

Chief Executive's Report on Public Consultation for Material Alterations Draft Kerry County Development Plan 2022-2028



Planning Policy Unit

Kerry County Council

29th June 2022

INTRODUCTION

1.0 Material Alterations

This report is a requirement of Section 12 (8) of the Planning and Development Act 2000 (as amended) whereby the Planning Authority is obliged to 'prepare a report on any submissions or observations received' within a specified submission/observation period. Not later than 8 weeks after publishing notice of the proposed material alterations, the planning authority shall prepare the CE report. Therefore, this CE report is required to be circulated to the Elected Members of Kerry County Council for their consideration. The CE report is required to be published on the website of the planning authority as soon as practicable following its submission to the elected members.

Section 12(7)(b)(ii) of the Planning and Development Acts as amended relates to the stage of the review process where submissions are invited 'with respect to the proposed amendment' to the draft plan. In accordance with section 12(8)(b)(iii) of the Planning Act, the CE's response on the issues raised in the submissions take account of (a) any directions of the members of the authority, (b) the proper planning and sustainable development of the area, (c) the statutory obligations of any local authority in the area, and (d) any relevant policies or objectives of the Government or of any Minister of the Government.

Pursuant to Section 12(17) of the Planning & Development Act 2000 (as amended), a Development Plan made under this section shall have effect six weeks from the day that it is made.

2.0 Environmental Assessments

Pursuant to Section 12(7) (aa) of the Planning & Development Act 2000 (as amended) the Planning Authority made determinations that a Strategic Environmental Assessment (SEA) and an Appropriate Assessment (AA) were required to be carried out with regard to a number of proposed Material Alterations. Pursuant to Section 12(7) (ab); an SEA and AA were undertaken in respect of the proposed Material Alterations. The determinations, SEA and AA Environmental Reports were placed on display along with the proposed Material Alterations.

The recommendations of the SEA and AA addendum reports, which were placed on public display along with the proposed Material Alterations, are incorporated into the CE recommendations, as appropriate.

3.0 Public Consultation

The proposed Amendments/Material Alterations to the Draft Plan, the Determination Statements made in accordance with Section 12 (7)(aa) and also the Environmental Reports Addenda which contain information on the likely significant effects on the environment and on European Natura 2000 sites, of implementing the proposed Amendments/Material Alterations, may be inspected from the 18th May 2022 to the 16th June 2022 (inclusive). Public consultation was facilitated through a number of media, namely;

- The material alterations to the draft Plan, as well as the associated environmental addendum reports (SEA, NIR, SFRA) were uploaded onto a dedicated webpage <https://consult.kerrycoco.ie/en>
- Hard copies of the material alterations were available for inspection at the following locations: all Kerry Public Libraries as well as the following: Kerry County Council, Tralee; Killarney Town Hall; and Listowel Municipal District Office.
- The statutory public notice was advertised in a locally circulating newspaper.

4.0 Submissions Received

There were 45 no. submissions were received within the statutory timeframe. These submissions relate to 77 of the proposed alterations and no submissions were received in relation to the remaining 304.

The list of submissions received is outlined in this report.

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

- (a) List the persons or bodies who made submission or observations,
- (b) Summarise the issues raised by the Office of the Planning Regulator Minister and other bodies or persons,

- (c) Contain the opinion of the Chief Executive in relation to the issues raised, and his/her recommendations in relation to the proposed amendment (proposed text additions are highlighted in yellow), 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.

Note: Many submissions are very detailed and contain numerous separate and specific suggestions that are outside the remit of the material alterations. These cannot be considered as this stage of the process.

Development Plan Review Process and Indicative Timeline	
Publication of Council's intention to review County Development Plan & Strategic Issues Paper published	June 2020
Presentation of Chief Executive's Report on submissions received during initial phase of Public Consultation	March 2021
Direction from Members to Chief Executive to prepare Draft Development Plan	March 2021
Draft Plan prepared for presentation to the Members of the Council	Sept 2021
Consideration and adoption of Draft County Development Plan by the Members of the Council	Nov 2021
Draft Plan (as amended by elected members) on Public Display for minimum period of 10 weeks	Dec 2021
Preparation of Chief Executive's Report on Draft Plan	March 2022
Member's consideration of Chief Executive's Report and any amendments to Draft Plan	April 2022
Public consultation on amendments – 4 weeks	May 2022
Members consider Chief Executive's Report on submissions and amendments	July 2022
Adoption of County Development Plan	July 2022

Table 1: Development Plan Review Process and Indicative Timeline

<p>Sustainable Development It is noted that Material Amendment Ref 1.5 has been included to state that the LAPs for Tralee, Killarney and Listowel will be reviewed within 12 months of the adoption of the Plan and all remaining LAPs will be reviewed by the end of Q1 2024. It is noted that the South Kerry Municipal District LAP, which is to replace the Functional Area LAPs for settlements including the regional towns of Kenmare and Killorglin, is yet to be prepared. In view of the apparent expiration of the FALAPs in 2016, the South Kerry LAPs should be expedited.</p> <p>The Office regrets the decision of the planning authority not to amend the draft Plan to set the proposed residential and commercial car parking standards as maximum standards, as was advised in Observation 2 of the Office’s submission on the draft Plan.</p> <p>Housing Strategy The Office welcomes Material Amendment Ref LUZ 1 which inserts Traveller Accommodation as a specific land use category in the zoning matrix.</p> <p>Rural Housing The Office commends the Council in amending the Rural Housing policy to provide for an evidenced based approach to Rural Area Types in accordance with National Policy Objective 19.</p> <p>The Office welcomes the proposed amendments to the Rural Housing Policy in response to Recommendation 5 of the Office’s submission to the draft Plan. In particular, the Office is satisfied that Material Amendment Ref 5.11, which redefines the rural areas ‘rural areas under significant urban influence’ and ‘rural areas under urban influence’ in Map 5.1 - Rural Area Types, and which is based on the evidence set out in Appendix 8 of the draft Plan. The Office considers this consistent with the requirement for an</p>	<p>It is the intention of the Planning Authority to publish a Local Area Plan for the Kenmare Municipal District which includes the towns of Killorglin and Kenmare later this year.</p> <p>As per the CER prepared on the Draft Plan Public Consultation, it is acknowledged that overall, the Table does not state if these are maximum or minimum standards and, as such, it is considered appropriate to update the Development Management Standards Table 4 to reflect ‘Maximum’ car parking standards. The following sentence “It should be noted that a flexible approach to these standards may be applied where such a case is substantiated, there is no traffic safety issue, and it is clearly demonstrated to the Planning Authority in the interest of proper planning and development, that the standard should be adjusted to facilitate the site-specific context” will remain within the Draft Plan.</p> <p>This text change was not considered to be material amendment and will be incorporated into the final plan.</p> <p>Submission is noted.</p> <p>It is the policy of the Council to ensure that future housing in rural areas complies with all National Policy documents including the National Planning Framework (NPO 15 & 19), the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (DoEHLG), RSES and Circular PL 2/2017. The Office of the Planning Regulator’s support of the amendments on Rural Housing being in compliance with these policy documents is therefore welcomed.</p>
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<p>evidence-based approach under the <i>Sustainable Rural Housing Guidelines for Planning Authorities</i> (2005) (SRH guidelines).</p> <p>The Office welcomes Material Amendment Ref 5.9 and Material Amendment Ref 5.10, which amend objectives KCDP 5-12 and KCDP 5-13 respectively, in accordance with Recommendation 5 of the Office’s submission and which is consistent with the criteria of NPO 19.</p> <p>The Office has some concern, however, with the proposal to amend the criteria relating to small-scale cluster development under section 5.4 of the draft Plan, which would limit the occupancy of such dwellings to persons who have lived at least seven years in the local rural area.</p> <p>Economic Development and Employment The Office commends the planning authority for introducing specific, appropriate criteria for the designation of employment zonings under section 9.6.1 of the draft Plan. This has the potential to provide a rational, evidence-based approach to employment zoning under the LAPs and may be considered best practice.</p> <p>Sustainable Transport and Accessibility The Office welcomes the inclusion of material amendments which support and strengthen the sustainable transport policies of the plan, including in particular the promotion of sustainable modes of transport (Material Amendment Ref 14.1), the incorporation of 10minute town concepts (Material Amendment Ref 14.7) and the promotion of car sharing / car-pooling within the county (Material Amendment Ref 14.8), the material amendments to objective KCDP 14-10 to facilitate and support the preparation of Local Transport Plans (LTPs), under Material Amendment Ref 14.9, and to objective KCDP 14-19 to finalise these plans within 2 years of the adoption of the Plan, in consultation with the NTA, under Material Amendment Ref 14.16. Consultation with TII would also be of benefit to the preparation of LTPs.</p> <p>The Office is particularly concerned, however, with the proposal to insert two new objectives to facilitate access onto the strategic national road network, Material Amendment Ref 14.20 and Material Amendment Ref 14.21.</p> <p>The OPR submission states that these amendments are inconsistent with the policy provisions under section 2.5 of the section 28 Guidelines Spatial Planning and National Roads Guidelines for Planning Authority (2012)‘to avoid the creation of any additional</p>	<p>This proposal will ensure that the demand for housing in these clusters is met by those from the area, thereby accommodating people with a link to these communities. No change recommended.</p> <p>Submission is noted.</p> <p>The policies and objectives of the Plan are obliged to comply with Section 28 Ministerial Guidelines “Spatial Planning and National Roads Guidelines for Planning Authorities” (DoECLG, 2012) which seek to safeguard carrying capacity and safety of National Roads and Secondary Routes and associated national road junctions. It is considered that is contrary to these guidelines and therefore it is recommended that Material Amendment Ref 14.20 and Material Amendment Ref 14.21 are rejected in order to comply with Section 2.5 of the Section 28 Guidelines Spatial Planning and National Roads Guidelines for Planning Authority (2012) and to NSO 2 of the National Planning Framework.</p> <p>The SEA Addendum also states these MAs add text to the KCDP relating to access on the County’s road network that is at variance with National Policy as outlined in the Section 28 Guidance issued under the Spatial Planning and National Roads Guidelines (2012).</p>
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<p>access point from new development or the generation of increased traffic from existing accesses onto national roads to which speed limits greater than 60km apply’.</p> <p>In relation to Material Amendment Ref 14.21, the OPR does not accept that it is reasonable to consider that the intensification of an access serving a cluster of residential developments falls outside the restrictions under section 2.5, the purpose of which is to maintain the efficiency, capacity and safety of the strategic national road network.</p> <p>The subject amendments would therefore be contrary to Ministerial policy under the guidelines and to government policy under National Strategic Outcome 2 of the NPF to maintain the strategic capacity and safety of the national road network.</p> <p>Recommendation 1 - Access to National Roads Having regard to the requirements under section 2.5 of the section 28 Guidelines Spatial Planning and National Roads Guidelines for Planning Authority (2012) and to NSO 2 of the National Planning Framework, the planning authority is required to make the Plan without the following material amendments: Material Amendment Ref 14.20 and Material Amendment Ref 14.21.</p> <p>Note: Transport Infrastructure Ireland and the National Transport Authority have also advised against adopting Material Amendment Ref 14.20 and 14.21 (See Submissions KE-C3-MA20 NTA and KE-C3-MA 6 TII).</p> <p>Climate Action and Renewable Energy The Office welcomes the amendment of Chapter 12 Energy of the draft Plan to include a new objective to facilitate and promote alternative forms of energy (Material Amendment Ref 12.10) and to seek to prepare a renewable energy strategy for the county (Material Amendment Ref 12.11), it also welcomes the proposed amendment to section 12.5.1 of the draft Plan by MA 12.6 to include estimated production (in Mega Watts (MW)) for of a range of renewable energy sources. It is noted, however, that no targets have been included for wind energy production contrary to the requirements of the Specific Planning Policy Requirement (SPPR) of the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017).</p> <p>The Office notes that the planning authority has not re-evaluated the ‘Areas for Further Assessment’ (AFA) in its ‘Wind Energy Methodology’ (WEM), as required by part (ii)(a) of Recommendation 7 of the Office’s submission to the draft Plan, to provide a total area where wind energy is permitted in principle commensurate with the total area of the county. It is the understanding of the Office that the planning authority revised the</p>	<p>The revised Wind Zoning Methodology formed part of the Chief Executive’s Report on the Draft Plan Public Consultation. The revised wind zoning methodology was published in Appendix 16 of the CER of the Draft Plan. As a result of Material Amendment 12.9, it therefore did not form part of the Material Amendments that went on public display.</p>
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<p>WEM subsequent to the public consultation period on the draft Plan, which revisions included the omission of 1km exclusion criterion around settlements in the sieve analysis mapping and reconsidered the AFAs on the basis of 27 rather than 25 areas. The revised document does not appear to have been published as part of the material amendments and therefore it is not evident that part (ii)(b) of the recommendation has been complied with. Clarification is required in this respect.</p> <p>Under Material Amendment Ref 12.9, the planning authority has decided to omit those areas identified as ‘open to consideration’ (OTC) for wind energy in the draft Plan and to insert two new smaller areas as OTC in the south of the county, which areas had been almost entirely ruled out through the sieve analysis carried out by the planning authority, prior to the planning authority’s further assessment of the AFAs. The subject material amendment is therefore contrary to the implementation of the evidence-based approach recommended in the Wind Energy Development Guidelines for Planning Authorities (2006) and is inconsistent with the SPPR of the interim guidelines. In this regard, the planning authority will be aware of its obligations in relation to the implementation of SPPR under sections 28(1)(c) and 12(18) of the Act.</p> <p>The Office notes that the planning authority’s SEA Environmental Report considered that the removal of the existing OTC will have a negative impact on the county’s ability to comply with targets identified in Ireland’s Climate Action Plan regarding RE production and reducing GHG emissions. The Environmental Report also considered that significant effects could not be excluded from the inclusion of the two new areas for OTC as these areas have not been previously assessed as part of the SEA. In addition, the planning authority’s Nature Impact Report concluded that potential direct and/or indirect adverse impacts on the conservation objective of European sites could not be ruled out and recommended that the lands proposed as OTC in Material Amendment Ref 12.9 either revert back to the objectives of the draft Plan or additional specific protective policies be included in the Plan in respect of these two areas. The recommendations of the Appropriate Assessment has not been implemented in the material amendments.</p> <p>Recommendation 2 - Wind energy development Having regard to NPO 55 and the provisions of the Wind Energy Development Guidelines for Planning Authorities (2006), which recommend the implementation of the evidence-based approach to the determination of areas suitable to accommodate wind energy development through the sieve analysis approach, as was implemented in the Wind Energy Methodology (excluding the Areas for</p>	<p>Material Amendment Ref 12.9 will remove areas outlined in the Draft Plan considered Open To Consideration from the County’s Wind Zoning Map and insert two smaller areas in Kilgarvan. The SEA Addendum also notes that the removal of areas OTC from the Wind Zoning Map is contrary to the Wind Zoning Methodology provided in the draft KCDP. This is also at variance with National Climate Action Policy which has set national targets for RE production from on-shore wind.</p> <p>The policies and objectives in relation to renewable energy contained within the Draft Plan are in line with current national guidelines and policies and given the evidence based methodology taken in terms of the preparation of the Draft Plan, it is recommended not to adopt Material Amendment Ref 12.9.</p> <p>*Note: The SEA recommends that the two new OTC areas included as a MA to the Wind Zoning Map are removed, in line with the methodology outlined in the Wind Zoning Methodology at the commencement of the plan making process. If the areas are not excluded, the SEA recommends in order to mitigate likely significant effects the following mitigation set out below is incorporated into Chapter 12, Section 12.5.4.1.4.</p> <p>Kerry County Council can only agree to the plan after having ascertained that it will not adversely affect the integrity of Natura 2000 European sites. Therefore, should the Council decide to retain the proposed open to consideration wind designation in the Kilgarvan area (which form part of the Material amendment), the lands which overlap with the Killarney National Park, McGillycuddy Reeks and Caragh River Catchment SAC should be omitted from the designation as recommended by the DoH LG&H and the following text should be added to Section 12.5.4.1.4 of the plan as outlined in the Natura Impact Report prepared at material alteration stage.</p> <p>Recommended changes to be added to Section 12.5.4.1.4 as per NIR and SEA:</p> <ul style="list-style-type: none"> • Ensure that all applications are in compliance with Article 6 Habitats Directive, EIA Directive and Water Framework Directive, where applicable this should be informed by at least 2 years of annual (breeding and wintering) bird survey undertaken to best practices guidelines in addition to early engagement with statutory and non-statutory holders of ecological data, including with the Irish Hen Harrier Winter Survey. • Ensure that proposals within sensitive water catchments must demonstrate compatibility with the objectives of the Water Framework Directive having due regard to possible impacts on high status objectives waterbodies and
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Further Assessment) carried out by the planning authority, and having regard to the conclusions of the planning authority's Strategic Environmental Assessment Environmental Report and its Natura Impact Report, the planning authority is required to make the Plan without **MA 12.9**.

