is stated in the submission that a submission was not made in relation to the Draft Plan as they were happy with the zoning as initially proposed.

The zoning now proposed for the lands is C5 Tourism & Related and it is considered in the submission that this zoning is at odds and against National Policy for the development of lands adjacent to town centres and inhibits the use of the lands to deliver housing adjacent to a town centre.

The preference for the landowner is to zone these lands as per the initial zoning designation.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This site is located centrally in Kenmare, adjacent to the town centre. The amendment swaps adjoining R1 and C5 zonings. There is a minimal increase in the amount of R1 zoned land.
- The submission from the OPR (Section 3.1.1) in relation to Kenmare states that "the Office has assessed the material alterations and concludes that the majority are acceptable". This site would be one of these sites considered to be acceptable.
- The indicative car park in this amendment is referred to in the submission from the Dept. of Housing, Local Government & Heritage, see Section 3.1.7 for the response in relation to their comments.
- Given the proximity of the site to the town centre a residential zoning adjoining the town centre is considered appropriate and follows the sequential approach to development.
- There are no recent pre-planning records in relation to these lands.

- At this stage of the plan making process, this amendment can be accepted, or it can be rejected, with the zoning reverting to that in the Draft LAP. It is considered that the rationale as set out in the Chief Executive's Report on the submissions received on the Draft LAP is still appropriate, and that this amendment should therefore be made to the Draft LAP.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.29 Amendment 29

It is proposed to amend the Kenmare zoning map from C5 Tourism & Related to R1 New/Proposed.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission from the OPR (Section 3.1.1) in relation to Kenmare states that "the Office has assessed the material alterations and concludes that the majority are acceptable". This site would be one of these sites considered to be acceptable.
- It is considered that the zoning of this site would be in accordance with the Sequential Approach to zoning as set out in the *Development Plans Guidelines for Planning Authorities (2022)*, whereby the most spatially centrally located development sites in settlements are prioritised for new development first.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.30 Amendment 30

It is proposed to zone lands outside of the settlement boundary of Kenmare as C6 Mixed/General Commercial/Industrial/Enterprise Uses.

CE Opinion & Recommendation

That this amendment is not made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- In their submission (Section 3.1.1), the OPR advise the Planning Authority that the majority of its material alterations are acceptable with the exception of some zoning amendments which zone peripheral lands for development at locations primarily outside the CSO Boundary (2022) (CSO Boundary). This site would be one such example.
- The National Transport Authority (NTA) in their submission (Section 3.1.9) raises concerns with the site which is at a significant remove from the settlement boundary, as it would not contribute to the achievement of compact growth and the promotion of sustainable mobility.
- Uisce Éireann in their submission (Section 3.1.8) draw attention to the fact that the site is outside the settlement boundary and to maximise the use of existing water services, Uisce Éireann encourage phased sequential development.
- Sequential development is an overarching objective in sustainable planning. It is stated in the *Development Plans Guidelines for Planning Authorities (2022)* that accessibility is a central consideration in selecting employment zonings. The sequential approach to land-use zoning applies, with lands contiguous to existing development within a settlement being prioritised for employment zoning ahead of lands

located further on the periphery of the settlement. In this case the site is beyond the periphery of Kenmare and would therefore not comply with this principle.

- This site would not meet the criteria for designating employment zonings as set out in Section 9.6.1 of the KCDP 2022-2028
- There is no footpath between this site and the town centre, nor is it feasible to provide one. The road also does not have public lighting. The carrying capacity of the road is considered to be limited due to its narrow width.
- This site is located outside of the settlement boundary, over 500 metres, as proposed in the Draft LAP.
- There is a significant amount of lands zoned C6 in Kenmare, as referenced in the OPR submission. The C6 lands are located within the town boundary. These zoned lands are therefore sufficient to meet the employment/enterprise needs for Kenmare over the lifetime of the LAP. No justification therefore exists to zone additional C6 lands in a remote location outside of the settlement.
- It is not the policy of the Council to zone lands for specific uses in the rural area. Development proposals in these areas are assessed against the policies contained in the County Development Plan.
- Whilst outside of the town of Kenmare, it is acknowledged that this is an established small enterprise area, which does not preclude the continuation of this type of use at this location or the possibility of limited expansion.
- It is not in accordance with the proper planning & sustainable development of the area.

3.2.31 Amendment 31

It is proposed to amend the Kenmare zoning map to extend the settlement boundary and to zone R1 New/Proposed Residential/R2 Existing Residential.

Submission KE-C19-36: ANTHONY & SIOBHAN O'CALLAGHAN

Submission Summary:

This submission states support for this amendment.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 15) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.32 Amendment 32

It is proposed to amend the Kenmare zoning map from O1 Strategic Reserve, White Land to R2 Existing Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- A recent planning application has been submitted in relation to this site, Planning Reg. No. 24/60001, the development consists of (a) retention planning permission to retain a structure as a dwelling house and (b) permission to connect to mains services. Further Information has been requested in relation to this application.
- It is considered that an R2 Existing Residential zoning reflects the position on the ground.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.33 Amendment 33

It is proposed to amend the Kenmare zoning map from O1 Strategic Reserve, White Land to R1 New/Proposed Residential.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 16) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.34 Amendment 34

It is proposed to amend the Killorglin zoning map from M1 Mixed Use to R1 New/Proposed Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- In their submission (Section 3.1.1), the OPR state that they have assessed the material alterations and conclude that Material Alteration 34 is acceptable.
- This site is centrally located, and its zoning follows the sequential approach.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.35 Amendment 35

It is proposed to zone lands outside of the settlement boundary of Killorglin as R1 New/Proposed Residential.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 17) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.36 Amendment 36

It is proposed to amend the Killorglin zoning map to extend the settlement boundary and to zone M1 Mixed Use.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 18) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.37 Amendment 37

It is proposed to amend the Killorglin zoning map to extend the settlement boundary and to zone R1 New/Proposed Residential.

[Submission KE-C19-21](#): CHERRYHILL DEVELOPMENTS

[Submission KE-C19-25](#): CHERRYHILL DEVELOPMENTS

Submission Summary:

This submission supports the inclusion of this site for residential development. Reasons are included in the submission to support its zoning.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 18) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.38 Amendment 38

It is proposed to zone lands outside of the settlement boundary of Killorglin as R1 New/Proposed Residential.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 19) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.2.39 Amendment 39

It is proposed to amend the Killorglin zoning map from R1 New/Proposed Residential to P1 Agriculture, and to extend the settlement boundary and to zone R1 New/Proposed Residential.

CE Opinion & Recommendation

That this amendment is not made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- In their submission on the Draft LAP, the OPR noted “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”. This amendment proposes that lands that are centrally located in Killorglin are change from R1 to P1. This amendment would therefore contradict with the OPRs Draft LAP submission by proposing an agriculture zoning in a central area.
- Sequential development is an overarching objective in sustainable planning. It is a policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first.
- The lands that are proposed to be amended to P1 Agriculture were the closest R1 New/Proposed Residential Lands to the town centre. These lands are therefore sequential in terms of the development of Killorglin, with the proposed R1 lands as part of this amendment located further from the town centre.
- The National Planning Framework (NPF) sets out a two-tier approach to land zoning, Tier 1 Serviced Zoned Land, comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, and can therefore accommodate new development. The R1 lands as zoned in the Draft LAP are considered to be Tier 1, and to change their zoning to P1 Agriculture would therefore be contrary to the NPF.
- It is not in accordance with the proper planning & sustainable development of the area.

3.2.40 Amendment 40

It is proposed to amend the Sneem zoning map from O1 Strategic Reserve, White Land to R1 New/Proposed Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- It was identified that additional lands were needed to ensure that housing targets for Sneem are met.
- In their submission (Section 3.1.1), the OPR state that the balance between zoned residential lands and housing supply targets is generally acceptable in Sneem.
- This site is a natural extension of lands zoned R1 New/Proposed Residential.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.41 Amendment 41

It is proposed to amend the Sneem zoning map to extend the settlement boundary and to zone R1 New/Proposed Residential.

