# COMHAIRLE CONTAE CHIARRAÍ
# KERRY COUNTY COUNCIL

## PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)
## NOTICE OF DRAFT DIRECTION BY THE MINISTER OF STATE FOR LOCAL GOVERNMENT AND PLANNING TO KERRY COUNTY COUNCIL AS REGARDS THE MAKING OF THE KENMARE MUNICIPAL DISTRICT LOCAL AREA PLAN 2024-2030

Notice is hereby given that on 23rd May 2024, Kerry County Council received notification from the Minister of State for Local Government and Planning of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

The Draft Ministerial Direction related to the adoption of the Kenmare Municipal District Local Area Plan 2024-2030.

**The Planning Authority is directed to take the following steps:**
Delete the following material alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the Draft Local Area Plan:
(i) Material Alteration 35 (Site KG-102) – i.e. the subject lands (located at Reen, Killorglin) revert to not zoned, from R1 New/Proposed Residential;
(ii) Material Alteration 36 (Site KG-104) – i.e. the subject lands (located at Dromavalla, Killorglin) revert to not zoned, from M1 Mixed;
(iii) Material Alteration 38 (Site KG-103) – i.e. the subject lands (located at Laharan, Killorglin) revert to not zoned, from R1 New/Proposed Residential;
(iv) Material Alteration 18 (Site CH-103) – i.e. the subject lands (located at Garranearagh, Cahersiveen) revert to not zoned, from R4 Strategic Residential Reserve; and
(v) Material Alteration 60 – i.e. the subject lands (located at Tullig More, Killorglin) revert to not zoned, from C2.1 Industrial/Enterprise/Employment.

**Reasons stated by the Minister for the Draft Direction:**
I. The Local Area Plan as made includes material alterations to the draft Local Area Plan, which zone additional R1 New/Proposed Residential land in Killorglin inconsistent with the core strategy of the Kerry County Development Plan 2022-2028, and additional R4 Strategic Residential Reserve in Cahersiveen. These material alterations are located in peripheral and/or non-sequential locations, and/or unserviced locations, and/or outside the CSO boundary of Cahersiveen. The material alterations would individually and cumulatively encourage a pattern of development in particular locations which is inconsistent with Objective KCDP 4-1 of the Kerry County Development Plan 2022-2028 and RPO 35 of the RSES to implement compact growth, Objective KCDP 3-6 to zone land for residential purposes in accordance with the tiered approach to zoning, and the policy for sequential zoning (section 6.2.3) under the Kerry County Development Plan 2022-2028, and the planning authority have provided no or no adequate reasons for not applying the policy and objective for sequential zoning contained in the Development Plans Guidelines for Planning Authorities (2022) issued by the Minister under section 28 of the Act.
II. The Local Area Plan as made includes a material alteration to the draft Local Area Plan, which zones additional M1 Mixed Use / Opportunity Site in Killorglin. This material alteration is located a peripheral location, remote from the existing town centre of Killorglin and partly outside the CSO boundary. This material alteration would encourage a pattern of development that is inconsistent with the implementation of Objective KCDP 4-61 of the Kerry County Development Plan 2022-2028 to ensure sustainable development by directing new retail opportunities into town centres and consolidating, intensifying, and enhancing existing core retail areas, and RPO 151 of the RSES for the integration of land use and transportation and optimising sustainable travel integration within settlements.
III. The Local Area Plan as made includes a material alteration to the draft Local Area Plan, which zones additional C2.1 Industrial / Enterprise / Employment land in an unserviced, remote location, outside the CSO boundary and LAP settlement boundary for Killorglin, and on the N70 national road where the maximum speed limit applies, and where the lands are partially located within flood zone A and B. The material alteration would encourage a pattern of development in a location which does not meet the criteria for designating employment zonings under section 9.6.1 of the Kerry County Development Plan 2022-2028 (including NPO 72 of the National Planning Framework), and inconsistent with RPO 151 of the RSES for the integration of land use and transportation and optimising public transport and sustainable travel integration within settlements, Objective KCDP 9-22, Objective KCDP 14-29, and Objective KCDP 14-30 of the Kerry County Development Plan 2022-2028 to protect the capacity and safety of national roads in compliance with the Spatial Planning and National Roads Guidelines (2012) and does not apply section 2.5 of these guidelines, and RPO 116 of the RSES to avoid inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), and does not apply these guidelines.
IV. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AO of the Act.
V. In light of the matters set out at I to III above, the Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, which is a requirement of section 19(2) of the Act.
VI. The Local Area Plan as made is not consistent with the objectives of the RSES contrary to section 19(2) and section 27(1) of the Act.
VII. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objectives 33 and 57 of the National Planning Framework.
VIII. The Minister is of the opinion that the Local Area Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
IX. The Local Area Plan is not in compliance with the requirements of the Act.