Flood Risk Management

The Office acknowledges the efforts made by the planning authority to incorporate the key flooding requirements and mitigation measures identified in the SFRA (as revised). In this regard the Office welcomes the extensive amendments included throughout the draft Plan which are anticipated to mitigate flood risk.

Although the Office welcomes the proposals to rezone R1 residential lands in Tralee located within Flood Zone A for less vulnerable P1 Agriculture lands under Material **Amendment Ref Tralee 15**, highly vulnerable and vulnerable uses are open for consideration within these lands. The *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Risk guidelines) provides that lands

non-annexed freshwater habitats and species including extant (non-designated) populations of Freshwater Pearl Mussel.

- Ensure that any application proposed in an area known to support the White-Tailed Sea Eagle is informed by at least two years of ornithological survey (breeding and winter) by a suitably qualified expert and if applicable, the ornithological impact assessment takes into account the results of ongoing monitoring of existing renewable energy infrastructure in the area.
- Ensure that any wind energy proposals within the Lough Leane catchment or other water quality sensitive catchments, demonstrate that they have been designed in a manner which prevents any risk of peat, soil and rock slippage or erosion and which provides for ongoing protection / improvement of water quality and the maintenance of natural hydrological processes. Proposals which would increase flood risk or bankside erosion downstream will not be permitted.
- Ensure that proposals which cannot avoid adverse impacts on Natura 2000 Sites (SPA's and SAC's) or adjoining areas and locations affecting Natura 2000 site integrity, including habitats of significant value for Lesser Horseshoe Bats associated with Natura 2000 sites in the vicinity, and other sites and locations of significant ecological value, will not be permitted.
- Ensure that all proposals within/in proximity to known visually sensitive areas/designated views and prospects are subject to a Landscape Visual Impact Assessment (LVIA) undertaken to best practices guidelines. Where applicable the LVIA should include possible visual impacts on 46 archaeological landscapes identified in Section 8.3.2 of the County Development Plan notably No.11 The Paps and No.13 Mangerton/Cumeenduvassig/Bausheen/Slaght/Knockeens.

Submission noted. Additional objectives were included in relation to flood risk management for Tralee, Killarney and Listowel as part of the Material Amendments. It is considered prudent to include an additional objective, **not to permit highly vulnerable development within Flood Zone A and B and not to permit less vulnerable development within Flood Zone A.**

See also response to KE-C3-MA-29 OPW.

<p>within Flood Risk Zone A should not be zoned for highly vulnerable or vulnerable uses, and lands within Flood Risk Zone B should not be zoned for highly vulnerable uses without passing the plan making Justification Test. The Office considers that this may be appropriately resolved through a minor modification, having regard to the wording of Material Amendment Ref Tralee 13 (TR118), Killarney 6 (KA85) and Killarney 7 (KA86), to include a general objective not to permit highly vulnerable development within Flood Zone A and B and not to permit less vulnerable development within Flood Zone A.</p> <p>Observation 1 – Flood risk management Having regard to the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), as amended, and to NPO 57, the planning authority is advised to make the plan with a minor modification to include an overall policy objective to ensure that highly vulnerable development is not permitted in areas identified in Flood Zone A and B and that less vulnerable development is not permitted in areas identified in Flood Zone A. The Office notes that plan making justification tests have not been carried out in respect of lands at risk of flooding, proposed to be zoned within the existing built up area for vulnerable uses, contrary to part (i) of Recommendation 8.</p> <p>Implementation and Monitoring The Office acknowledges the inclusion of new objectives under Material Amendment Ref 4.4 and 1.4, which aim to improve the implementation, and monitoring objectives. However, having regard to the Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021), implementation and the related monitoring and reporting tasks are aspects of the plan making process that are required to be structured and durable, and as such objectives should be framed in a manner where they can be implemented, monitored and evaluated.</p> <p>Environment, Heritage and Amenities The Office notes Material Amendment Ref 11.14, which seeks to include a new objective to ‘facilitate and support dredging and /or pumping where appropriate to protect rivers and waterways’. No mandatory objectives refer to the subject amendment under section 10(2) of the Act, and no discretionary objectives refer under the First Schedule of the Act. The planning authority’s Natural Impact Report concluded that the proposed amendment could potentially adversely affect water dependent qualifying interest habitats and species and recommended that the wording be modified. This recommendation was not included in the material amendment. In this</p>	<p>Submission is noted.</p> <p>Material Amendment Ref 11.14 - The Natura Impact Report prepared for the proposed material alterations, concludes that a modification to the proposed wording is required in order to conclude the Appropriate Assessment process. The SEA also recommended changes to the objective Kerry County Council can only agree to the plan after having ascertained that it will not adversely affect the integrity of Natura 2000 European sites. The proposed Material Amendment should be modified to include the recommended wording set out in the Natura Impact Report ‘Facilitate and support dredging and/or pumping,</p>
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<p>regard the planning authority will be aware of its obligations under the Habitats Directive.</p> <p>The Office considers that the objective inserted as Material Amendment Ref 11.14 is not consistent with NPO 57; and having regard to the conclusions of the SEA Report and NIR, with NPO 59 to enhance the conservation status and improve the management of protected areas and species by, among others, implementing relevant EU Directives, and NPO 60 to conserve and enhance the rich qualities of Ireland’s natural heritage. The subject material amendment therefore conflicts with the requirement under section 10(1D) of the Act, which requires that the development objectives in the development plan are consistent with the conservation and protection of the environment.</p> <p>Recommendation 3 - Dredging Having regard to section 10(1D), section 10(2), section 12(11) and the First Schedule of the Planning and Development Act 2000, as amended, and to NPO 57, NPO 59 and NPO 60, the planning authority is required to remove the new objective inserted by Material Amendment Ref 11.14.</p> <p>The Office also notes Material Amendment Ref 2.16. The amendment was subject of screening for appropriate assessment and carried forward for Appropriate Assessment. The planning authority’s Natural Impact Report concluded that the amendment could potentially facilitate the cutting of qualifying interest peatland habitats, although it acknowledged objectives and policies in support of peatland protection and restoration in the plan. The material amendment was not modified as recommended by the NIR.</p> <p>The proposed material amendment therefore conflicts with NPO 57 which it to enhance water quality and resource management by, among others, ensuring that RBMP objectives are fully considered throughout the physical planning process; with NPO 59 which is to enhance the conservation status and improve the management of protected areas and protected species by, among others, implementing relevant EU Directives to protect Ireland’s environment and wildlife; and with NPO 60 to conserve and enhance the rich qualities of Ireland’s natural heritage.</p> <p>The subject material amendment therefore conflicts with the requirement under section 10(1D) of the Act, which requires that that the development objectives in the development plan are consistent with the conservation and protection of the environment.</p> <p>Recommendation 4 - Turf cutting Having regard to section 10(1D), section 10(2), section 12(11) and the First Schedule of the Planning and Development Act 2000, as amended, and to NPO 57,</p>	<p>subject to environmental assessment and where appropriate in consultation/agreement with IFI, to protect rivers and waterways.’</p> <p>Material Amendment Ref 2.16 - The Natura Impact Report prepared for the proposed material alterations, concludes that a modification to the proposed wording is required in order to conclude the Appropriate Assessment process. Kerry County Council can only agree to the plan after having ascertained that it will not adversely affect the integrity of Natura 2000 European sites. The proposed Material Amendment should be amended to include the recommended wording set out in the Natura Impact Report (additional text indicated in bold): ‘Support the continued cutting and distribution of turf, from appropriate locations outside of designated nature conservation sites, in order for people to heat their homes’.</p>
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	NPO 59 and NPO 60, the planning authority is required to remove the new objective inserted by MA 2.16 .	
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Recommendations