Submission KE-C19-14: DANIEL O'SHEA**Submission Summary:**

This submission welcomes the zoning of part of their lands for residential use and notes the importance of their site contributing towards achieving the housing target set out in the Core Strategy for Sneem. However, the submission requests that the remaining lands within the landholding are included within the Sneem Settlement Boundary and be zoned R1 New/Proposed Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- In relation to the area of lands subject of the proposed amendment, it was identified that additional lands were needed to ensure that housing targets for Sneem are met. In their submission (Section 3.1.1), the OPR state that the balance between zoned residential lands and housing supply targets is generally acceptable in Sneem.
- Section 20(3)(Q) of the Planning & Development Act 2000, as amended states that a further modification to the material alteration shall not be made where it refers to an increase in the area of land zoned for any purpose. The request in the submission on this material alteration to increase the amount of land zoned can therefore not be considered at this stage of the plan making process.
- The location of this amendment is considered appropriate for the future development of Sneem as it forms a natural extension to the town.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.42 Amendment 42

It is proposed to amend the Sneem zoning map from G3 Landscape Protection to R2 Existing Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The original planning application that resulted in the development of Ard an Óir, Planning Reg. No. 06/422, was permitted by Kerry County Council and granted on appeal by An Bord Pleanála. Condition 3 of the Bord's decision states, "the areas shown as public open space on the lodged plans shall be reserved for such use and shall be soiled, seeded, levelled and landscaped in accordance with a detailed scheme, including a timetable for implementation, to be agreed with the Planning Authority".
- Notwithstanding a change to the zoning of the site from G3 to R2, the planning history of the site is not affected.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.43 Amendment 43

It is proposed to amend the Waterville zoning map from R4 Strategic Residential Reserve to R2 Existing Residential and O1 Strategic Reserve, White Land.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to the OPR submission on the Draft LAP to reduce the quantum of R4 Strategic Residential Reserve in Waterville.
- In the submission from the OPR (Section 3.1.1), it is acknowledged that some of the material alterations omit or rezone R4 zoned lands.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.44 Amendment 44

It is proposed to amend the Waterville zoning map from R4 Strategic Residential Reserve to R1 New/Proposed Residential.

Submission KE-C19-5: GINA & PAUL KEATING**Submission Summary:**

This submission welcomes the zoning of their site as R1 as it will facilitate the development of the site and includes a proposed layout.

Submission KE-C19-16: NIALL & ANITA O'DONOVAN**Submission Summary:**

The submission states that the material amendment made is unlawful and fails to consider the suitability of the site in question having regard to the objectives of the Local Area Plan. It is noted that the zoning of site land is done despite the recommendations of the Chief Executive and the Senior Planner. The submission states that in light of the recommendations of the Chief Executive the decision to zone the lands R1 is irrational and against all planning guidelines. Reference is also made to two open enforcement files on this site.

CE Opinion & Recommendation

That this amendment is not made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission from the OPR (Section 3.1.1, Page 9) states that "the material alterations to the draft LAP increase rather than reduce the quantum of lands available for residential development over the plan period in Kenmare, Killorglin and Waterville, and as such the Planning Authority has failed to address Recommendation 1 of the Office's submission to the draft LAP". This amendment therefore contravenes Recommendation 1 of the OPR submission on the Draft LAP.
- There is a significant quantum of undeveloped lands between this site and the centre of Waterville. Sufficient lands have been zoned R1 that are sequentially closer to the centre of the town that will allow for the housing target as set out in the KCDP 2022-2028 Core Strategy to be achieved.

- The submission that raises the issue of enforcement in relation to this site is correct, there are open files in relation to these lands.
- It is not in accordance with the proper planning & sustainable development of the area.

3.2.45 Amendment 45

It is proposed to amend the Waterville zoning map from R4 Strategic Residential Reserve to R1 New/Proposed Residential.

CE Opinion & Recommendation

That this amendment is not made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission from the OPR (Section 3.1.1, Page 9) states that “the material alterations to the draft LAP increase rather than reduce the quantum of lands available for residential development over the plan period in Kenmare, Killorglin and Waterville, and as such the Planning Authority has failed to address Recommendation 1 of the Office’s submission to the draft LAP”. This amendment therefore contravenes Recommendation 1 of the OPR submission on the Draft LAP.
- There is a significant quantum of undeveloped lands between this site and the centre of Waterville. Sufficient lands have been zoned R1 that are sequentially closer to the centre of the town that will allow for the housing target as set out in the KCDP 2022-2028 Core Strategy to be achieved.
- It is not in accordance with the proper planning & sustainable development of the area.

3.2.46 Amendment 46

It is proposed to amend the Baile an Sceilg zoning map from C2.1 Industrial/Enterprise/Employment to M1 Mixed Use.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- It was recommended by the CE in response to a submission received on the Draft LAP that the zoning of the site be changed to M1 as it will facilitate the re-use and re-development of an underused site.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.47 Amendment 47

It is proposed to amend the Baile an Sceilg zoning map from M2 Village Centre/R2 Existing Residential/R4 Strategic Residential Reserve and to extend the settlement boundary and zone as M1 Mixed Use.

Submission KE-C19-2: MICHAEL HEALY-RAE T.D.**Submission Summary:**

This submission states support for this amendment.

Submission KE-C19-6: COISTE FORBARTHA NA SCEILGE**Submission Summary:**

The submission outlines that Coiste Forbartha na Sceilge supports this amendment.

Submission KE-C19-8: NICHOLAS BROWNE FOODSTORE & FILLING STATION LTD**Submission Summary:**

The submission states support for this amendment.

Submission KE-C19-9: NICHOLAS BROWNE & SON LTD**Submission Summary:**

The submission states support for this amendment.

Submission KE-C19-10: ALAN KELLY T.D.**Submission Summary:**

The submission states support for this amendment.

CE Opinion & Recommendation

That this amendment is made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 with modifications for the following reasons:

- There are insufficient services within the settlement to cater for the scale of the development as proposed and it is not currently expected that a project to upgrade the WWTP will be delivered within the lifetime of the Draft LAP.
- It is a policy of the Draft LAP to not permit holiday homes on residential zoned lands. The change from R4 to M1 would result in this policy not applying at this location. It is considered that additional holiday homes in this area, where according to the Census 55% of the housing stock are holiday homes, would therefore not be appropriate.
- The loss of R4 zoning would be contrary to policies and objectives of the KCDP 2022-2028 and the Draft LAP which place a specific focus on the need to direct housing into settlements. In addition, the residential zoning on the site sought to provide an alternative to one-off rural housing. This amendment results in no lands being zoned for residential development in Baile an Sceilg. It is therefore proposed that the following objective be associated with this M1 zoning as a modification to ensure that the residential demand of the local area can be met in a sustainable manner;

Ensure that all residential units on this site shall be used as permanent places of residence. Residential development shall account for 75% of the overall development proposed on these lands.

- The village is located within a Gaeltacht area, and it is important that development takes place which supports the promotion of the Irish language as set out in Chapter 8 of the KCDP 2022-2028. Within this context the impact of holiday homes or second homes on the language which are a potential outcome if the amendment is made to the Draft LAP, could result in significant negative effects to the area.
- It is an objective of the council, Objective KCDP 8-8, to “ensure that a minimum of 66% of Housing Developments on R1 and R4 zoned lands within the Gaeltacht areas shall be reserved for Irish Speakers”. A residential streetscape on the southern corner of the site is a requirement of the Draft LAP, but if the lands are not zoned R4 then objective KCDP 8-8 will not apply, and this amendment would therefore be contrary to the policies of the Council which seek to promote the Irish language and housing for Irish speakers.
- *It is recommended that an objective in relation to Irish speakers be included as a modification; Ensure that a minimum of 66% of any residential units developed on these lands shall be reserved for Irish Speakers. The standard of Irish required shall be determined and assessed by Kerry County Council. A Language Enurement Clause (LEC) will be applied for a duration of 15 years from the date of first occupancy of the unit.*
- It is in accordance with the proper planning & sustainable development of the area subject to the proposed modifications being accepted.

3.2.48 Amendment 48

It is proposed to amend the text of Section 3.2.1.6 as follows;

~~The gteic hub at Ballinskelligs provides remote working facilities. The project received financial supports through rural development funding. The facilities currently centre on six coworking spaces divided across two rooms, along with kitchenette facilities and with 1GB fibre broadband available.~~

The gteic hub at Baile an Sceilg, developed by Údarás na Gaeltachta, provides remote working facilities. The facilities currently centre on six coworking spaces divided across two rooms, along with kitchenette facilities and with 1GB fibre broadband available. A purpose-built hub, to encompass co-working facilities, training and meeting rooms and other office space is currently being constructed in the Údarás na Gaeltachta. When completed, this facility will provide workspace for c.50 individuals. This project has received financial support through rural development funding, co-funded by Údarás na Gaeltachta.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- An errata has been discovered in the section of the Draft LAP that this amendment refers to, it should read as *Section 3.4.1.6*.
- This amendment was proposed in response to the submission from Tascfhórsa Uíbh Ráthaigh.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.49 Amendment 49

It is proposed to amend Objective KENMD-BT-4 as follows;

Facilitate and support the provision of pedestrian footpaths within the village *and to implement traffic calming measures as appropriate.*

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to a number of submissions on the Draft LAP that highlighted issues with traffic management in the village.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.50 Amendment 50

It is proposed to amend the Beaufort zoning map to extend the settlement boundary and zone as R4 Strategic Residential Reserve.

