

Section 1



Section 1

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1.1 Introduction

A draft LAP has been prepared for lands in the Kenmare MD in accordance with the requirements and provisions of the PDA 2000, as amended. The purpose of the Plan is to set out a comprehensive local planning framework with clear policies and objectives including land use zoning, in the interests of the common good. The successful implementation of the Plan will have a positive impact on the Kenmare MD, ensuring it develops in a sustainable manner. In conjunction with Project Ireland 2040, the National Planning Framework (NPF), the Regional Spatial and Economic Strategy for the Southern Region (RSES) and the KCDP, this LAP will complete the planning framework for the area and complement the implementation of the policies and objectives contained in these higher-level plans.

1.1.1 Public Consultation

Submissions or observations on the draft Kenmare MD LAP are hereby invited from all stakeholders, members of the public and other interested parties.

Submissions and observation on this draft Plan may be made during the period from: 31st August until 13th October 2023. Submissions/observations may be made using the online consultation portal:

<https://consult.kerrycoco.ie/>

or

In writing to the
Planning Policy Unit,
KCC,
County Buildings,
Rathass, Tralee, Co. Kerry, V92 H7VT,
marked Draft Kenmare MD LAP.

1.1.2 The Plan Area

The Kenmare MD (Figure 1.1) is one of five MDs in Kerry. Within the Plan area, the regional towns are Cahersiveen, Kenmare and Killorglin, while Sneem and Waterville occupy an important role as District Towns for the area as identified in the settlement hierarchy of the KCDP. Baile an Sceilg, Beaufort, Chapelstown, Dún Géagáin, Glenbeigh, Kilgarvan, Knightstown and Portmagee are the principal villages in the Plan area – see Table 1.1. The regional towns are significantly larger than the other settlements in the LAP area.

The Gaeltacht area of Uíbh Ráthach is also situated in the Kenmare MD.

The status of the settlements in the Plan area had regard to the criteria set out in Section 3.3 of the RSES and to the following:

- Recent trends in population, employment and the level of services available in the settlements.
- Accessibility and geographical influence in a regional/sub-regional and county context.
- Character of local geography and accessibility as a service centre for remote and long-distance rural hinterlands.
- Infrastructure provision or planned infrastructure investment and their ability and appropriateness to accommodate future growth.

Settlement Hierarchy	Settlement
Regional Town	Cahersiveen, Kenmare, Killorglin
District Town	Sneem, Waterville
Villages	Baile an Sceilg, Beaufort, Chapeltown, Dún Géagáin, Glenbeigh, Kilgarvan, Knightstown, Portmagee
Small Village Settlements	An Chillín Liath, An Gleann, Bonane, Caherdaniel, Castlecove, Cromane, Glencar, Kells, Kilgobnet, Lauragh, Tahilla, Templesoe and Tuosist.

Table 1.1: Settlement Hierarchy

This draft LAP will replace the previously adopted LAPs contained in the Kenmare Functional Area LAP 2010, Killorglin Functional Area LAP 2010 and Cahersiveen, Waterville & Sneem Functional Area Plans 2013-2019. This LAP will also replace the West Iveragh LAP 2019-2025.