Recommend that **Material Amendment Ref 14.20** and **Material Amendment Ref 14.21** are rejected in order to comply with Section 2.5 of the Section 28 Guidelines Spatial Planning and National Roads Guidelines for Planning Authority (2012) and to NSO 2 of the National Planning Framework.

Recommend that **Material Amendment Ref 12.9** is rejected, having regard to NPO 55 and the provisions of the Wind Energy Development Guidelines for Planning Authorities (2006).

Material Amendment Ref 11.14. - The Draft Plan should be modified to include the recommended wording set out in the Natura Impact Report and SEA: ‘Facilitate and support dredging and/or pumping, **subject to environmental assessment and where appropriate in consultation/agreement with IFI**, to protect rivers and waterways.’

Material Amendment Ref 2.16. - The Draft Plan should be modified to include the recommended wording set out in the Natura Impact Report: ‘Support the continued cutting and distribution of turf, **from appropriate locations outside of designated nature conservation sites**, in order for people to heat their homes’.

Material Amendment Ref Tralee 16, Killarney 10 and Listowel 10 – The Draft Plan should be amended to include an additional objective, **‘not to permit highly vulnerable development within Flood Zone A and B and not to permit less vulnerable development within Flood Zone A’**.

Submission No.	Submission Summary	CE response
KE-C3-MA-14 Southern Regional Assembly	<p>The submission welcomes the Proposed Amendments to the Draft Plan. The submission provides some observations to assist and demonstrate that strengthened alignment between the Draft Development Plan and RSES Strategy is being achieved through these proposed amendments. The Material Amendments addressed recommendations as contained in the SRA submission on the Draft Plan.</p> <p>In relation to Material Amendment Ref 3.9, 3.11, 3.12 the submission states that they address in part Recommendation 3 of the SRA's submission which recommended a strengthening of the Core Strategy tables to set details of areas already zoned for residential use and details of areas proposed to be zoned and phased for residential use.</p> <p>Within the Regional Town category, it was noted the growth rate for some Regional Towns records a similar, and in some cases higher, percentage change in population and average growth per annum 2016-2028, compared to Key Towns. Recommendation No 4 of the SRA's submission sought a review of growth rates assigned for Regional Towns in the context of required level of services, employment and infrastructure to service growth and to support the primary role of Key Towns. The Council have addressed this by Amendment 3.10. The SRA welcome the clarification</p> <p>Material Amendment Ref 5.11 addresses Recommendation 5 of the SRA's submission to the Draft Plan which had sought use of the GIS data and mapping analysis under</p>	<p>The contents of the submission are welcomed.</p>

<p>Appendix 8 of the Draft Plan to underpin Rural Housing Objectives KCDP 5-12 to 5-14. Accordingly, Map 5.1 Rural Area Types is now updated to apply the evidence base for identifying rural areas under significant urban influence. This is supported and aligns with RSES RPO 27 Rural.</p> <p>Material Amendment Ref 12.6 provides additional text stating it is estimated that the Draft County Development Plan provides the framework for approximately 389MW of additional renewable energy to be generated over the lifetime of the plan with estimated generation and support for Hydro power, Solar Power and Bioenergy. Two further new objectives are also noted, Material Amendment Ref 12.10 and 12.11. The SRA support these amendments which address Recommendation 11 of the SRA's observation to the Draft Plan in support of renewable energy generation across different sources under which the County has significant potential and for a Renewable Energy Strategy. It is important that the new objective to undertake the preparation of a Renewable Energy Strategy for the County is time-bound.</p> <p>Material Amendment Ref 12.8 and 12.23 support community and local based wind and renewable energy projects in areas not deemed suitable for commercial wind farm development and in areas outside of those zoned open to consideration or repower areas, subject to planning and environmental assessments. The SRA welcome this inclusion which aligns with RSES RPO 221 Renewable Energy Generation and Transmission Network which supports strengthened local /community renewable energy networks and micro renewable energy generation.</p> <p>The SRA note proposed amendment regarding wind energy Material Amendment Ref 12.9. It is critical to achieve the Climate Action Plan targets for renewable energy and the contribution of wind energy and repowering areas is an essential contributor to achieve these targets. Additionally, wind energy is necessary to achieve our net zero future and to achieve objectives for a lower carbon future through the Development Plan. It is important in the final determination of the Development Plan that full regard is had to the evidence base (including Wind Zoning Methodology under Volume 1 Appendix 6) which takes into consideration the Draft Revised Wind Energy Development Guidelines (DHPLG 2019) and Methodology for Local Authority Renewable Energy Strategies (SEAI 2013). Material amendments, where they deviate from the evidence base and national guidelines to facilitate renewable wind energy, are not supported.</p> <p>The submission notes that many amendments positively correct the terminology for Local Transport Plans (LTPs), commit to LTP preparation, commit to modal change targets informed by LTPs and for the Council to lead on these plans in consultation with the NTA. These amendments address Recommendation 8 of the SRA's submission and</p>	<p>See response to KE-C3-MA-37 OPR.</p> <p>In relation to the new objective for light rail transport in the key towns of Tralee and Killarney the feasibility will be informed by consultations with the NTA and built into the evidence base of LTP preparation and implementation within the Key Towns.</p>
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	<p>are supported in alignment with RSES RPO 157 Local Transport Plans, RPO 160 Smart and Sustainable Mobility and RPO 163 Sustainable Mobility Targets.</p> <p>The SRA note Material Amendment Ref 14.31 inserts a new objective to rollout light rail transport in the key towns of Tralee and Killarney subject to a feasibility study. The SRA would advise that the feasibility for light rail is informed by consultations with the NTA and built into the evidence base of LTP preparation and implementation within the Key Towns. The objective could have a further minor amendment to tie the feasibility assessment into the LTP process in consultation with the transport authority stakeholders.</p>	
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Recommendations
No proposed amendments.

Submission No.	Submission Summary	CE response
<p>KE-C3-MA-11 Department of Housing, Local Government and Heritage</p>	<p>Archaeology It is noted by the submission that climate change and its impacts on the archaeological resource has been considered in the Draft Plan (KCDP 8-30).</p> <p>The submission states that references throughout the Draft Plan (for example, KCDP 8-22 (i); KCDP 8-23) should be made consistent to state the Department of Housing, Local Government and Heritage.</p> <p>Nature Conservation The Department welcomes the focused, precise and useful Natura Impact Report Addendum Report prepared at Material Alteration stage and is in general agreement with the recommendations of same. Modifications are recommended as follows:-</p> <p>Material Amendment Ref 2.16: The submission seeks wording modification to include appropriate locations as outlined in the NIR prepared for the proposed material alterations.</p> <p>Material Amendment Ref 3.12: Settlement Capacity Audit needs to take account of WWTP capacity in relation to receiving waters.</p> <p>Material Amendment Ref 11.14: The submission seeks wording modification as outlined in the NIR prepared for the proposed material alterations.</p> <p>Material Amendment Ref 12.4: Modify as requested: When considering the siting of powerlines all technological options including undergrounding shall be considered and it</p>	<p>Submission noted.</p> <p>In relation to Amendment Ref 2.16, 11.14, 12.9, see response to KE-C3-MA-37 OPR.</p> <p>Comments in relation to Material Amendment Ref 3.12 are noted and will be taken into consideration during the preparation of the Settlement Capacity Audit.</p> <p>It is considered appropriate to include the DoHLG&H recommended modifications to Material Amendment Refs 12.4, 12.6, 12.10. In relation to</p>