Submission KE-C19-12: **CHRISTOPHER & SIOBHAN BREEN**

Submission KE-C19-13: **CHRISTOPHER & SIOBHAN BREEN**

Submission Summary:

This submission supports this amendment. The submission also addresses the process followed with regards to their original submission and requests clarification in relation to same.

CE Opinion & Recommendation

That this amendment is made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- The submission (KE-C8-27, Christopher Breen) on the Draft Kenmare LAP was summarised as follows, "This submission requests that lands to the west of the village be included within the settlement boundary of Beaufort to enable it to be developed for residential purposes". This summary fulfilled the requirement of Section 20(3)(C) of the Planning & Development Act 2000, as amended. The Chief Executive's Report and Recommendations on Submissions were presented and considered at the Kenmare Municipal District meeting held on the 11th January 2024.
- At the meeting the following resolution was proposed and agreed: *Propose that a portion of the lands contained in submission KE-C8-27 be zoned as R4 and that the village boundary be extended to include these lands.*
- Section 20(3)(Q) of the Planning & Development Act 2000, as amended states that a further modification to the material alteration shall not be made where it refers to an increase in the area of land zoned for any purpose. The area of land included in Amendment 50 can therefore not be increased at this stage of the plan making process.
- In their submission (Section 3.1.8), Uisce Éireann state that there is no water services available in Beaufort.
- This site is 0.15 hectares in size and is considered to be a minor amendment to the Draft LAP.

- It is in accordance with the proper planning & sustainable development of the area.

3.2.51 Amendment 51

It is proposed to amend the Chapeltown zoning map to extend the settlement boundary and zone as R2 Existing Residential.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This site immediately adjoins the settlement boundary.
- The proposed zoning of the site reflects its existing use, residential. The proposed zoning will not place an additional demand for services as a result.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.52 Amendment 52

It is proposed to amend the Chapeltown zoning map to extend the settlement boundary and zone as R4 Strategic Residential Reserve.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 21) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made with this material alteration.

3.2.53 Amendment 53

It is proposed to include an additional objective for Dún Géagáin (General Objectives) as follows;

Seek the improvement of pedestrian connectivity between the village & beach, subject to environmental assessments.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to the submission from Tascfhórsa Uíbh Ráthaigh.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.54 Amendment 54

It is proposed to amend the Kilgarvan zoning map from O1 Strategic Reserve, White Land to R4 Strategic Residential Reserve.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- These lands are an extension of R4 Strategic Reserve Lands to the south.
- They are centrally located in the village, between the school/playground to the north, and the village centre to the south.
- Development of these lands would be subject to adequate services being available in the settlement, with water supply in Kilgarvan being referred to in the submissions received from Uisce Éireann.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.55 Amendment 55

It is proposed to include the following additional text in Section 3.2.7.1 as follows;

Within Knightstown is the Altazimuth Stone, which played a significant role in the development of sea navigation techniques with the determination of longitude.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This amendment was proposed in response to a submission from Knightstown Tidy Towns on the Draft LAP.
- It is considered appropriate to reference the importance of the Altazimuth Stone in the LAP.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.56 Amendment 56

It is proposed to amend the Knightstown zoning map to extend the settlement boundary and zone S5 Mixed/General Community Services/Facilities.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- This site adjoins Valentia Hospital. This proposed zoning would therefore be in keeping with neighbouring uses.
- The proposed zoning would complement the hospital and provide for a use not already provided for in Knightstown.
- It is envisaged that access to the site would be via the hospital due to the width of the road on the southern boundary of the site.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.57 Amendment 57

It is proposed to amend the Knightstown zoning map from N1.6 Car Park to M1 Mixed Use & Indicative Car Park.

Submission KE-C19-29: P.J. O'SULLIVAN

Submission Summary:

The submission requests that the entirety of the site be Zoned M1 Mixed Use and that any and all references to an Indicative Car Park be removed from this zoning.

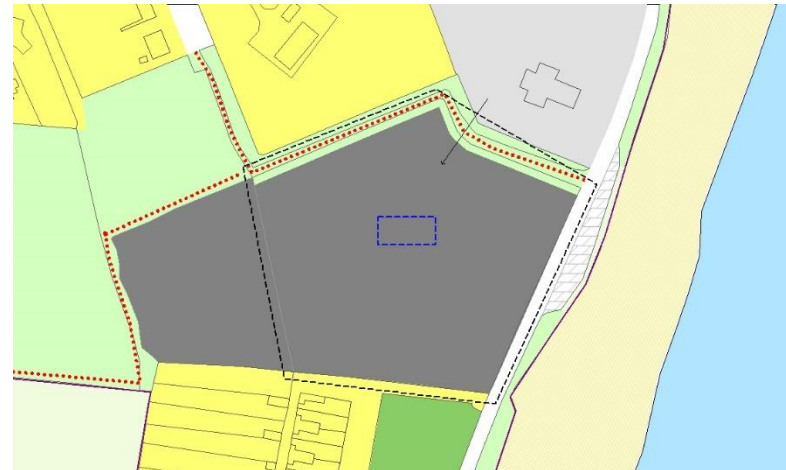
CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- See response/recommendation in relation to the submission received from the Dept. of Housing, Local Government & Heritage, Section 3.1.7.
- A resolution was made in relation to this site at the meeting of the members of the Municipal District of Kenmare on January 11th 2024, "to revert to previous zoning in the previous West Iveragh LAP".
- Amendment 57 that went out for public display showed the site zoned as per the West Iveragh Local Area Plan 2019-2025, an M1 zoning and an indicative car park.



Excerpt from West Iveragh LAP 2019-2025



Amendment 57 – Proposed Amendment

- These maps confirm that the zoning of the site in Amendment 57 is as per the West Iveragh LAP, M1 and an Indicative Car Park. It is noted that the size of the car park as shown in Amendment 57 is smaller than previously shown, but as it is an indicative car park, the size/location is to be determined at a later date.

- It is considered that in order to support objective KENDM-KS-8, that a site is identified for a car park in Knightstown. Locating a car park on this site as proposed is considered to be appropriate as it is in close proximity to the pier, hotel, and church, and a car park at this location would ensure the protection of vistas to/from adjoining ACAs.
- A watercourse has been identified as running along the side of this site, Inland Fisheries Ireland guidelines; "Planning for watercourses in the urban environment" therefore apply. This watercourse will have to be accounted for in the layout of a development on this site which can be dealt with at planning application stage.
- Given that the current zoning of the site is M1, it is considered that the amendment is appropriate.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.58 Amendment 58

It is proposed to amend the Knightstown zoning map from M4 Built Up Area to M1 Mixed Use.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- See response/recommendation in relation to the submission received from the Dept. of Housing, Local Government & Heritage, Section 3.1.7.
- The subject was zoned M4 Built Up Area in the Draft LAP. Based on the Land Use Zoning Matrix as contained in Appendix B of the Draft LAP, this zoning is flexible with a wide variety of uses open to consideration.
- The lands adjoin the First Message Building site and associated visual corridor as set out in the Draft Lap in Figure 3.95. Development is not precluded on the lands but will be required to demonstrate that it integrates and respects the built heritage of the area.
- Notwithstanding that different uses are permitted in principle on M1 as opposed to open to consideration on M4, development of these lands will be required to take cognisance of their location.
- It is in accordance with the proper planning & sustainable development of the area.

3.2.59 Amendment 59

It is proposed to include a new objective for Portmagee (Overall Objectives).

Support the sustainable development of water recreation facilities at an appropriate location in the village of Portmagee subject to environmental assessment.

CE Opinion & Recommendation

That this amendment be made to the Draft Kenmare Municipal District Local Area Plan 2023-2029 for the following reasons:

- Portmagee is a coastal settlement. This objective is therefore considered appropriate to the village, and this form of development would be welcomed in Portmagee as it would support the local community.

- It is in accordance with the proper planning & sustainable development of the area.

3.2.60 Amendment 60

It is proposed to zone lands to the west of Killorglin as C2.1 Industrial/Enterprise/Employment.

Submission KE-C19-4: WILLIAM BROWNE

Submission Summary:

This submission states support for this amendment and considers that it will allow for development which will support job creation in Killorglin.