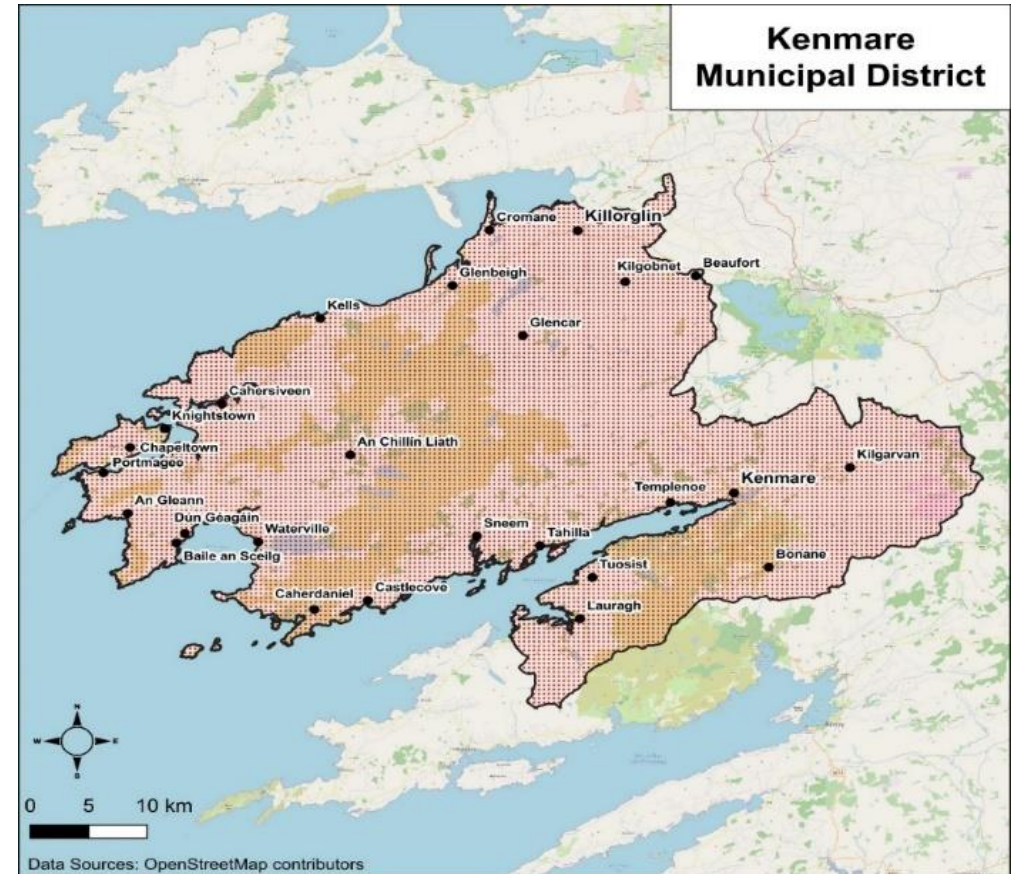


Figure 1.1: Settlements within Kenmare MD

This draft Plan has been prepared in accordance with the Planning and Development Act (as amended) and will be made available to the public, as per Section 1.1.2. Any comments and observations received will be considered prior to the adoption of the Plan or amendment to the draft Plan.

1.2 Form and Content of the Draft Plan

The Plan consists of two volumes:

Volume One: Written Statement sets out main policy material which includes both a written statement and relevant illustrative material including maps, diagrams, and plans. There are three main sections:

Section 1: Introduction outlines the LAP, explains the background to the Plan, and core principles that have contributed to its preparation.

Section 2: Strategic Vision and Development Strategy sets out the overall strategic vision and development strategy for the area, including growth and population targets for the settlements.

Section 3: Settlements

Introduction to Settlements introduces the overall development principles for the MD settlements.

- **Cahersiveen, Kenmare & Killorglin** sets out the planning proposals for the main regional towns of the area. Zoning maps for Cahersiveen, Kenmare and Killorglin are also included in this section.

- **Sneem, Waterville** sets out the planning proposals for the district towns of the area, namely Sneem and Waterville. It is accompanied by a zoning map for each settlement.
- **Villages** sets out the planning proposals for the key villages, namely Baile an Sceilg, Beaufort, Chapelstown, Dún Géagáin, Glenbeigh, Kilgarvan, Knightstown and Portmagee. Each settlement is accompanied by a zoning map.
- **Small Village Settlements** sets out the planning policies for the settlements of An Chillín Liath, An Gleann, Bonane, Caherdaniel, Castlecove, Cromane, Glencar, Kells, Kilgobnet, Lauragh, , Tahilla, Templeoe and Tuosist.

Volume Two: Environmental Reports includes the Strategic Environmental Assessment (SEA), the Natura Impact Report (NIR), and the Strategic Flood Risk Assessment (SFRA).

Volume One, Volume Two and other supporting documentation relating to the LAP are available on <https://consult.kerrycoco.ie/>.

1.3 LAP Status and Process

Sections 18 - 20 of the Planning & Development Act 2000, as amended, provide that an LAP may be prepared in respect of any area which a Planning Authority considers suitable, in particular for areas which require economic, physical and social renewal and for areas likely to be the subject of large-scale development within the lifetime of the Plan. An LAP shall be made in respect of an area which has a population in excess of 5,000. Given that Kenmare M.D. has a total population of 27,161 persons (as per Census 2022), the preparation of a LAP for this area is therefore appropriate and consistent with legislation.

The statutory timeframe for the LAP as set out in the PDA 2000, as amended, commences upon the date of public display of the draft Plan. Table 1.2 outlines the timeframe of the preparation of this LAP.

1.4 Purpose of the Local Area Plan

The LAP is the principal statutory planning instrument at a local level. The purpose of the LAP is to guide future Plan led coordinated sustainable and equitable development within the towns and villages of the area. It functions to inform members of the public, the local community, stakeholders and developers of the policies and objectives for the development of this area including provisions in relation to: land use management, community facilities and amenities, public and private resource inputs, transport and infrastructure, urban design, heritage and the environment.

Stage	Stage Description	Process Timeframe
1	Pre-Draft Stage	Pre-draft Public Consultation Issues Paper from the 4 th August to 9 th September 2022
2	Draft Plan Stage	Public Display of Draft LAP (6 Weeks)
		Chief Executive's Report on Submissions Received (6 Weeks)
		Council Members Consider the Chief Executive's Report (6 Weeks)
3	Amendments to Draft Plan	Adopt or Amend LAP (3 weeks)
		Amendments SEA/AA Screening of amendments commences
		Public Notice of Material Alterations and Screening Report, Full Environmental Report if Deemed Necessary and Available Subject to Section 20(3) (G) (3 Weeks)
		Public Display (4 Weeks)
		Preparation of Chief Executive's Report (4 Weeks)
		Chief Executive's Report (6 Weeks)
		Council Members Decision (6 Weeks)
4	Adopted Plan	Adoption of LAP (This comes into effect 4 weeks from the date of adoption)

Table 1.2: Statutory Timeframe Kenmare MD LAP Preparation

1.4.1 Role of KCDP 2022-2028

This draft LAP must be read in conjunction with the KCDP and any variation thereof. All guidelines and policy documents referred to in the KCDP are applicable to this draft Plan. This draft Plan does not propose to duplicate unnecessarily any policy or objective already included in the KCDP. **Unless otherwise stated, the policies, objectives and development management standards as set out in the KCDP 2022-2028, apply to this Plan.** All planning applications received within the area will be measured against the contents of this LAP and the current KCDP.