	<p>will be a priority to seek to avoid significant adverse effects on the environment including sensitive landscape areas and the ecological integrity of Natura 2000 sites and to avoid damage to Natural Heritage Areas.</p> <p>Material Amendment Ref 12.6: There appears to be a contradiction in the wording of the proposed amendment which, if left unchanged, may require appropriate assessment. This contradiction might be relieved if the word ‘potentially’ is included in the first sentence: “... renewable energy to be potentially generated ...”</p> <p>Material Amendment Ref 12.9: The department welcomes the qualification of repowering areas to potential repowering areas. There is some overlap with the Killarney National Park, Macgillycuddy’s Reeks and Caragh River catchment cSAC (Site Code 000365). Exclude the cSAC designated lands from the ‘Open to Consideration’ map.</p> <p>Material Amendment Ref 12.9: Preferable to exclude the NHA designated lands east of Kilgarvan, (Silahertane Bog Natural Heritage Area (NHA) (Site Code 001882)), from the ‘Potential Repowering Areas’ map; If not omitted, the SEA Environmental Report will need to assess mitigation measures which clearly avoid damage to the NHA bog.</p> <p>Material Amendment Ref 12.9: SEA Environmental Report (ER) to include an assessment of impact on white-tailed sea eagles of proposed Kilgarvan ‘open to consideration’ and ‘Potential Repowering Areas’ designations. As part of this the type of measures being carried out at Grousemount Wind-farm, to prevent Eagle Mortality should be listed and assessed in the SEA ER.</p> <p>Material Amendment Ref 12.10: Alternative energy: Consider inserting “Facilitate and promote sustainable alternative forms of energy ...”</p>	<p>Amendment Ref 3.12, it is considered that this is a matter to be taken account of at local area plan preparation stage.</p> <p>In addition, in relation to Material Amendment Ref 12.9 For clarity,</p> <ol style="list-style-type: none"> 1. the SEA ER Addendum does identify negative effects further to the removal of all areas OTC for wind contained in the original KCDP, & 2. the SEA ER Addendum does consider the impacts for the inclusion of two new OTC, likely significant effects are outlined in Table 3.1 of the Addendum Report with proposed mitigation outlined in Table 3.2. <p>It is recommended for clarification purposes, that the following modification be made to the text outlined for insertion to Chapter 12, Section 12.5.4.1.4 of the plan by way of the SEA addendum ‘Ensure that any application proposed in an area known to support the White-Tailed Sea Eagle is informed by at least two years of ornithological survey (breeding and winter) by a suitably qualified expert and if applicable, the ornithological impact assessment takes into account the results of ongoing monitoring of existing renewable energy infrastructure in the area and should include best practice mitigation to prevent eagle mortality as agreed for the existing Grousemount Wind Farm. And that additional text be included into Section 12.5.4.1.7 “Potential Repower Areas” as follows:</p> <p>In addition to requirements outlined above, repowering proposals will be required to demonstrate that they will not have a negative impact on ecologically sensitive sites including NHAs and/or pNHA. Any repowering proposal in the vicinity of known White Tailed Sea Eagle (WTSE) habitat (foraging/commuting/roosting/breeding) is subject to the mitigation outlined in Chapter 12, Section 12.5.4.1.4.</p>
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Recommendations

It is considered appropriate to include the word ‘potentially’ in Material **Amendment Ref 12.6** – “It is estimated that the Draft County Development Plan provides the framework for approximately 389MW of additional renewable energy to be **potentially** generated over the lifetime of the plan from the following sources”.

Material Amendment Ref 12.4

Modify as requested: When considering the siting of powerlines all technological options including undergrounding shall be considered and it will be a priority to seek to avoid significant adverse effects on the environment including sensitive landscape areas and the ecological integrity of Natura 2000 sites **and to avoid damage to Natural Heritage Areas.**

Material Amendment Ref 12.9

• Ensure that any application proposed in an area known to support the White-Tailed Sea Eagle is informed by at least two years of ornithological survey (breeding and winter) by a suitably qualified expert and if applicable, the ornithological impact assessment takes into account the results of ongoing monitoring of existing renewable energy infrastructure in the area **and should include mitigation to prevent eagle mortality as agreed for the existing Grousemount Wind Farm.**

Material Amendment Ref 12.10

Modify as requested: “Facilitate and promote **sustainable** alternative forms of renewable energy including hydro, micro, solar and off-shore wind energy”.

Material Amendment Ref 12.13

Include additional text into Section 12.5.4.1.7 “Potential Repower Areas” as follows:

In addition to requirements outlined above, repowering proposals will be required to demonstrate that they will not have a negative impact on ecologically sensitive sites including NHAs and/or pNHA. Any repowering proposal in the vicinity of known White Tailed Sea Eagle (WTSE) habitat (foraging/commuting/roosting/breeding) is subject to the mitigation outlined in Chapter 12, Section 12.5.4.1.4.

Submission No.	Submission Summary	CE response
KE-C3-MA-1 EPA	The submission notes that that Council considers that an SEA is not required for the Amendments. The submission sets out a number of key aspects which should be taken into account in preparing the Amendments, including: - where the SEA has identified any of the amendments as having potential for likely significant environmental effects or which conflict with national environmental or planning policy, clear justification should be given for proceeding with those amendments; - The Plan, prior to its adoption, should also consider and fully integrate the recommendations of the SEA; and - Future modifications to the Draft Plan should be screened for likely significant effects in accordance with SEA Regulations.	The EPA comments are noted but the amendments have been subject to a SEA as recorded in the SEA ER Addendum Report placed on display. The SEA ER Addendum also records responses to issues raised by the EPA in the original submission. KCC is aware of its obligations under the SEA Directive to screen any future amendments/variation to the Plan for likely significant effects, using the same method of assessment applied in the “environmental assessment” of the Plan. KCC is also aware of its obligations to the produce an SEA Statement once the Plan is adopted; a summary required in the statement and the need to make the plan available to the Environmental Authorities as listed.

Recommendations

No proposed amendments.

Submission No.	Submission Summary	CE response
KE-C3-MA-5 Department of Transport	The submission highlights the new legislation in place since the last plan was produced, such as National Disability Inclusion Strategy (NDIS) 2017-2022, UN Convention on the	The contents of the submission are welcomed. Any new legislation in place will be adhered to.

	<p>Rights of Persons with Disabilities (UNCRPD) and DMURS Interim Advice Note – Covid-19 Pandemic Response 2020.</p> <p>The submission states that references to the 2019 version of DMURS should be replaced with references to the 2020 DMURS Interim Advice Note – Covid-19 Pandemic Response, for example, Objective KCDP 4-12. The DoT requests that any references to ‘Local Link’ be updated to ‘TFI Local Link Rural Transport.’</p> <p>The DoT welcomes the text in Objective KCDP 14-19, ‘Improve access for all vulnerable road users and people with disabilities to all modes of transport thereby increasing and improving transport facilities for all users.’</p>	
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Recommendations
No proposed amendments.

Submission No.	Submission Summary	CE response
KE-C3-MA-6 Transport Infrastructure Ireland	<p>In relation to Material Amendment Ref 12.11 (Renewable Energy Strategy), the submission states that TII would welcome consultation on the proposed Renewable Energy Strategy where there may be implications for the strategic national road network, for example, in relation to policies or objectives addressing grid connections proposals.</p> <p>Regarding Material Amendment Ref 14.16 [Objective 14-22) it states that TII would welcome consultation on the proposed Local Transport Plans where there may be implications for the strategic national road network.</p> <p>In relation to Material Amendment Ref 14.20 and 14.21, the submission highlights that the intensification of existing direct access and existing private road access to a national road outside 50-60kph urban speed limit locations, in the circumstances proposed in the subject Material Amendment, conflicts with the provisions of official policy included in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012).</p>	<p>The Council will consult with all relevant stakeholders in the preparation of a Renewable Energy Strategy and Local Transport Plans.</p> <p>In relation to Material Amendment Ref 14.20 and 14.21, see response to KE-C3-MA-37 OPR.</p>

Recommendations
No proposed amendments.

Submission No.	Submission Summary	CE response
KE-C3-MA-7 Department of Education	<p>The submission states that the Department notes that proposed amendments to Table 3.7 of the Core Strategy (Material Amendment Ref 3.9) and these do not alter the projected population figures in the draft County Development Plan. The submission welcomes the statement in the CER that states "The Council will continue to ensure the</p>	<p>The Council welcomes future engagement and collaboration with the Department of Education.</p>

	provision of educational facilities in a planned and coordinated (manner) and implemented in concert with residential development".	
Recommendations No proposed amendments.		
Submission No.	Submission Summary	CE response
KE-C3-MA-8 DAA	The submission states no comment to make in respect of the Material Alterations, other than to recommend consultation with the IAA and the IAA-ANSP.	Noted.
Recommendations No proposed amendments.		
Submission No.	Submission Summary	CE response
KE-C3-MA-20 National Transport Authority	<p>The NTA reiterates its recommendation that the Development Plan includes sustainable transport indicators, including mode share, for the purpose of monitoring the efficacy of policies and development objectives against a range of sustainable development indicators. The NTA state that they would be happy to work with Kerry County Council on the development and analysis of sustainable transport indicators, in conjunction with the OPR.</p> <p>The NTA also reiterates its recommendation in relation to KCDP Objective 14.6 to set modal share targets as a Development Plan Indicator.</p> <p>The NTA recommends against the inclusion of Material Amendment Ref 14.20 and 14.21 in the interests of adherence to the provisions of official policy, as they are considered to directly conflict with the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012)</p> <p>The submission is supportive of Amendment Ref 14.28 [Regional Freight Strategy].</p> <p>The submission requests the exclusion of Amendment Ref 14.32 [Light Rail Transport Feasibility] as it is intended that the identification of transport objectives and associated transport interventions for Tralee and Killarney will be undertaken in the first instance through the preparation of Local Transport Plans.</p> <p>For Amendment Ref 14.32 (Amend Text) the submission recommends that [replace TFI with the NTA].</p>	<p>In relation to Material Amendment Ref 14.20 and 14.21, see response to KE-C3-MA-37 OPR.</p> <p>Support for the Regional Freight Strategy is welcomed.</p> <p>The Council will consult with all relevant stakeholders in the preparation of a Local Transport Plans and various modes of transport will be reviewed as part of this process.</p> <p>It is now noted that there was a typo and TFI should have been TII, however in any case this will be amended to NTA in light of the submission received.</p>

	<p>In relation to Amendment Ref 14.35 (Amend Objective KCDP14.47) it is not clear why this change from County Transport Strategy to County Transportation Plan/Mobility Plan has been made as no explanation has been provided. It is now also inconsistent with the terminology used in section 14.5, itself the subject of a proposed amendment (14.26). The NTA would reiterate its recommendation as follows: The Council with prepare a County Transport Strategy and Local Transport Plans, facilitated and supported by the NTA.</p> <p>It does not support the Draft Plan’s current approach to the provision of car parking for different types of development as it is not clear whether or not the standards specified are minimum or maximum standards. The NTA would reiterate its recommendation that maximum car parking standards should be specified. In addition, in locations where the highest intensity of development occurs such as town centres an approach that caps car parking on an area wide basis should be considered. Furthermore, it is recommended that in order to determine the most appropriate level of parking provision within defined maximum standards, criteria relating to public transport accessibility levels (PTALS) and access to opportunities and services (ATOS) should be applied, from which degrees of constraint can then be applied. Within the larger urban settlements, this approach would be best supported by the preparation of Local Transport Plans.</p>	<p>Objective 14.22 seeks to prepare LTPs for the key towns and other settlements. On foot of a submission received from Local Link Kerry the terminology relation to Material Amendment Ref 14.35 was amended. However, it is considered that this change is appropriate.</p> <p>This was addressed at the previous stage and does not relate to the material amendments. As per the CER Report it is stated that the Table 4 will be amended to state that the car parking standards are maximum standards, this was not considered to be a material change and therefore did not form part of the material amendments.</p>
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Recommendations

Revise Text in **Amendment Ref 14.32** The council will work closely with ~~TII~~ **the NTA**, Local Link Kerry, Bus Eireann {a range of rural community development groups} and allied stakeholders to identify and meet future bus transport requirements through the connecting Ireland initiative.