CE Opinion & Recommendation

See response and recommendation in Section 3.1.1 (Page 22) of this report to the submission from the Office of the Planning Regulator where it is recommended that the LAP is made without this material alteration.

3.3 Submissions that do not relate to Proposed Material Alterations

Submission KE-C19-19: PADRAIG SHEAHAN

Submission Summary:

Requests the zoning of land for residential development at Farrantoreen, Killorglin.

Submission KE-C19-27: LANGLEY HUMPHREYS

Submission Summary:

This submission expresses concern with regards to pollution of the Sneem River and does not consider the response given in the CER on the Draft LAP to be adequate.

Submission KE-C19-38: LENA O'SULLIVAN

Submission Summary:

Requests the zoning of land for residential development at Oaklands, Dromneavane, Kenmare.

Response

- Section 20(3)(M) of the Planning & Development Act 2000 (as amended) states that "the members of the authority shall consider the proposed material alteration of the draft local area plan and the report of the chief executive".
- It is acknowledged that these submissions were received during the public consultation period but as these submissions do not relate to a proposed material alteration to the draft local area plan they cannot be considered at this stage.

- A submission was received on the Draft LAP in relation to the lands subject of Submission KE-C19-38 and it was decided by the members not to alter the plan in relation to those lands.
- A response was provided in the CER in relation to Sneem. The LAP is not the appropriate forum to address such concerns.

4.0 Chief Executive Recommendations:

It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made **with or without** the Proposed Material Alterations as follows:

(Additional text is highlighted in *italics* with deletions in ~~strike through~~)

Amendment	CE Recommendation
Amendment 1	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 2	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 3	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 4	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration subject to a minor modification to the additional text for Section 2.6.2.4.1; <i>County Kerry will be unique in Ireland in having potentially two World Heritage Properties situated within sight of each other. and it is critical that the management, conservation and presentation of these two properties complement each other. and that this is reflected in the LAP. It is the policy of the Council to support the Sceilg Mhichil World Heritage Property Management Plan.</i>
Amendment 5	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 6	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 7	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 8	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 9	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 10	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 11	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 12	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.

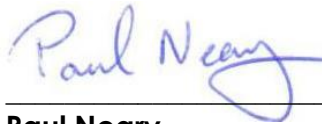
Amendment	CE Recommendation
Amendment 13	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 14	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 15	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 16	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 17	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 18	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>without</u> this proposed material alteration.
Amendment 19	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 20	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 21	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>without</u> this proposed material alteration.
Amendment 22	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 23	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
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Amendment	CE Recommendation
Amendment 29	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 30	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>without</u> this proposed material alteration.
Amendment 31	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>without</u> this proposed material alteration.
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Amendment	CE Recommendation
Amendment 45	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>without</u> this proposed material alteration.
Amendment 46	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 47	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with a modification</u> to this proposed material alteration; <i>Include a new objective for Baile an Sceilg (Overall Objectives) in relation to this site as follows;</i> <ol style="list-style-type: none"> <i>a. Ensure that all residential units on this site shall be used as permanent places of residence. Residential development shall account for 75% of the overall development proposed on these lands.</i> <i>b. Ensure that a minimum of 66% of any residential units developed on these lands shall be reserved for Irish Speakers. The standard of Irish required shall be determined and assessed by Kerry County Council. A Language Enurement Clause (LEC) will be applied for a duration of 15 years from the date of first occupancy of the unit.</i>
Amendment 48	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
Amendment 49	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>with</u> this proposed material alteration.
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Amendment 60	It is recommended that the Draft Kenmare Municipal District Local Area Plan 2023-2029 be made <u>without</u> this proposed material alteration.

Signed:



Paul Neary

Actg. Director of Services / Stiúrtóir Seirbhísí

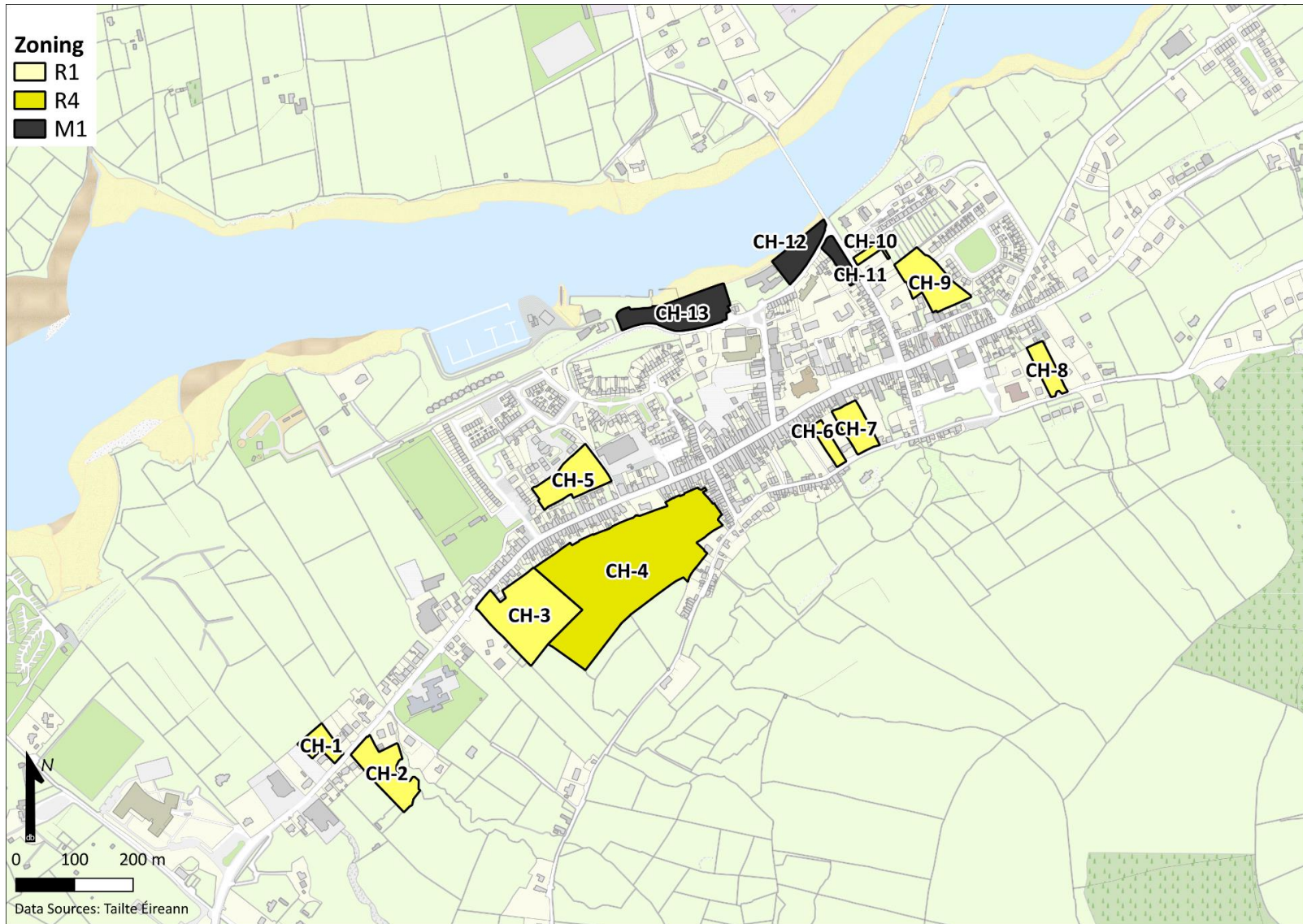
Planning, Environment & Emergency Management / Pleanáil, Comhshaol & Bainistíocht Éigeandála

Date:

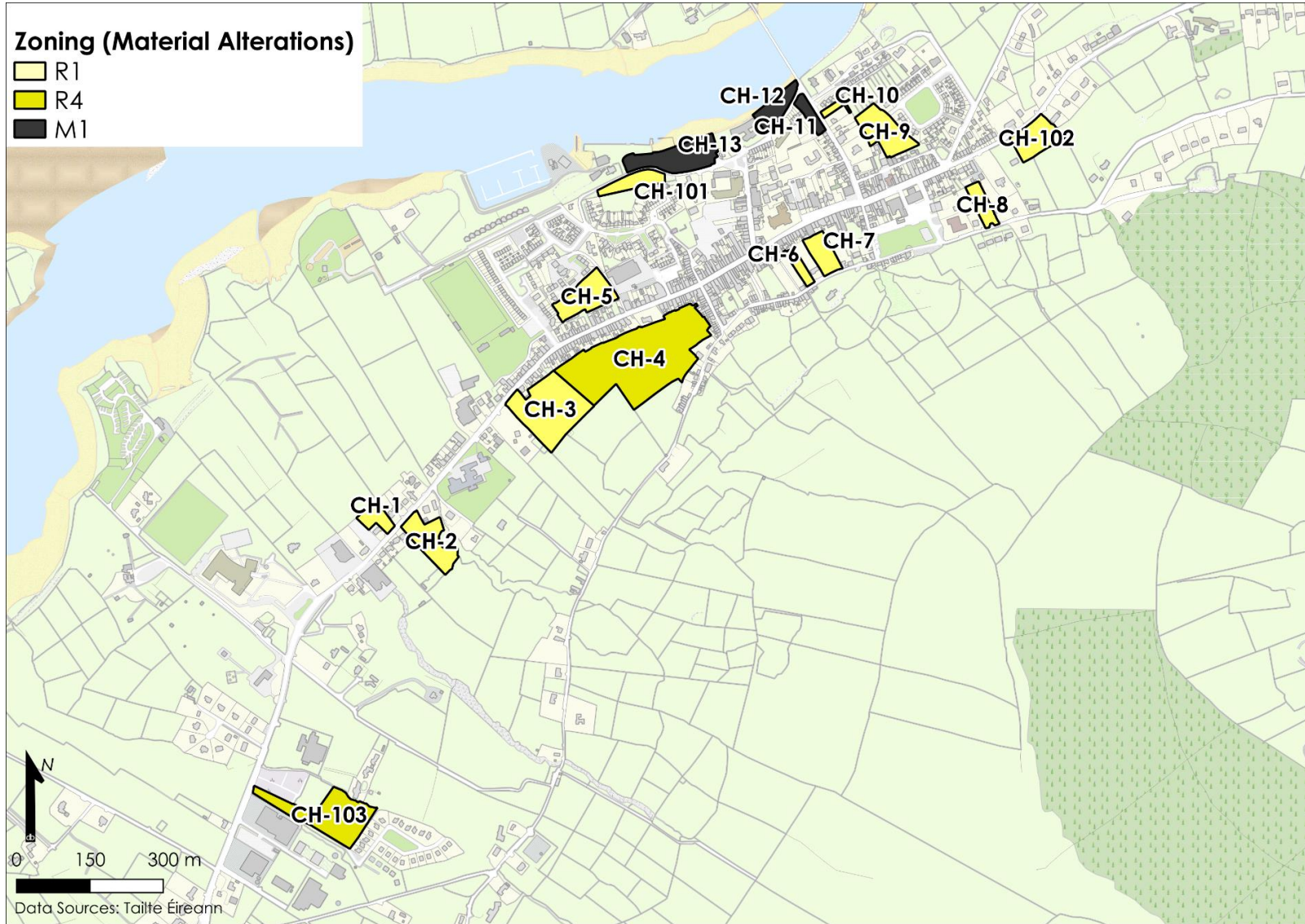
21st March 2024

Appendix: Settlement Capacity Audit Maps for Reference Purposes Only

Cahersiveen

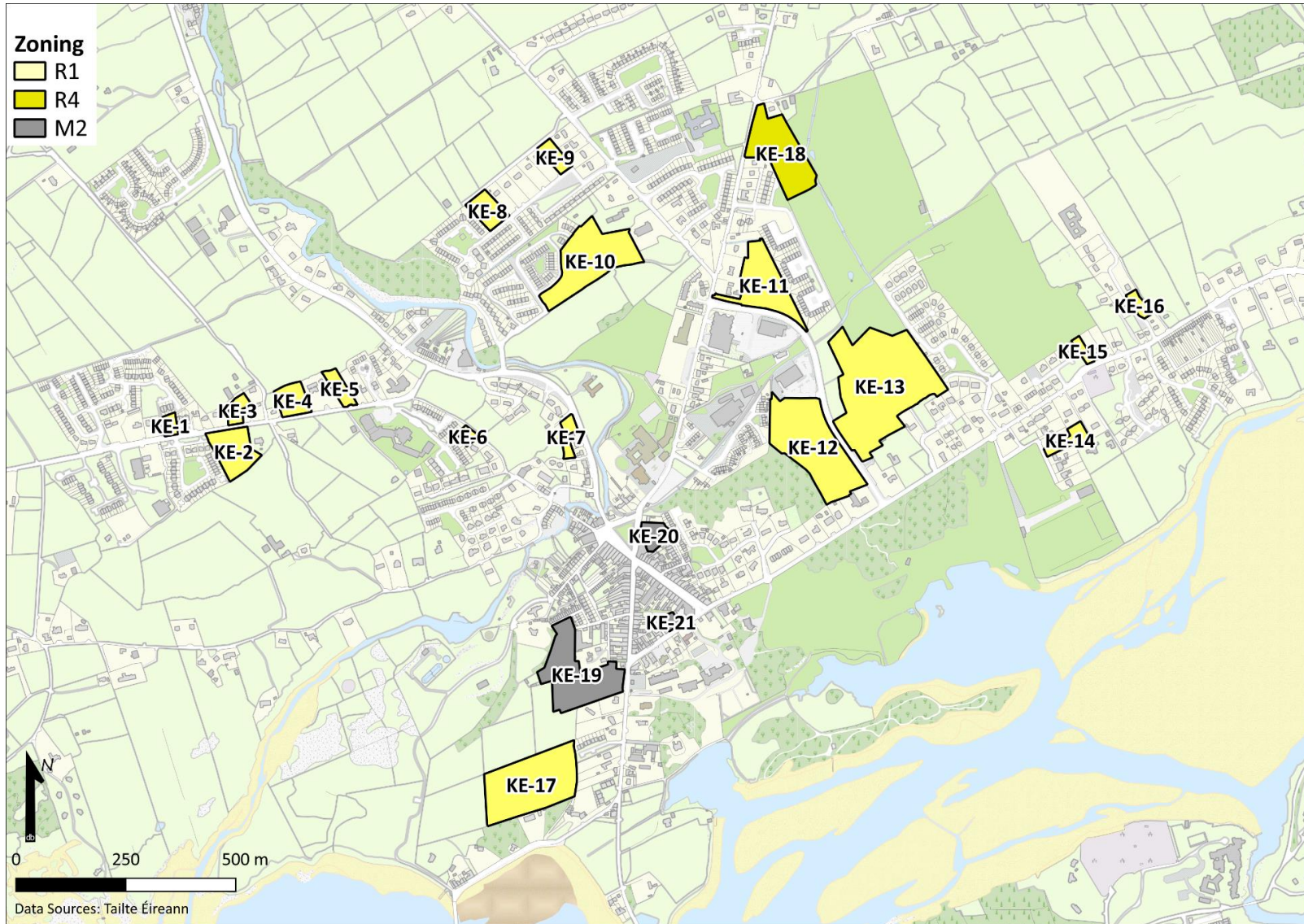


Draft LAP SCA Map