A copy of the Draft Direction may be inspected for a period of 2 weeks from **6th June 2024 to 20th June 2024** at the following locations:
- https://consult.kerrycoco.ie/
- Cahersiveen, Kenmare & Killorglin Public Libraries
- Room 13, Planning Department, County Buildings, Rathass, Tralee

Written submissions or observations in respect of the Draft Direction may be made to the Planning Authority during the consultation period and are hereby invited from members of the public, children, or groups or associations representing the interests of children and other interested parties. All submissions or observations must be received no later than **20th June 2024.**

Late submissions will not be accepted.

Submissions/ Observations can be made via the following options only:
1. Online at https://consult.kerrycoco.ie/

Or

2. In writing to Damien Ginty, Senior Planner, Planning Policy Unit, Kerry County Council, Rathass, Tralee, Co. Kerry, V92 H7VT.

- Submissions should be in ONE medium only i.e. online or hard copy.
- All submission or observations made in respect of the Draft Direction, during this period, shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.
- Submissions/observations should include your name and address, a map (if required for identification purposes) and, where relevant, details of any organisation, community group or company etc., which you represent.
- Where possible, please include your name and address on a separate page to the content of your submission in order to assist Kerry County Council in complying with the provisions of the Data Protection Act. Your assistance on these issues is appreciated.
- Please note that by giving your contact details you are agreeing to the Council GDPR policy.
- All valid submissions received shall be published on the Council website within 10 working days of their receipt and available to view at https://consult.kerrycoco.ie/

## AN TACHT UM PLEANÁIL & FORBAIRT, 2000 (ARNA LEASÚ)
## FÓGRA MAIDIR LE DRÉACHT-ORDACHÁN ÓN AIRE STÁIT DON RIALTAS ÁITIÚIL AGUS PLEANÁIL CHUIG COMHAIRLE CONTAE CHIARRAÍ MAIDIR LE PLEAN CEANTAIR ÁITIÚIL CHEANTAR BARDASACH NEIDÍN 2024-2030

Tugtar fógra leis sin, ar an 23 Bealtaine 2024, go bhfuair Comhairle Contae Chiarraí fógra ón Aire Stáit don Rialtas Áitiúil agus Pleanáil, ag cur in iúl go bhfuil sé beartaithe aige Ordachán a eisiúint de bhua Alt 31 d'Acht um Pleanáil agus Forbairt, 2000 (arna leasú).

Bhain an Dréacht-Ordachán ón Aire le glacadh le Plean Ceantair Áitiúil Cheantar Bardasach Neidín 2024-2030.

**Treoraítear don Údarás Pleanála na céimeanna seo a leanas a chur i gcrích:**
Na hathruithe ábhartha seo a leanas a scriosadh ón bPlean Ceantair Áitiúil ionas go mbeidh na tailte ábhartha ag teacht leis an méid atá sonraithe sa Dréachtphlean Ceantair Áitiúil:
(i) Athrú Ábhartha 35 (Láithreán KG-102) – i.e. na tailte ábhartha (lonnaithe ag An Rinn, Cill Orglan) le hathrú ar ais go dtí tailte neamhchriosaithe, ó R1 Forbairt Chónaithe Nua/Bheartaithe;
(ii) Athrú Ábhartha 36 (Láithreán KG-104) – i.e. na tailte ábhartha (lonnaithe ag Drom an Bhaile, Cill Orglan) le hathrú ar ais go dtí neamhchriosaithe, ó M1 Measctha;
(iii) Athrú Ábhartha 38 (Láithreán KG-103) – i.e. na tailte ábhartha (lonnaithe ag An Leathfhearann, Cill Orglan) le hathrú ar ais go dtí neamhchriosaithe, ó R1 Forbairt Chónaithe Nua/Bheartaithe;
(iv) Athrú Ábhartha 18 (Láithreán CH-103) – i.e. na tailte ábhartha (lonnaithe ag An Garrán Iarthach, Cathair Saidhbhín) le hathrú ar ais go dtí neamhchriosaithe, ó R4 Cúltaca Straitéiseach Cónaithe; agus
(v) Athrú Ábhartha 60 – i.e. na tailte ábhartha (lonnaithe ag An Tulaigh Mhór, Cill Orglan) le hathrú ar ais go dtí neamhchriosaithe, ó C2.1 Forbairt Thionsclaíoch/Fiontraíochta/Fostaíochta.