Revise Text in **Amendment Ref 14.35** (Amend Objective KCDP 14.47) The Council with prepare a ~~County Transport Strategy~~ County **Transportation Plan/Mobility Plan** and Local Transport Plans, facilitated and supported by the NTA including the provision for an ongoing marketing plan.

Submission No.	Submission Summary	CE response
KE-C3-MA-21 EirGrid	<p>In relation to Material Amendment Ref 12.2, it is recommended the objective is amended as follows as Grid 25 Investment Programme is no longer applicable: KCDP 12-9 Support the sustainable implementation of EirGrid’s Shaping Our Electricity Future roadmap (and successor programmes), subject to landscape, residential, amenity and environmental considerations.</p> <p>In relation to Material Amendment Ref 12.3 EirGrid recommends that this new objective is deleted in its entirety.</p>	<p>It was proposed to amend Objective KCDP 12-9, as per Material Amendment Ref 12.2, to state, “Support the sustainable implementation of EirGrid’s Grid 25 Investment Programme Shaping Our Electricity Future roadmap (and successor programmes), subject to landscape, residential, amenity and environmental considerations”, it is noted that the reference to “Grid 25 Investment Programme” should be omitted.</p> <p>A new objective was proposed in light of submissions received from TII. It is considered appropriate to amend the proposed new objective as follows: “Grid connection routing options should be developed to safeguard the strategic function of the national road network in accordance with</p>

		Government policy by utilising available alternatives”. and standards/guidelines for glint and glare assessments. Please note that Material Amendment Ref. 12.18 relates to glint and glare assessments.
Recommendations		
Amend Objective KCDP 12-9 - Amendment Ref 12.2 – “Support the sustainable implementation of EirGrid’s Grid 25 Investment Programme Shaping Our Electricity Future roadmap (and successor programmes), subject to landscape, residential, amenity and environmental considerations”.		
Revise New Objective - Amendment Ref 12.3 “Grid connection routing options should be developed to safeguard the strategic function of the national road network in accordance with Government policy by utilising available alternatives”. and standards/guidelines for glint and glare assessments.		
Submission No.	Submission Summary	CE response
KE-C3-MA-24 An Taisce	<p>The submission notes the addition of “sustainable” in relation to the expansion of the gas network and that no definition is provided as to what constitutes a “sustainable” expansion of the gas network. It is submitted that there is no capacity under national, EU and international climate policy for further fossil fuel exploration/extraction or further development of the gas network. It is submitted that the “facilitation of a gas importation facility in the Tarbert/Ballylongford Landbank” is incompatible with the legal obligations of the Climate Action and Low Carbon Development (Amendment) Act 2021. There is no case to be made for a “sustainable” expansion of the gas network and that Objective KCDP 12-3, as amended by Amendment Ref 12.1, should therefore be removed in its entirety.</p> <p>The submission notes the addition of a new objective to “Support the continued cutting and distribution of turf in order for people to heat their homes” (Amendment Ref. 11.14) and states that this objective is incompatible with the legal obligations of the Climate Action and Low Carbon Development (Amendment) Act 2021 and should therefore be remove.</p>	<p>The term ‘Sustainable’ is defined in Section 1.7 of the Draft Plan. Furthermore Section 1.9.1.2 of the Draft Plan sets out the UN sustainable goals. It is the policy of the Council as set out in the Draft Plan to facilitate the expansion of the gas network as per Objective 12.3. The overall objective is not therefore a proposed Material Alteration to the Draft Plan. The material amendment in this instance relates to the insertion of the word “sustainable” to the objective .</p> <p>In relation to Material Amendment Ref 11.14, see response to KE-C3-MA-37 OPR.</p>
Recommendations		
No proposed amendments.		
Submission No.	Submission Summary	CE response
KE-C3-MA-29 OPW	<p>The OPW welcomes Material Amendment Refs TR 16, KA 10 and LIS 10 as well as Material Amendment Refs 2.13, 11.4, 11.12, 11.13, 11.15 and 11 16.</p> <p>Amendment Ref 11.11 adds text to Chapter 11 Section 11.5.2, stating that “Within the existing built-up areas of some town centres an existing residual flood risk remains pending the construction of flood mitigation infrastructure”. It should be noted that</p>	<p>Submission is noted.</p> <p>Less vulnerable development such as buildings used for agriculture will not be permitted on the P1 (agriculture) zoned lands.</p>

	<p>areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences, as well as the defences not being maintained in perpetuity.</p> <p>The OPW welcomes amendments Tralee 9 to 14 which address flood risk management issues in Tralee. While new objectives TR115 to TR118 do not allow highly vulnerable development in Flood Zones A or B, less vulnerable development is not restricted in Flood Zone A. In addition, while the OPW welcomes the reduction in vulnerability due to Amendment Ref Tralee 15, this amendment rezones lands from highly vulnerable R1 Residential to P1 Agriculture which is defined in the Guidelines as less vulnerable. While less vulnerable development can be appropriate in Flood Zone B, it is not appropriate in Flood Zone A unless the zoning has been assessed against and satisfied all criteria of the Plan Making Justification Test.</p> <p>Material Amendments Ref Listowel 3, 4 and 6 regarding the Strategic Reserve zoned land O1.1 at Castleinch are welcomed. However, as the usage and therefore vulnerability class has not been determined, the Plan Making Justification Test included in Section 5.3.3.2 of the draft plan SFRA could not demonstrate that all criteria had been satisfied. Therefore, the OPW commentary on the draft plan suggested clarification might be provided as to whether any development of these lands for highly or less vulnerable development might require a variation, and assessment of the development against the criteria of the Plan Making Justification Test. This has not been addressed at Material Alteration stage.</p>	<p>Material Amendment Ref Tralee 15 (Justification test) - The lands in question are currently zoned for Agricultural Purposes in the Tralee Town Development Plan. Material Amendment Ref Tralee 15 seeks to change the zoning from R1.6 new / proposed residential back to Agricultural. While land and buildings used for agriculture and forestry are considered as 'Less vulnerable' land uses and types of development and generally require justification tests within Flood zone A lands, it is noted that in this instance development would be restricted to 'water compatible development' by way of proposed Development Objective TR114 (Material Amendment Ref Tralee 9). It should also be noted that the CDP has committed to reviewing the Tralee Town land use zonings within 12 months of the adoption of the CDP (Material Amendment Ref 1.5). A Strategic Flood Risk Assessment will form part of the review. Therefore, notwithstanding the proposed zoning, it is considered that the flood risk to the development of this land can be adequately managed without causing unacceptable adverse impacts on site or elsewhere.</p> <p>Comments are noted, given that this relates to the material alterations it is considered appropriate to include a new objective as set out in the recommendations.</p> <p>It is the intention of the Council to prepare a masterplan for the Castleinch Lands and all issues will be assessed and addressed at this stage. Material Alteration Listowel 6 also states " Ensure that a stage 3 detailed Flood Risk Assessment shall be carried out as part of the preparation of a masterplan for these lands"</p>
<p>Recommendations No proposed amendments.</p>		
Submission No.	Submission Summary	CE response
<p>KE-C3-MA-30 Department of Environment, Climate and Communications</p>	<p>There are a number of observations the Department have in respect of specific proposed material alterations, as follows: Material Amendment Ref 12.5 –The Department supports the ambition for hybrid energy systems</p>	<p>Support is welcomed in relation to Material Amendment Ref 12.5.</p>

	<p>Material Amendment Ref 12.6 – The submission seeks clarity on what impact the mapping changes will have on the amount of wind energy produced and also welcomes reference to potential contribution of the other sources of renewable energy.</p> <p>Material Amendment Ref 12.8 – the inclusion of specific reference to community-based wind projects in areas outside of those designated as “open to consideration” is welcomed and supported.</p> <p>Material Amendment Ref 12.9 –proposed amendment to Map 12.4: Wind Energy Areas - it is unclear from the map what the effect the redrawing of the “open to consideration” areas will have on the potential wind capacity of the County.</p> <p>The submission notes a number of issues arising with the environmental assessment of these new areas and the updated environmental report, namely</p> <ol style="list-style-type: none"> 1. The ER identifies that the removal of the areas previously designated for future wind energy development “will have a negative effect on the county’s ability to comply with targets identified in Ireland’s Climate Action Plan regarding RE production and reducing GHG emissions, and 2. the ER appears not to consider the impacts of any new areas designated for wind energy development and, in particular, where those areas were previously ruled out on environmental grounds following the methodology set out in Appendix 6. <p>Material Amendment Ref 12.10 –This proposed amendment is supported and welcomed. The submission the submission by Geological Survey Ireland (attached) and requests a minor amendment to include reference to geothermal energy as an alternative source of renewable energy.</p> <p>Material Amendment Ref 12.11 –The ambition to prepare a Renewable Energy Strategy for the County during the lifetime of the Plan is welcomed and supported, although it would be preferable if this was time-bound and it included a reference to onshore wind, as per the requirements of the Climate Action Plan 2021 but would caution, however, against the inclusion of references to targets for offshore renewables given the provisions of the Maritime Area Planning Act, 2021. The allocation of offshore renewable energy capacity will also be resolved nationally.</p> <p>Material Amendment Refs 12.15 and 12.16 –These proposed amendments appear to limit extensions to existing windfarms to “open to consideration” or “repower” areas, as expressed on the amended map and request that this amendment is not made.</p>	<p>It is acknowledged that the area set out in the material amendments is a reduction of 41% on that contained within the Draft Plan previously. As set out in Amendment Ref 12.6 a potential figure for additional renewable energy from other sources, such as hydro, solar, has been outlined</p> <p>Support is welcomed in relation to Material Amendment Ref 12.8.</p> <p>See response to KE-C3-MA-37 OPR.</p> <p>For clarity,</p> <ol style="list-style-type: none"> 1. the SEA ER Addendum does identify negative effects further to the removal of all areas OTC for wind contained in the original KCDP, 2. the SEA ER Addendum does consider the impacts for the inclusion of two new OTC, the likely significant effects are outlined in Table 3.1 of the Addendum Report with proposed mitigation outlined in Table 3.2. <p>It is considered appropriate to include reference to geothermal energy as an alternative source of renewable energy. It is also considered appropriate to remove micro and include bio energy within this objective. See recommendations.</p> <p>It is considered that the current wording of the objective is sufficient, as set out in Material Amendment Ref 12.11. RPO 98 commits to supporting the preparation of a regional energy strategy and it is not considered appropriate to prepare a Renewable Energy Strategy for the county until a regional level document is produced.</p> <p>Material Amendment Refs 12.15 and 12.16 have been included in order to provide greater clarity. All existing wind farms are located within repowering areas where extensions will be considered, as per the policies contained</p>
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		within the plan, and in accordance with national guidelines applicable at that time.
Recommendations		
Revise wording of Material Amendment Ref 12.10 – “Facilitate and promote alternative forms of renewable energy including hydro, micro , bio , solar, geothermal and off-shore wind energy”		
Submission No.	Submission Summary	CE response
KE-C3-MA-32 ESB	<p>The submission suggests that the new Objectives proposed by Material Amendment Refs 12.3 and 12.4 are omitted from the final plan as concerns about visual, amenity, health and safety need to be mitigated through the consultation process, in relation to the siting of Powerlines. The NPF, RSES and Local Development Plans and the Strategic Infrastructure Act provides the necessary framework for ensuring that all necessary standards are met, and that extensive statutory and non-statutory consultation is an intrinsic part of the planning process.</p> <p>The submission welcomes proposed Amendment Ref 12.5 in relation to hybrid renewables, proposed Amendment Ref 12.6 in relation to potential renewable energy generation, Proposed Amendment Ref 12.10 [new objective] in relation to support for renewable energy projects, and Proposed Amendment Ref 12.11 that includes a commitment to prepare a Renewable Energy Strategy.</p> <p>In relation to Proposed Amendment Ref 12.9, Section 12.5.4.1.4 & the Wind Zoning Map, ESB are concerned through Proposed Amendment Ref 12.9 the areas designated as ‘Open to Consideration’ are to reduce further. ESB assert that the approach taken by Kerry County Council seriously diminishes the land area potentially available for wind energy projects and has the potential to severely restrict the development of wind farms with consequent implications for the non-attainment of already very challenging binding national obligations in relation reducing emissions. The loss of areas ‘Open to Consideration’ in the north of County on the border with County Limerick reduces consistency with the adjoining Limerick Wind Energy Strategy. The submission highlights that the implementation of Regional Policy Objective (RPO 98 and RPO 99) of the RSES would help ensure consistency across the region.</p> <p>The submission also highlights concerns in relation to the introduction of the Proposed Amendments (12.13, 12.14, 12.15 & 12.16) that seek to restrict the repowering and extension of existing sites to areas designated as ‘Open to Consideration’ and Repowering Areas’. ESB suggest that Kerry County Council should revert to the policies outlined in the Draft Plan in relation to repowering and extensions to existing wind farms. All applications for repowering and extension of existing wind farms should be assessed on a case-by-case basis, in accordance with best practice environmental</p>	<p>In relation to Material Amendment Ref 12.3, see response to KE-C3-MA-6 Transport Infrastructure Ireland.</p> <p>Material Amendment 12.4 was inserted as a result of the contents of the Eirgird submission on the Draft Plan and this is considered to be appropriate.</p> <p>Support for Material Amendment Ref 12.5, 12.6, 12.10 and 12.11 is welcomed.</p> <p>In relation to Material Amendment Ref 12.9, see response to KE-C3-MA-37 OPR.</p> <p>See response to KE-C3-MA-30 Department of Environment, Climate and Communications.</p>