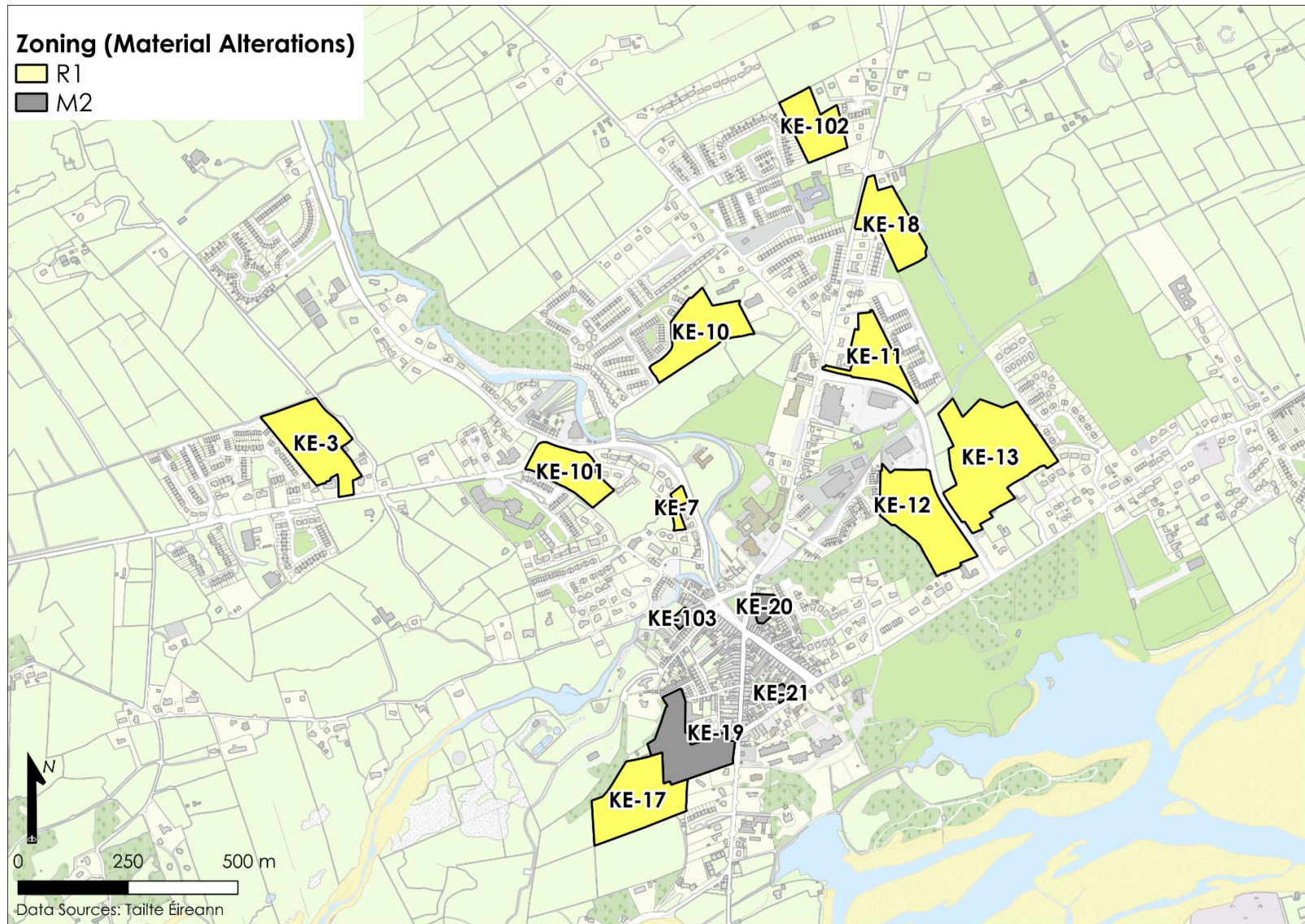


Material Alterations SCA Map

Kenmare

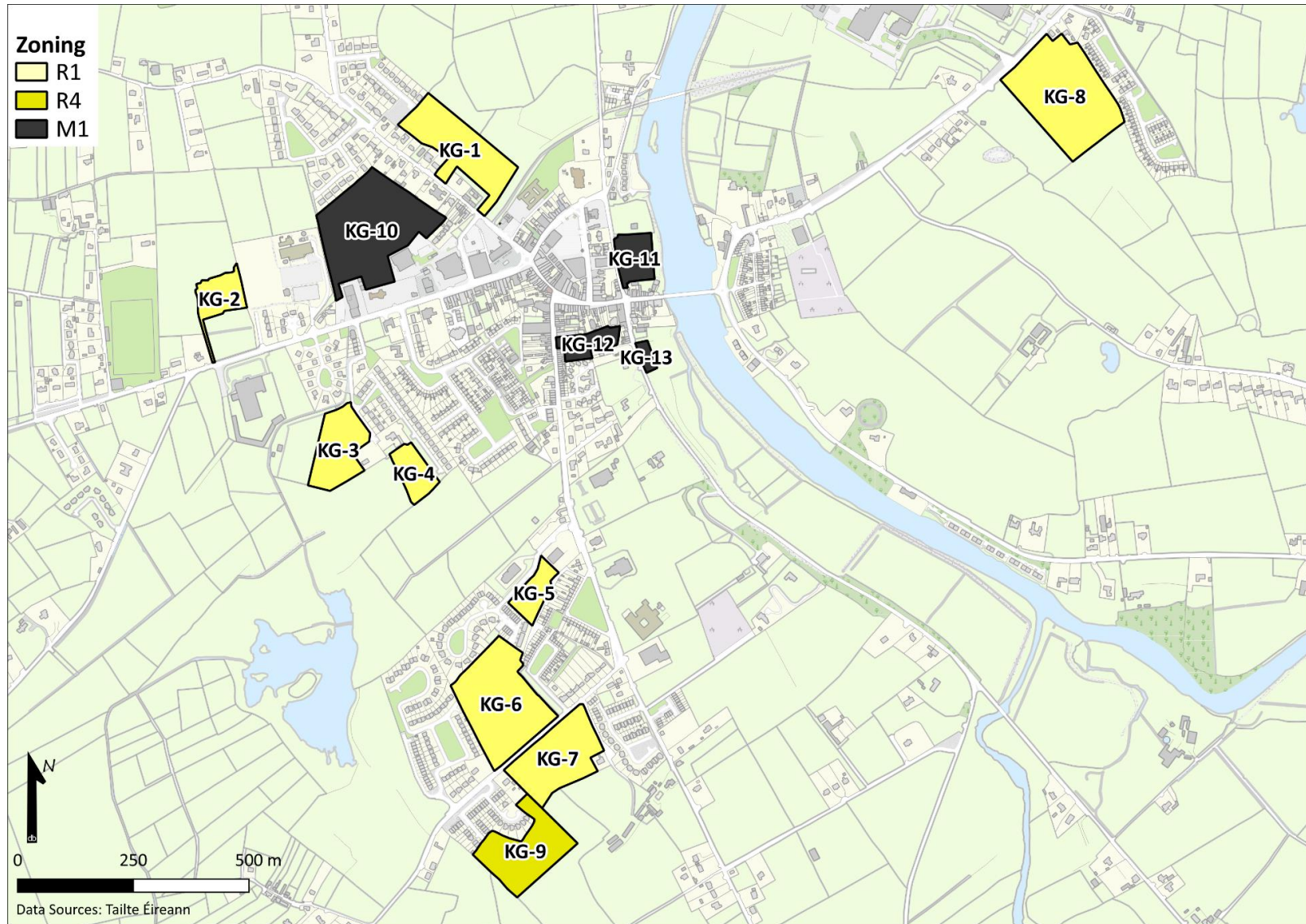


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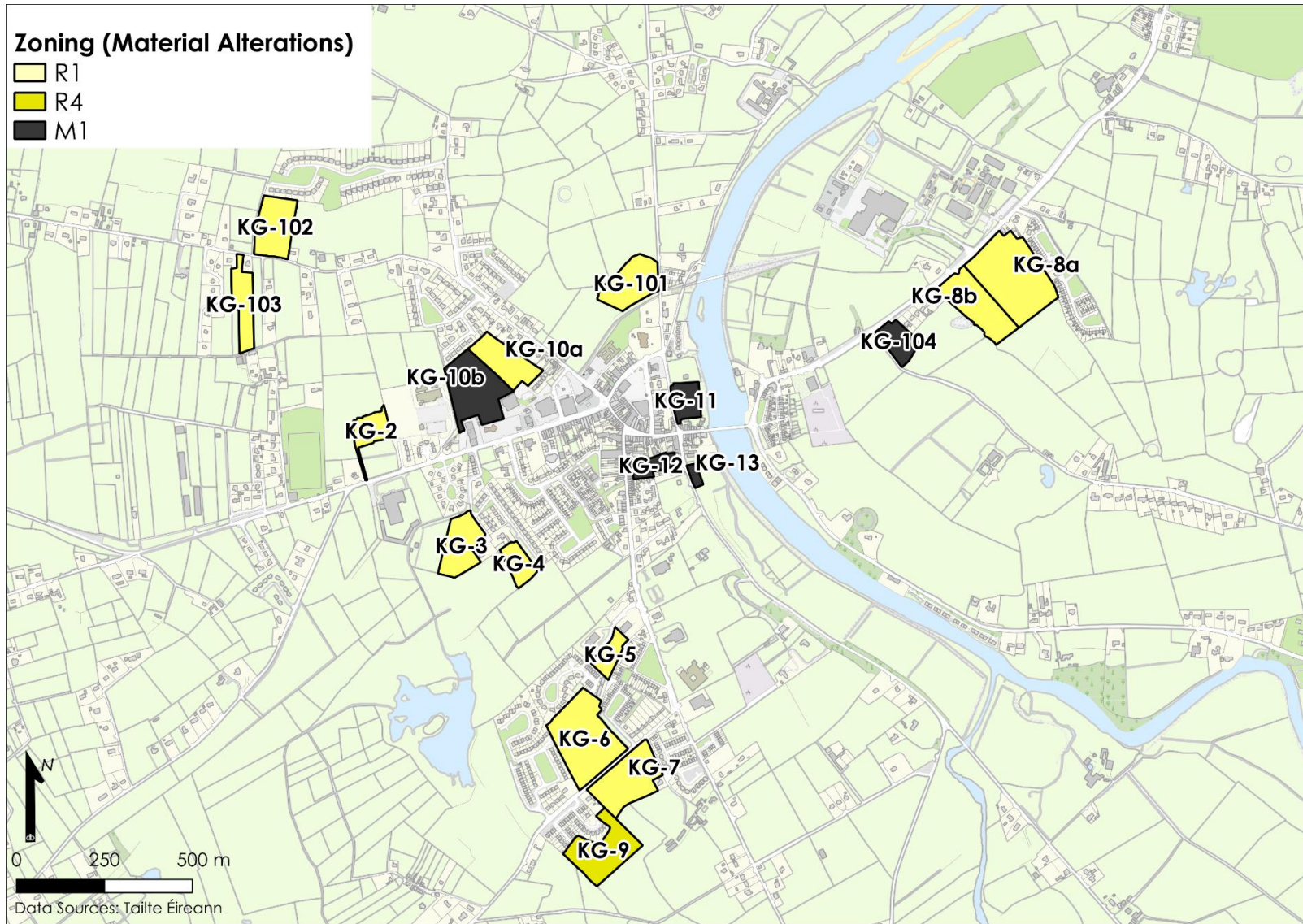