**Na cúiseanna arna lua ag an Aire leis an Dréacht-Ordachán:**
I. Cuimsítear sa Phlean Ceantair Áitiúil arna dhéanamh athruithe ábhartha ar an Dréachtphlean Ceantair Áitiúil, a chriosaíonn talamh breise R1 Forbairt Chónaithe Nua/Bheartaithe i gCill Orglan atá ar neamhréir le croístraitéis Phlean Forbartha Contae Chiarraí 2022-2028, agus R4 Cúltaca Straitéiseach Cónaithe i gCathair Saidhbhín. Tá na hathruithe ábhartha seo lonnaithe i suíomhanna imeallacha agus/nó neamhsheicheamhacha, agus/nó suíomhanna neamhsheirbhísithe, agus/nó lasmuigh de theorainn CSO Chathair Saidhbhín. Spreagfadh na hathruithe ábhartha, ina n-aonar agus le chéile, patrún d'fhorbairt ag suíomhanna áirithe atá ar neamhréir le Cuspóir PFCC 4-1 de Phlean Forbartha Contae Chiarraí 2022-28 agus CPR 35 de SRSG chun dlúthfhás a chur chun feidhme, Cuspóir PFCC 3-6 chun talamh a chriosú chun críocha cónaithe de réir an chuir chuige srathaithe maidir le criosú, agus an beartas maidir le criosú seicheamhach (rannóg 6.2.3) faoi Phlean Forbartha Contae Chiarraí 2022-2028, agus níor sholáthair an t-údarás pleanála aon chúis leordhóthanach ná aon chúiseanna leordhóthanacha don chinneadh gan an beartas agus an cuspóir do chriosú seicheamhach atá le fáil sna Treoirlínte maidir le Pleananna Forbartha d'Údaráis Phleanála (2022) eisithe ag an Aire faoi alt 28 den Acht a chur i bhfeidhm.
II. San áireamh sa Phlean Ceantair Áitiúil arna dhéanamh tá athrú ábhartha ar an Dréachtphlean Ceantair Áitiúil, a chriosaíonn M1 Úsáid Mheasctha / Láithreán Deise breise i gCill Orglan. Tá an t-athrú ábhartha seo lonnaithe i suíomh imeallach, scoite ó lár baile Chill Orglan faoi láthair agus tá cuid den athrú seo lasmuigh de theorainn CSO. Spreagfadh an t-athrú ábhartha seo patrún forbartha atá ar neamhréir le cur chun feidhme Chuspóir PFCC 4-61 de Phlean Forbartha Contae Chiarraí 2022-2028 chun forbairt inbhuanaithe a chinntiú trí dheiseanna miondíola nua a threorú i dtreo lár bailte agus trí chroílimistéir mhiondíola atá forbartha cheana féin a chomhdhlúthú, a neartú agus a fheabhsú, agus CPR 151 de SRSG chun talamhúsáid agus iompar a chomhtháthú agus chun comhtháthú taistil inbhuanaithe a bharrfheabhsú laistigh de lonnaíochtaí.
III. Cuimsítear sa Phlean Ceantair Áitiúil arna dhéanamh athrú ábhartha ar an Dréachtphlean Ceantair Áitiúil ina gcriosaítear talamh breise C2.1 Forbairt Thionsclaíoch / Fiontraíochta / Fostaíochta i suíomh neamhsheirbhísithe, iargúlta, lasmuigh de theorainn CSO agus de theorainn lonnaíochta CPA do Chill Orglan, agus ar bhóthar náisiúnta an N70 áit a bhfuil an uas-luasteorainn i bhfeidhm, agus áit a bhfuil cuid de na tailte lonnaithe laistigh de chrios tuilte A agus B. Spreagfadh an t-athrú ábhartha seo patrún lonnaíochta i suíomh nach bhfuil na critéir a bhaineann le hainmniú criosanna fostaíochta faoi rannóg 9.6.1 de Phlean Forbartha Contae Chiarraí 2022-2028 (lena n-áirítear CPN 72 den Chreat Náisiúnta Pleanála) á chomhlíonadh aige, agus atá ar neamhréir le CPR 151 de SRSG chomh fada is a bhaineann le comhtháthú talamhúsáide agus iompair agus comhtháthú iompair phoiblí agus taistil inbhuanaithe laistigh de lonnaíochtaí a bharrfheabhsú, Cuspóir PFCC 9-22, Cuspóir PFCC 14-29 agus Cuspóir PFCC 14-30 de Phlean Forbartha Contae Chiarraí 2022-2028 chun acmhainn agus sábháilteacht bóithre náisiúnta a chosaint de réir na dTreoirlínte maidir le Pleanáil Spásúil agus Bóithre Náisiúnta (2012) agus ní chuirtear i bhfeidhm rannóg 2.5 de na treoirlínte seo, agus CPR 116 de SRSG chun forbairt mhíchuí a sheachaint i gceantair lena mbaineann riosca tuilte de réir an Chórais Pleanála agus Bainistíochta Riosca i gcás Tuilte – Treoirlínte d'Údaráis Phleanála (2009), agus ní chuirtear na treoirlínte seo i bhfeidhm.
IV. Ní dhearnadh an Plean Ceantair Áitiúil ar bhealach atá ar comhréir le, agus theip air, moltaí Oifig an Rialálaí Pleanála faoi alt 31AO den Acht a chur chun feidhme.
V. I bhfianaise na nithe arna leagan amach idir I agus III thuas, tá an tAire den tuairim go bhfuil an Plean Ceantair Áitiúil arna dhéanamh ar neamhréir le cuspóirí an Phlean Forbartha don cheantar, arb ionann é agus ceanglas d'alt 19(2) den Acht.
VI. Níl an Plean Ceantair Áitiúil arna dhéanamh ar comhréir le cuspóirí SRSG contrártha d'alt 19(2) agus d'alt 27(1) den Acht.
VII. Tá an tAire den tuairim nach bhfuil an Plean Ceantair Áitiúil arna dhéanamh ar comhréir le Cuspóir Beartais Náisiúnta 33 agus 57 den Chreat Náisiúnta Pleanála.
VIII. Tá an tAire den tuairim go dteipeann ar an bPlean Ceantair Áitiúil arna dhéanamh straitéis fhoriomlán a leagan amach do phleanáil chuí agus d'fhorbairt inbhuanaithe an cheantair.
IX. Níl ceanglais an Achta á gcomhlíonadh ag an bPlean Ceantair Áitiúil.