	<p>standards and the compliance with Article 6 of the Habitats Directive and the proper planning and sustainable development of the area.</p> <p>Finally, the submission outlines support for Proposed Amendment Ref 14.1 & DM7 that aim to strengthen the policy of promoting electric vehicle charge points. The ESB welcome the above initiatives to increase the rate of provision of charging points for electric cars.</p>	<p>Support for Material Amendment Ref 14.1 & DM7 is welcomed.</p>
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Recommendations
No proposed amendments.

Submission No.	Submission Summary	CE response
KE-C3-MA-36 IW	Irish Water have provided information on wastewater infrastructure and Drainage Area Plans, and also updates in relation to infrastructure.	Submission is welcomed and the relevant information will assist in the preparation of new LAPS.

Recommendations
No proposed amendments.

Non Statutory Consultees

Chapter 2 Climate Change & Achieving a Sustainable Future

Submission No.	Submission Summary	CE response
KE-C3-MA-34 Caroline Lynch	The submission suggests revised wording for Material Amendment Ref 2.16 as follows "Support a just transition away from cutting and distributing turf in order for people to heat their homes without damaging their health, their neighbours' health, the atmosphere and bog habitats".	In relation to Material Amendment Ref 2.16 , see response to KE-C3-MA-37 OPR

Recommendations
No proposed amendments.

Chapter 4 Towns & Villages

Submission No.	Submission Summary	CE response
KE-C3-MA-39 Dúchas an Daingin	The submission states support for Material Amendment Ref 4.5 "Facilitate and support Language Plans of the County for Gaeltacht Service Towns - Daingean Uí Chúis, Tralee and Cahersiveen, to achieve their target of increasing the number of daily Irish Speakers" and requests that it is extended to included "by 25% over the life cycle of the Language Plans".	The submission is noted but the Council are satisfied that the policies and objectives contained in the Draft Plan are sufficient to promote the use of Irish in these areas.

Recommendations
No proposed amendments.

Chapter 5 Rural Housing

Submission No.	Submission Summary	CE response
KE-C3-MA-2 Brian Sweeney	Material Amendment Ref 5.9 & 5.10 The submissions states objection to the removal of category (e) from Rural Areas under Significant Urban Influence in the rural housing policy.	The Council are satisfied that the policy complies with the sustainable rural housing guidelines for Local Authorities. The policies of the Draft Plan comply with the NPO 15 and NPO 19. See response to KE-C3-MA-37 OPR.
KE-C3-MA-33 Thobar Dhuibhne - Plean Teanga Chiarraí Thiar	Material Amendment Ref 5.4 - The submission states that reference to Gaeltacht's should be removed and replaced with Gaeltacht areas or Gaeltachts.	Submission noted.
KE-C3-MA-26 Brí Uíbh Ráthaigh - Plean Teanga Chiarraí Theas, ceanneagraíocht - Comhchoiste Ghaeltacht Uíbh Ráthaigh KE-C3-MA-39 Dúchas an Daingin KE-C3-MA-33 Thobar Dhuibhne - Plean Teanga Chiarraí Thiar	The submission seeks a change to Material Amendment Ref. 5.6 in relation to "The standard of Irish required shall be determined and assessed by Kerry County Council." The submission states that the phrase about the standard of Irish is too abstract and requests it to be changed from "The standard of Irish required shall be determined and assessed by Kerry County Council." to "The Standard of Irish shall be B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams and shall relate to a nominated adult member of the household. The Standard of Irish shall be determined by way of a standard procedure designed and carried out by a person qualified in language proficiency assessment" The submission states that the proposals relating to housing in the Gaeltacht are welcomed. The percentage of 66% of daily Irish speakers as residents in new developments in Gaeltacht areas is welcomed and that number needs to be reflected in some of the current Local Plans.	It is considered appropriate to amend the wording to state: The Standard of Irish shall be B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams. The Standard of Irish shall be determined by way of a standard procedure and carried out by a person/organisation qualified in language proficiency assessment to the satisfaction of Kerry County Council. Support is welcomed, however this does not relate to a material alteration. In any case the Kerry County Development Plan applies countywide therefore this policy relates to all Gaeltacht areas within the county, and will be included in the forthcoming LAPs.
KE-C3-MA-4 Padraig Griffin	Material Amendment Ref 5.9 & 5.10 - The submission states that the amendment does not accurately reflect the submission made on the draft plan. Whilst "a lifelong or life limiting condition" has been included in the wording of Objective 5-12 & 5-13, this is in brackets after the word "social" whereas the submission seeks that it is included as stand-alone wording. The submission also seeks inclusion of a new paragraph (d) to the rural settlement policy to accommodate those with these conditions.	As set out in Material Amendment Ref 5.9 & 5.10 , Objectives 5-12 & 5-13 have been revised to include additional wording [based on a submission received on the Draft Plan as follows: KCDP 5-12: In Rural Areas under Significant Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (<i>including lifelong or life limiting condition</i>) and /or economic links to a particular local rural area....." KCDP 5-13: "In Rural Areas under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (<i>including lifelong or life limiting condition</i>) and / or economic links to a particular local rural area....."

		<p>The Council are satisfied that KCDP 5-12 and KCDP 5-13 are in compliance with NPO 19 which states “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area”. Therefore, the inclusion of a stand-alone category based on a lifelong or life limiting condition, would be contrary to NPO 19. The Council are satisfied that Amendment Ref. 5.9 & 5.10 addresses the content of the submission by including it as a subcategory of social need.</p> <p>It is not considered necessary to make further amendments to these two objectives.</p>
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Recommendations

Amendment Ref 5.6 to be modified as follows:

Ensure that cluster developments in An Ghaeltacht settlements listed in table 5.1 shall be subject to linguistic and occupancy requirements in order to protect the linguistic and cultural heritage of the Gaeltacht areas including the promotion of Irish as the community language and that a minimum of 66% of Housing in Cluster Developments within the Gaeltacht areas shall be reserved for Irish Speakers. ~~The standard of Irish required shall be determined and assessed by Kerry County Council.~~ **The Standard of Irish shall be B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams. The Standard of Irish shall be determined by way of a standard procedure and carried out by a person/organisation qualified in language proficiency assessment to the satisfaction of Kerry County Council.**

Chapter 6 Sustainable Communities

Submission No.	Submission Summary	CE response
KE-C3-MA-39 Dúchas an Daingin	The submission proposes the following amendment to paragraph 6.4, Material Amendment Ref 6.11 Recommends that "Daingean Uí Chúis " be used instead of "Dingle"; "There are three Gaeltacht Service Towns (BSGs) designated in the County - Tralee, Daingean Uí Chúis and Cahersiveen "	It is considered appropriate to amend Dingle to Daingean Uí Chúis in paragraph 6.4 Material Amendment Ref 6.11 .
KE-C3-MA-39 Dúchas an Daingin	The submission states support for Material Amendment Ref 6.12 and requests that it is extended to included “by 25% over the life cycle of the Language Plans”.	The submission is noted but the Council are satisfied that the policies and objectives contained in the Draft Plan are sufficient to promote the use of Irish in these areas.

Recommendations

Material **Amendment Ref 6.11** in paragraph 6.4 to be modified as follows: “The NPF emphasises the importance of the language planning process, prescribed under Acht na Gaeltachta 2012. Kerry County Council acknowledges the importance of the Irish language as the vernacular of the Gaeltacht and for the promotion of the language outside the Gaeltacht. The Council therefore is committed to actively supporting and facilitating the implementation of language plans in Gaeltacht Language Planning Areas, and Bailte Seirbhísí Gaeltachta (BSG). There are three Bailte Seirbhísí Gaeltachta (BSG) designated in the County- Tralee, Dingle / **Daingean Uí Chúis** and Cahersiveen. It is recognised that these towns which are situated in or adjacent to Gaeltacht Language Planning Areas have a significant role in providing public services, recreational, social, and commercial facilities for Gaeltacht areas”.