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Killorglin

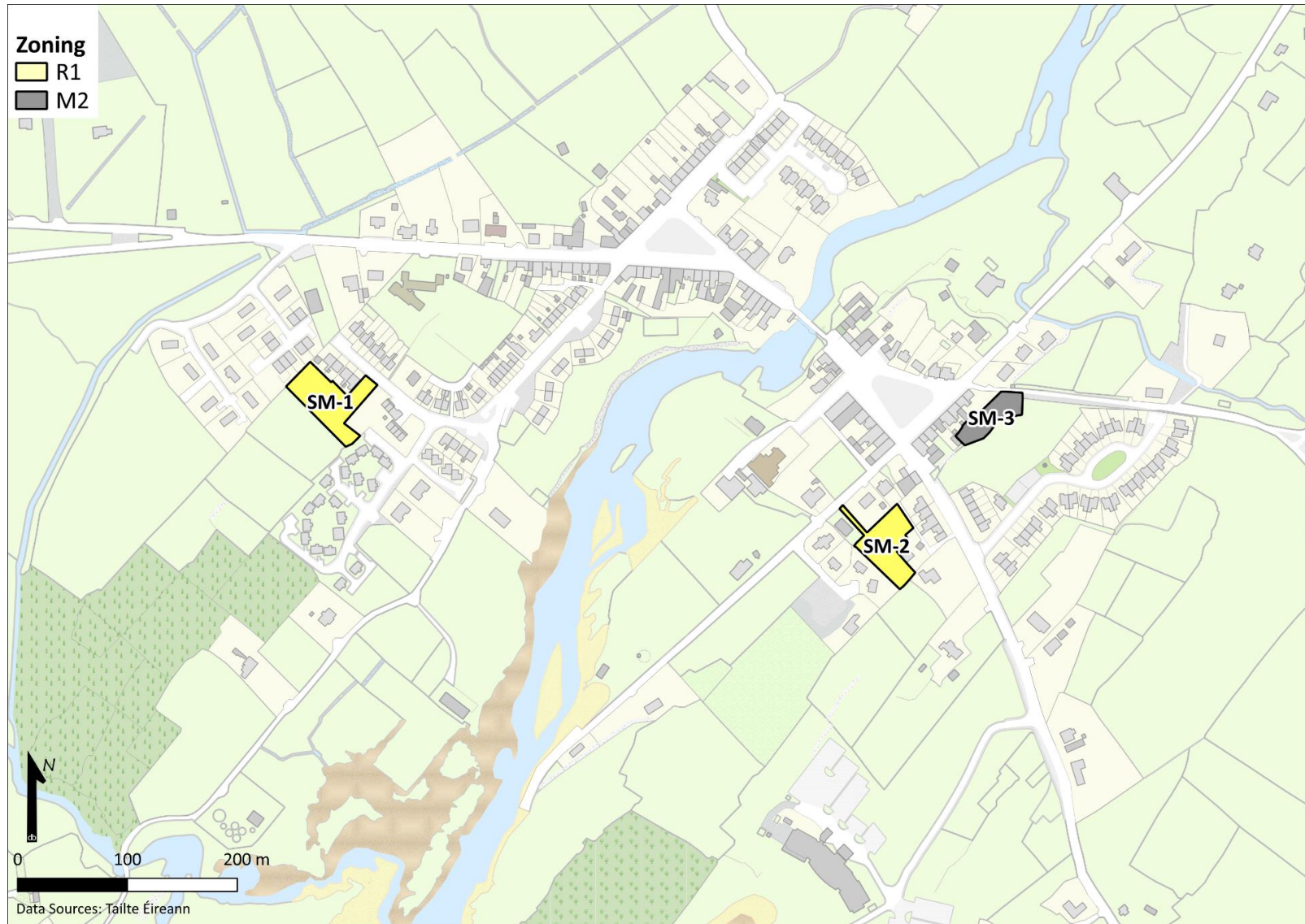


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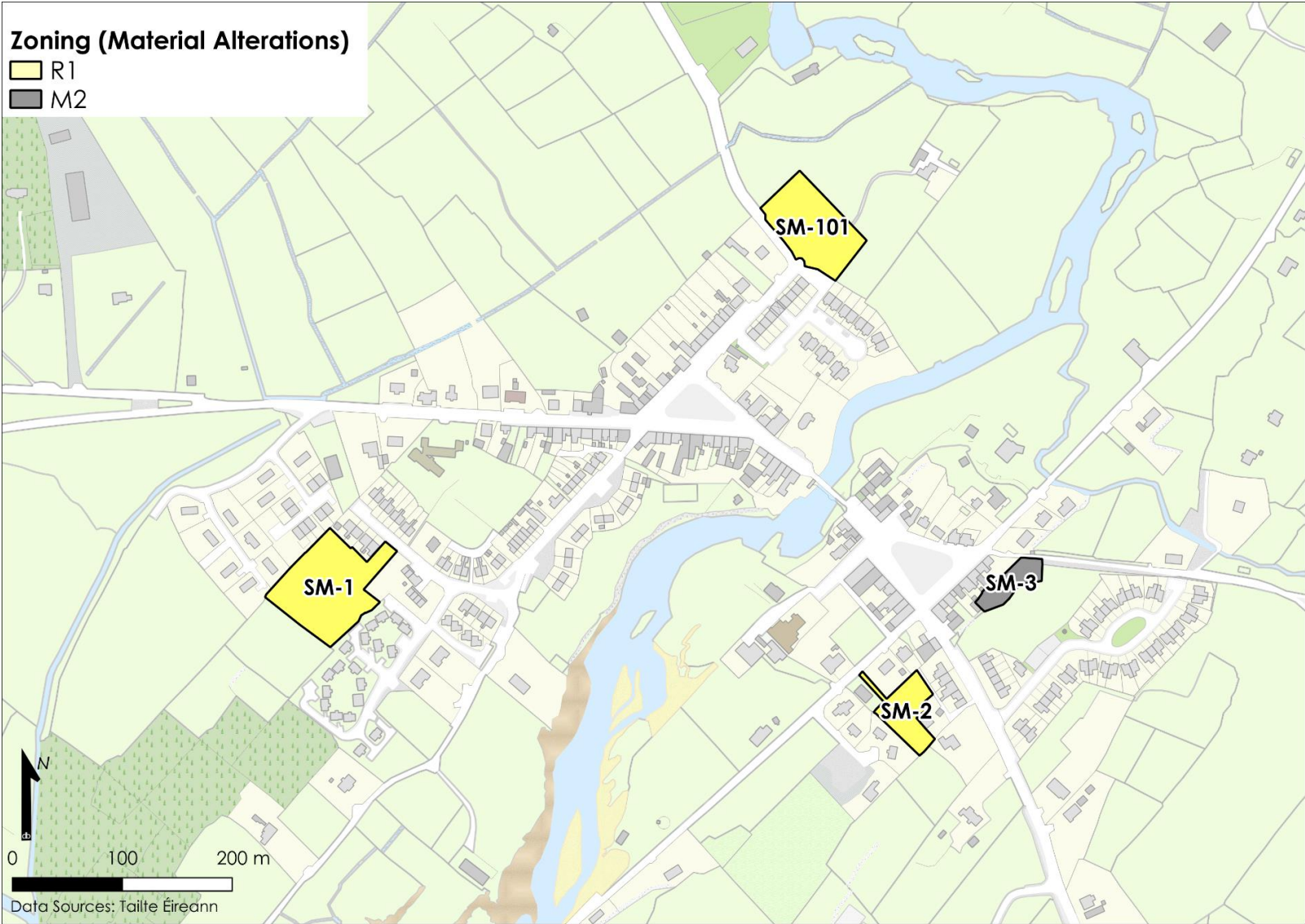