Beidh cóip den Dréacht-Ordachán ar fáil chun críche iniúchta le haghaidh tréimhse coicíse idir an **6 Meitheamh 2024 agus an 20 Meitheamh 2024** ag na suíomhanna seo a leanas:
- https://consult.kerrycoco.ie/
- Leabharlann Phoiblí Chathair Saidhbhín, Neidín, Chill Orglan
- Seomra 13, An Roinn Pleanála, Áras an Chontae, Ráth Teas, Trá Lí

Is féidir aighneachtaí i scríbhinn nó breathnóireachtaí maidir leis an Dréacht-Ordachán a chur faoi bhráid an Údaráis Pleanála i rith thréimhse an chomhairliúcháin agus fáiltítear roimh a leithéid ó bhaill den phobal, leanaí nó grúpaí nó cumainn atá ag déanamh ionadaíochta ar leas leanaí agus páirtithe leasmhara eile. Ní mór gach aighneacht a chur ar fáil tráth nach déanaí ná an **20 Meitheamh 2024.**

Ní ghlacfar le haighneachtaí a fhaightear ina dhiaidh sin.

Is féidir Aighneachtaí/ Breathnóireachtaí a chur ar fáil ar na bealaí seo a leanas:
1. Ar líne ag https://consult.kerrycoco.ie/

Nó

2. I scríbhinn chuig Damien Ginty, Pleanálaí Sinsearach, Aonad Pleanála Beartas, Comhairle Contae Chiarraí, Ráth Teas, Trá Lí, Co. Chiarraí, V92 H7VT.

- Níor cheart aighneachtaí a dhéanamh ach ar bhealach AMHÁIN i.e. ar líne nó cóip chrua.
- Cuirfidh Oifig an Rialálaí Pleanála gach aighneacht nó breathnóireacht a fhaightear maidir leis an Dréacht-Ordachán, i rith na tréimhse seo, san áireamh sula gcuirfear moladh faoi bhráid an Aire maidir leis an tsaincheist seo.
- Ba cheart na sonraí seo a leanas a sholáthar i dteannta le haighneachtaí/le breathnóireachtaí - d'ainm agus seoladh, léarscáil (más gá chun críche sainaitheanta) agus, más cuí, sonraí maidir le haon eagraíocht, grúpa pobail nó cuideachta etc., a bhfuil ionadaíocht á déanamh agat air/uirthi.
- Más féidir, cuir d'ainm agus seoladh ar fáil ar leathanach ar leith agus ní ar an leathanach céanna le hábhar d'aighneachta chun cur ar chumas Chomhairle Contae Chiarraí forálacha an Achta um Chosaint Sonraí a chomhlíonadh. Bheimis buíoch díobh as comhoibriú linn sa chomhthéacs seo.
- Tabhair faoi deara, is ionann do shonraí teagmhála a sholáthar agus comhaontú le beartas RGCS na Comhairle.
- Foilseofar gach aighneacht bhailí a fhaightear ar shuíomh gréasáin na Comhairle laistigh de 10 lá oibre ón lá a fhaightear iad agus beidh siad le fáil ag https://consult.kerrycoco.ie/