Chapter 8 Gaeltacht Areas, Culture & Heritage

Submission No.	Submission Summary	CE response
KE-C3-MA-26 Aighneacht - leasú 8.8 KE-C3-MA-33 Thobar Dhuibhne - Plean Teanga Chiarraí Thia KE-C3-MA-39 Dúchas an Daingin	<p>Material Amendment Ref 8.8 - The submission seeks that Section 8.1.3.2 is amended "The standard of fluency in Irish required to demonstrate compliance with the Language Enurement Clause shall be the standard required to pass Level B1 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams and shall relate to a nominated adult member of the household. " There is an error here regarding the TEG level. Intermediate Level 2 is B2, should contain TEG B2 and B1 should have been removed.</p> <p>The submission supports the change from "three" to "two": "All applications for two or more dwellings in the Gaeltacht area will be referred to An Coimisinéir Teanga for comment." But further in the same article is "A Language Enurement Clause of 15 years duration shall apply to approved developments, of three or more units." If the first sentence is "three" to "two", then "three" should also be changed to "two": "A Language Enurement Clause of 15 years duration shall apply to approved developments, of two or more units. "</p>	<p>See response to Material Amendment Ref 5.6 within Chapter 5 Rural Housing Table.</p> <p>In relation to Material Amendment Ref 8.8, it is considered appropriate to amend the wording to state "TEG B2". See recommendations.</p> <p>It is considered appropriate to change the wording to state "A Language Enurement Clause of 15 years duration shall apply to approved developments, of two or more units". See recommendations.</p>
KE-C3-MA-33 Thobar Dhuibhne - Plean Teanga Chiarraí Thiar KE-C3-MA-39 Dúchas an Daingin	<p>Material Amendment Ref 8.8 & 8.10 - The submission requests the insertion of the word "independent" as follows ""The linguistic impact statement shall be prepared by an independent person qualified in the area of language planning".</p>	<p>See response to Material Amendment Ref 5.6 within Chapter 5 Rural Housing Table.</p>
KE-C3-MA-39 Dúchas an Daingin	<p>Material Amendment Ref 8.11 – The submission proposes the following amendment; "The standard of B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams shall be required by a minimum of one adult member of the household. This standard of Irish shall be determined through standard TEG procedure, determined and assessed by a person qualified in language proficiency assessment."</p>	<p>See response to Material Amendment Ref 8.8 within this Table [Chapter 8].</p>

Recommendations

Material **Amendment Ref 8.8** to be modified as follows: ".....A Language Enurement Clause of 15 years duration shall apply to approved developments, of ~~three~~ **two** or more units".

Material **Amendment Ref 8.8** to be modified as follows: New Section - "All applications for two or more dwellings in the Gaeltacht area will be referred to An Coimisinéir Teanga for comment. The linguistic impact statement shall be prepared by a person qualified in the area of language planning. A Language Enurement Clause of 15 years duration shall apply to approved developments, of ~~three~~ **two** or more units. The standard of fluency in Irish required to demonstrate compliance with the Language Enurement Clause shall be the standard required to pass Level ~~B1~~ **B2** Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams and shall relate to a nominated adult member of the household".

Chapter 9 Economic Development

Submission No.	Submission Summary	CE response
KE-C3-MA-9 Judith Fitzgerald KE-C3-MA-10 John O'Sullivan KE-C3-MA-12 Pat Carey KE-C3-MA-18 Patrick Walsh KE-C3-MA-16 NEWKD KE-C3-MA-19 Aidan Linnane KE-C3-MA-31 Dromclough NS	<p>Material Amendment Ref 3.6 - Omitting Listowel from Kerry hub - The submission raises objection to the exclusion of the Listowel Municipal District from the Kerry Hub and Knowledge Triangle. Further states that an economic impact statement report or an economic appraisal of these proposed policies must be produced. Further states that the "Potential North Kerry Shannon Estuary Network," does not yet exist, has no agenda and this network cannot be put forward to the public or to councillors as being in any way the equivalent to being included in the Kerry hub.</p> <p>The submission states that Listowel should not be excluded from the food hub triangle as it has one of the largest food companies in the world - Kerry Ingredients - and to exclude this area from the triangle could have detrimental effects on future investment in North Kerry.</p>	<p>This submission does not relate to a Material Amendment. The Kerry Hub is outlined in Section 9.4.1 of the Draft Plan.</p> <p>The Shannon Estuary Network is recognised in the RSES. In addition, as announced on the 22/02/2022, a new Shannon Estuary Economic Taskforce is being set up to fulfil the commitment in the Programme for Government. The Terms of Reference for the Shannon Estuary Economic Taskforce are to: Assess strategic strengths & comparative advantages of the Shannon Estuary; Scope potential areas of opportunity and specify policy and investment requirements to exploit those areas of potential; Assess the current connectivity of the region and make recommendations; And Produce a Report and associated Action Plan with specific steps in areas of potential.</p> <p>This submission does not relate to a Material Amendment, however it should be noted that there is no reference in the plan to a food hub triangle, and that Food Hubs are outlined in Section 9.7.6.1 of the Draft Plan.</p>
<p>Recommendations No proposed amendments.</p>		

Chapter 10 Tourism & Outdoor Recreation

Submission No.	Submission Summary	CE response
KE-C3-MA-44 James Brennan	<p>The submission states opposition to the development of the Blueway (Material Amendment Ref 10.23) on private property on the River Feale at Dromin Lower, Listowel. The submission also states opposition to any future plans by the council to link the River Feale at Dromin Lower to the Greenway.</p>	<p>Submission noted.</p> <p>This amendment includes the word 'sustainable' as part of Objective KCDP 10-41 and makes no other changes to that objective.</p> <p>It is the policy of the council to actively engage with all stakeholders in the development of greenways and blueways in the county.</p>
<p>Recommendations No proposed amendments.</p>		

Chapter 12 Energy

Submission No.	Submission Summary	CE response
KE-C3-MA-35 FEI	<p>Onshore Wind - The submission states that the Material Alterations make little effective change to the reduction of 90% in areas zoned for wind energy development in the Draft Plan and is contrary to the Climate Action Plan 2021 and a breach of the Climate Action and Low Carbon Development Act 2015 (as amended).</p> <p>The Council has failed to have regard to the provisions of the Wind Energy Guidelines (2006). The proposed amendments undermine the Council’s own wind energy methodology. The draft Plan, including its amendments, conflicts with the provisions of the Renewable Energy Directive and of the EU Regulation on the Governance of the Energy Union and Climate Action and frustrate the implementation of national energy policy, which in turn implements the provisions of the Renewable Energy Directive and the Regulation.</p>	<p>As per Material Amendment Ref 12.6 – it is estimated that the Draft County Development Plan provides a framework for approximately 389MW of additional renewable energy to be generated over the lifetime of the plan. In addition, there are planning permissions for additional wind turbines yet to be constructed in the county, and for existing windfarms to be extended or repowered and KCC are therefore in a position to contribute to achieving the goals of the Action Plan.</p> <p>In relation to Material Amendment Ref 14.20 and 14.21, see response to KE-C3-MA-37 OPR.</p>
KE-C3-MA-42 Wind Energy Ireland	<p>Policy Context - The submission states that the Material Alterations (Amendment Ref. 12.9) set out in the Draft Plan will have little to no impact on the previous reductions of areas zoned for wind energy development. This breaches the Climate Action and Low Carbon Development (Amendment) Act 2021. Local authorities are required under Section 15 of that Act to perform its functions (including the making of a Development Plan and Material Alterations) in a manner consistent with the Climate Action Plan. The local authorities are also obliged under Section 15 to perform its functions in a manner consistent with the furtherance of the national climate objective, and with the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State. By adopting this Draft Plan WEI believe that it would cause Kerry County Council to conflict with the 2021 Act, since it failed to follow Section 15 of the Act. Lastly, the draft Plan and its amendments, conflict with the provisions Renewable Energy Directive 2018/2001/EU. It further states that by frustrating the implementation of national energy policy in relation to the future development of wind energy, the provisions of the Renewable Energy Directive would not be abided by.</p>	<p>See response to Material Amendment Ref 12.6 (above).</p> <p>Also see response to KE-C3-MA-37 OPR.</p>
<p>KE-C3-MA-27 Not Here Not Anywhere</p> <p>KE-C3-MA-43 on behalf of Friends of the Irish Environment</p> <p>KE-C3-MA-23 Safety Before LNG</p>	<p>Material Amendment Ref 12.1 - The submission asks Kerry County Council to remove support for the gas importation facility and the expansion of the gas network from the county development plan. It states that Fossil Gas is touted by industry as a “transition fuel”. However, the latest peer-reviewed science is very clear – fossil gas cannot be regarded as a bridge fuel in the low carbon transition, used to “tide us over” until renewable energy meets demand.</p> <p>The submission raises concerns that the proposed material amendments are still clearly incompatible with national and regional planning strategies regarding their support for</p>	<p>The contents of the submissions are noted. The RSES identifies the Tarbert - Ballylongford landbank as an Energy Hub, which includes a LNG importation and storage terminal. Section 9.6.1.1 of the plan also supports the implementation of the SIFP.</p>

	the proposed Shannon LNG fracked gas import terminal. The submission strongly opposes Objective KCDP 12-3, both in its original and proposed change forms.	
KE-C3-MA-38 Orsted Onshore Ireland Midco Limited KE-C3-MA-41 SSE	Material Amendment Ref 12.6 – The submission states that this objective as it stands is not in support of the Climate Action Plan (CAP) 2021. An allowance should be set for additional onshore wind energy for the county in line with the CAP which sets a national target of 80% renewable electricity by 2030, consisting of approximately 4,000MW of additional onshore wind.	See response to KE-C3-MA-37 OPR.
KE-C3-MA-41 SSE	Material Amendment Ref 12.8 – The submission raises concern that this amendment indicates an intention to treat community-led wind farms differently for planning purposes without introducing specific safeguards, criteria, or definitions to clearly set out what constitutes a community owned or led project. It is not clear from the proposed text how the Council seeks to define what a ‘community’ is for the purposes of such developments. Of further concern to SSE is the fact that this approach appears to conflict with the efficacy of the wind zoning methodology adopted for the Draft CDP. If community-led wind farm projects can be ‘considered in areas outside of those zoned Open to Consideration or repower areas that are not subject to constraints as identified in the Wind Zoning Methodology’ it questions whether the wind zoning methodology is calibrated correctly to identify all areas potentially suited to wind development.	See Section 12.5.5 which relates to community led projects. It is considered that community led projects are small in scale and would have less of an impact on the landscape. Objective 12-36 of the Draft Plan states that it is an objective of the Council to work with stakeholders, support and lead the community in becoming active participants in the county’s future energy systems.
KE-C3-MA-38 Orsted Onshore Ireland Midco Limited KE-C3-MA-41 SSE	Material Amendment Ref 12.9 – The submission disagrees with this statement and submits that any wind energy project proposed throughout the County should be considered on its merits, subject to environmental assessment, regardless of its location within the County. Submit that the areas open-to-consideration in the plan should have a greater extent throughout the County and a greater emphasis on robust environmental assessment should be included in the Plan rather than zoning of individual areas. The submission seeks that the wind zoning methodology is used in a consistent manner in order to ensure it is transparent and consistent with the regionally focused approach to planning and development set out in the various national and regional planning strategies under which Kerry County Council is bound, including but not limited to the Wind Energy Guidelines (Department of Housing, Local Government and Heritage, 2019). The submission further seeks to remove the designation of specific Repower Areas in favour of a case-by-case approach to assessing the suitability of proposals to repower or extend the life of individual wind energy developments.	See response to KE-C3-MA-37 OPR.