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Sneem

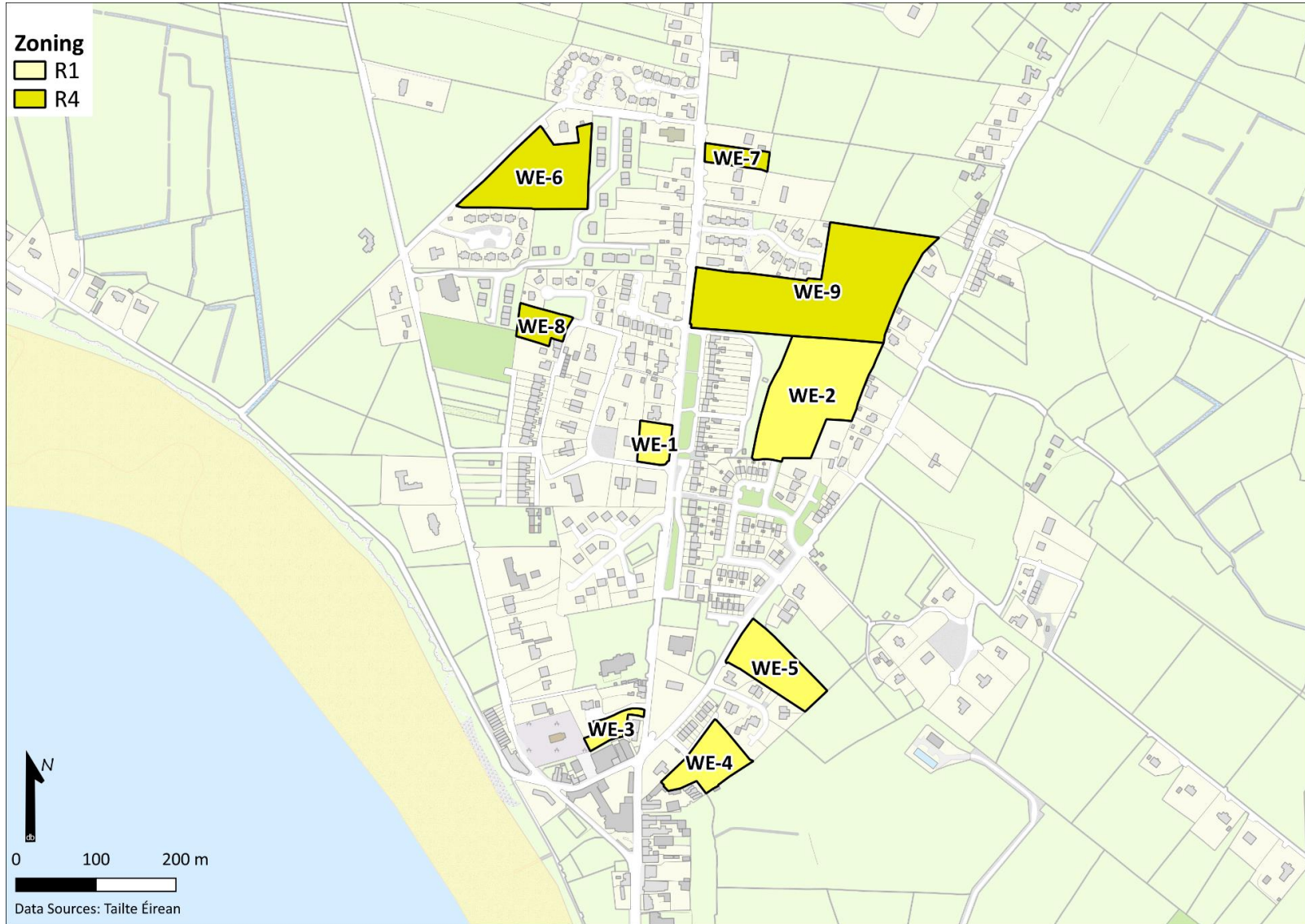


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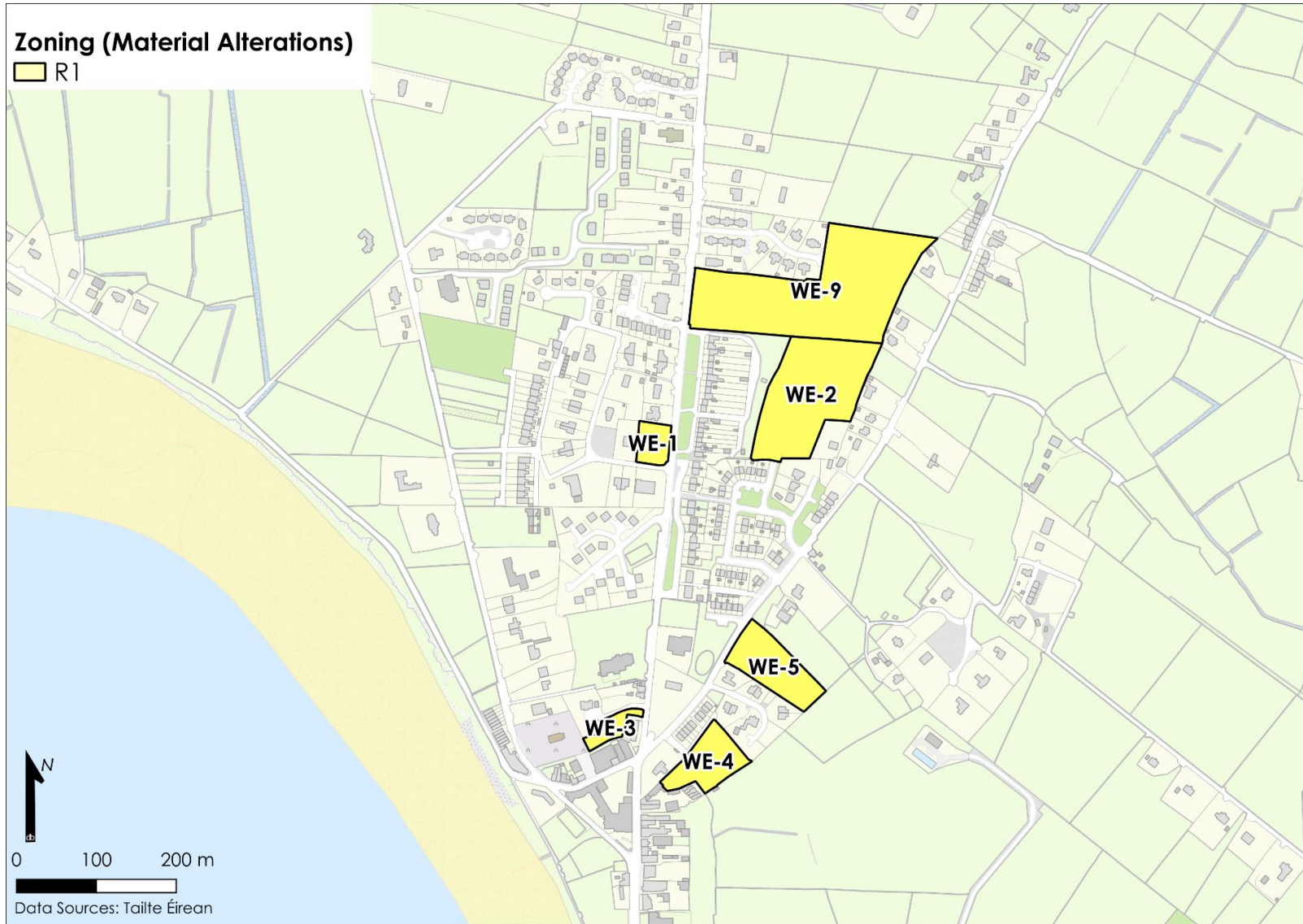


Material Alterations SCA Map

Waterville



Draft LAP SCA Map



Material Alterations SCA Map