<p>KE-C3-MA-28 John O'Sullivan</p>	<p>The submission seeks clarifications on a number of amendments in relation to the interpretation of these amendments.</p> <p>Regarding Material Amendment Ref 12.9, 12.12, 12.13, 12.15, 12.16, changes to these amendments are requested.</p>	<p>Submission is noted.</p> <p>In relation to Material Amendment Ref 12.9 “the capacity of certain areas” is considered to be an appropriate term as the entirety of the County has been assessed in terms of wind energy developments.</p> <p>In relation to Material Amendment Ref 12.12, the term commercial refers to the sole purpose of a wind farm development for commercial purposes, the difference in essence is the fact that a community windfarm is first and foremost a community led and focused project which may have a commercial aspect. The key differentiation for this objective is that residential visual based impacts would be less likely due to the communal based decision process that form part of the projects.</p> <p>In relation to Material Amendment Ref 12.13 see response to KE-C3-MA-37 OPR.</p> <p>In relation to Material Amendment Ref 12.15 and 12.16, the text that is referred to within the submission does not form part of the substantive material of the material amendment but rather other text within those sections.</p>
<p>KE-C3-MA-41 SSE KE-C3-MA-38 Orsted Onshore Ireland Midco Limited</p>	<p>Material Amendment Ref 12.10 & 12.11 – The submission seeks an amendment to this New Objective to include reference to onshore wind energy</p>	<p>It is not considered appropriate to include onshore wind energy within this objective as there are other objectives and policies in the plan relating to wind energy.</p>
<p>KE-C3-MA-41 SSE</p>	<p>Material Amendment Ref 12.12 – The submission seeks the removal of the word “commercial” from Section 12.5.4.1.6.</p>	<p>It is not considered appropriate to remove the word commercial.</p>
<p>KE-C3-MA-41 SSE</p>	<p>Material Amendment Ref 12.23 – The submission seeks greater clarity on what a ‘community owned/led’ project is and what ‘suitably scaled’ means to better guide those seeing to develop and advance community driven renewable energy projects.</p>	<p>Section 12.5.5 of the Draft Plan relates to community led projects. It is considered that community led projects are small in scale and each would be assessed on a case by case basis</p>
<p>KE-C3-MA-15 Scartaglin Wind Awareness Group</p>	<p>Wind Energy - Scartaglin Wind Awareness Group welcomes and appreciates Material Amendment Ref 12.9, the removal of Scartaglin regions from Open to Consideration for possible Wind Energy Development.</p>	<p>The contents of the submission are noted. See response to KE-C3-MA-37 OPR.</p>
<p>Recommendations No proposed amendments.</p>		

Volume 2: Town Development Plans

Submission No.	Submission Summary	CE response
Tralee		
KE-C3-MA-3 MWP	Settlement Capacity Audit / R1 zoned Land - The submission recommends that two sites in Cloghers are reinstated as R1-New/Proposed Residential zoned land. Amendment Ref. 3.9 identifies that 85ha is the amount of zoned land is required for Tralee and 85.1ha is the existing zoned land however this does not correspond with the Settlement Capacity Audit number and there is a shortfall of circa 1ha. It is recommended in the submission that this shortfall in residential capacity is met by incorporating the two sites in the submission as R1 zoned land.	The existing zoned land figure as included in the Core Strategy Table (Amendment Ref. 3.9) includes the area of the lands subject to Amendment Ref. Tralee 15. The zoned land required figure for Tralee therefore must be updated to reflect this zoning change as per the Settlement Capacity Audit. It is the intention of the Council to review the town plans in the next year as per Amendment 1.5. In addition, under Section 10.12 (c) of the Planning Act, the Council are precluded from further modifications at this stage where it relates to an increase in the area of land zoned.
KE-C3-MA-45 William Dore	Settlement Capacity Audit / Land Use Zoning – The submission outlines that the R1 zoned site No.16 Kearney’s Road is subject to flooding. The submission also raises concern about the non-availability of zoned land for residential development. The submission states that KCC have incorrectly categorised Blennerville as being in the environs of Tralee.	It is the intention of the Council to review the town plans in the next year as per Amendment 1.5. In addition, under Section 10.12 (c) of the Planning Act, the Council are precluded from further modifications where it relates to an increase in the area of land zoned
KE-C3-MA-40 Diane Crean	The submission states that as per Figure 2, in the Material Alterations, a north-eastern section of the lands [Creans land in Rathonane] in the revised Flood Risk Map is identified as a Flood Type A/B (Material Amendment Ref Tralee 16), with the specific reference TR 118. Pages 43 and 64 of the SFRA that accompanies the Material Alterations seeks to “Ensure that highly vulnerable developments are not permitted in areas identified in Flood Zone A and B”.	The planning authority will fully engage with the applicant/owner regarding any potential development of the site. It is understood that detailed design is underway to establish the most appropriate solution to this localised flooding issue, the results of which are expected to report in Autumn 2022.
Killarney		
KE-C3-MA-17 Mary O’Connell	Tier 2 Lands in Killarney - The submission states that the Lands at Bishops Farm, Ballycasheen, Killarney are shown as Tier 2 Serviceable on the Draft Killarney Settlement Capacity Audit, even though as per the completed table, the lands are services including road access, footpaths, public lighting, foul/storm sewer and water supply. It further notes that there are existing services running though and alongside these lands and therefore request that these lands be changed to Tier 1 zoning. In addition the estimated density units p/ha refers to 25-20 which is assumed to be a typo error and should be rectified to read 25-30 to correspond with the potential yield figures.	These lands are zoned R1 in the town plan and the land is designated T2 due to the planning history on the site. The planning authority will fully engage with the applicant/owner regarding any potential development of the site. As per Table 3.7, the Zoned Land Required, has been determined based on the Settlement Capacity Audit contained in Volume 2 for these settlements. It is proposed to phase residential lands in Tralee and Killarney in order to meet the housing targets of these settlements allowing for the contribution of brownfield/infill sites and to reflect the tiered approach to zoning.
KE-C3-MA-22 Portal Asset Holdings Ltd.	R1 Zoning, Port Road, Killarney - The submission supports proposed amendment ‘Killarney 9’ which states that the R1 zoning be reinstated in full on the lands at Port Road, Killarney.	The contents of the submission is noted.

Recommendations

No proposed amendments.

Miscellaneous

KE-C3-MA-13 Thomas Stahlin	<p>The submission reiterates that Right of Way No. 41 is a pedestrian route only.</p>	<p>Submission noted. This does not relate to any specific material alteration. In accordance with Section 10(2) P & D Act, the County Development Plan only contains a list of existing established ROW. The Council has no plans to carry out works and the existing status quo stays the same.</p>
KE-C3-MA-25 John O'Sullivan	<p>The submission references statistics from several sources and believes they should be included in the CDP including statistics and quotes from the Kerry Economic Recovery Plan, several ABP cases, Capital Budget Plan and Regional Spatial and Economic Strategy.</p>	<p>The contents of the submission is noted. The preliminary results of CSO Census 2022 have recently been published and will be incorporated into the Plan where appropriate.</p>
KE-C3-MA-28 John O'Sullivan	<p>The submission makes commentary on various material amendments, but no proposed changes are set out by the submitter.</p>	<p>The contents of the submission is noted.</p>

Recommendations

No proposed amendments.

List of Submissions

Reference Number	Name	Organisation/On behalf of
KE-C3-MA-1	Lee Kelly	Environmental Protection Agency (EPA)
KE-C3-MA-2	Brian Sweeney	
KE-C3-MA-3	MWP	John Moriarty
KE-C3-MA-4	Padraig Griffin	Griffin Project Management
KE-C3-MA-5	Department of Transport	Department of Transport
KE-C3-MA-6	Michael McCormack	Transport Infrastructure Ireland
KE-C3-MA-7	Alan Hanlon	Department of Education
KE-C3-MA-8	Gary Mackin	Cork Airport daa plc
KE-C3-MA-9	Judith Fitzgerald	
KE-C3-MA-10	John O'Sullivan	
KE-C3-MA-11	Sinéad O'Brien	Department of Housing, Local Government and Heritage
KE-C3-MA-12	Pat Carey	
KE-C3-MA-13	Thomas Stahlin and Henriette Stahlin Kehril	
KE-C3-MA-14	David Kelly	Southern Regional Assembly
KE-C3-MA-15	Scartaglin Wind Awareness Group	Scartaglin Wind Awareness Group
KE-C3-MA-16	NEWKD	NEWKD
KE-C3-MA-17	Mary O'Connell	Mark O Leary
KE-C3-MA-18	Patrick Walsh	
KE-C3-MA-19	Aidan Linnane	
KE-C3-MA-20	Michael Mac Aree	National Transport Authority
KE-C3-MA-21	Tomás Bradley	EirGrid Group PLC.
KE-C3-MA-22	Conor Frehill, HW Planning	Portal Asset Holdings Ltd.
KE-C3-MA-23	John McElligott	Safety Before LNG
KE-C3-MA-24	Ian Lumley and Phoebe Duvall	An Taisce
KE-C3-MA-25	John O'Sullivan	
KE-C3-MA-26	Brí Uíbh Ráthaigh - Plean Teanga Chiarraí Theas, ceanneagraíocht - Comhchoiste Ghaeltacht Uíbh Ráthaigh	Brí Uíbh Ráthaigh - Plean Teanga Chiarraí Theas, ceanneagraíocht - Comhchoiste Ghaeltacht Uíbh Ráthaigh
KE-C3-MA-27	Not Here Not Anywhere	Not Here Not Anywhere
KE-C3-MA-28	John O'Sullivan	

Reference Number	Name	Organisation/On behalf of
KE-C3-MA-29	Conor Galvin	Office of Public Works
KE-C3-MA-30	Clare Glanville	Department of Environment, Climate and Communications
KE-C3-MA-31	Mary O Connor	Dromclough NS
KE-C3-MA-32	Colm Cummins	Electricity Supply Board
KE-C3-MA-33	Tobar Dhuibhne - Plean Teanga Chiarraí Thiar	Tobar Dhuibhne - Plean Teanga Chiarraí Thiar
KE-C3-MA-34	Caroline Lynch	
KE-C3-MA-35	Sinéad O' Malley	FuturEnergy Ireland
KE-C3-MA-36	Irish Water	Irish Water
KE-C3-MA-37	Anne Marie O'Connor	Office of the Planning Regulator
KE-C3-MA-38	Eamon Hutton	Orsted Onshore Ireland Midco Limited
KE-C3-MA-39	Dúchas an Daingin	Dúchas an Daingin
KE-C3-MA-40	Jim Fitzgerald Engineer	Diane Crean
KE-C3-MA-41	Yvonne Murphy	SSE plc
KE-C3-MA-42	Denis Devane	Wind Energy Ireland
KE-C3-MA-43	Friends of the Irish Environment	Friends of the Irish Environment
KE-C3-MA-44	James Brennan	
KE-C3-MA-45	William Dore	