1.5 LAP Requirements

The Planning and Development Acts (as amended) set out matters that must be included in a LAP. Consideration can only be given to matters that relate to the proper planning and sustainable development of the area. The LAP must:

- Demonstrate consistency with the objectives of the KCDP, in particular with the core strategy, especially in relation to the quantum and location of lands identified for development.
- Be consistent with the relevant planning guidelines issued by the Minister for Housing, Planning, Community and Local Government under Section 28 of the Planning and Development Acts.

In addition, an LAP must also (through the public participation process):

- Focus on identifying and meeting the needs of communities rather than development for development's sake.
- Promote local economic development and employment growth by focusing on issues such as the creation of

vibrant and dynamic town centres where local businesses thrive, and the provision of low-cost accommodation for start-up businesses.

- Integrate environmental considerations into local planning by addressing both the causes and the effects of climate change including flood risk, maximising biodiversity and providing green infrastructure. As part of this, the Plan only supports strategies plans and projects or aspects of same which are compatible with the requirements of the Habitats Directive and all policies and objectives supported by the Plan are required to be carried out in a manner which does not adversely affect the integrity of Natura 2000 sites.
- Ensure adequate provision is made for schools.
- Encourage smarter travel patterns through more compact, less sprawling and better structured urban areas, and facilitate more sustainable and healthier travel habits such as walking, cycling and the use of public transport.
- Deliver high quality urban design that improves people's quality of life.
- The LAP must achieve balance between the needs and aspirations of the community with the requirements of the Planning Authority and the expectations of stakeholders.

It should be noted that any reference to development in this Plan should be considered to refer to 'sustainable development'. The conservation of species and habitats in accordance with the requirements of the EU Habitats and Birds Directives is considered to be an important component of the sustainable strategies, policies and objectives of the Plan.

1.5.1 Plan Preparation Context

The proposed Plan builds on previous plans, adopted for the settlements within the LAP area. The Plan also reflects the vision and key objectives for the Plan area as set out by the recently published KCDP. It takes into account recent key development trends and national, regional and local policy developments such as Housing for All, Town centre First which provides for the inclusion in LAPs of objectives for the development and renewal of areas identified as being in need of regeneration, vacant sites register and housing supply issues. Further the LAP has been prepared within the context of continuing high rates of development in rural areas, with low growth rates recorded for the main towns and villages of the MD. More recently the long-term impacts as a consequence of the Covid 19 pandemic on the economy in the Kenmare MD, an area that is heavily reliant on tourism is unknown at this time.

1.5.2 LAPs, SEA and AA Requirements


The PDA 2000 (as amended) requires planning authorities, before making a LAP to consider the likely significant effects on the environment of implementing the LAP. The 2004 SEA Regulations were amended by the European Communities (Environmental Assessment of Certain Plan and Programmes) (Amendment) Regulations 2011 (S.I. No. 200 of 2011) and the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (S.I. No. 201 of 2011), the latter of which applies to land use plans, including LAPs. As the area contained in this LAP has a population of 27,161 (Census 2022) and this population exceeds the threshold for mandatory SEA (population > 5,000), a SEA has been carried out.

An Environmental Report on the likely significant environmental effects arising from the implementation of this Plan has been prepared and is available for public comment in tandem with this draft Plan. In addition, in accordance with Article 6 of the Habitats Directive this draft Plan has also been screened to determine

whether or not its implementation will give rise to any significant effects on Natura 2000 sites through the Appropriate Assessment (AA) process and a Natura Impact Report has been prepared and is available for public comment in tandem with this draft Plan.

1.5.3 Climate Action and Biodiversity

The LAP is underpinned by climate action policy, including protection of biodiversity, that seeks to integrate mitigation and adaptation into the proper planning and sustainable development of the MD Area. The LAP supports measures to cut emissions in line with national targets, particularly in the key areas of transport and the built environment. This aligns with local targets as they evolve in Kerry's Local Authority Climate Action Plan to be adopted in 2024. Adaptation is specifically addressed in the accompanying SFRA. *Making space for nature*, particularly in the sustainable development of urban spaces is fully supported in the Plan.

As part of the SEA of the LAP and in order to ensure the Plan was "climate proofed" objectives that specifically support climate action are marked by . In addition, a *Climate Action Audit* (Appendix E) provides more detail on the how the Plan aligns with climate action policy.

1.5.4 Flood Risk Assessment & Management

The LAP is subject to a SFRA which is being prepared in tandem with the drafting of the LAP, the SEA and AA. The SFRA considers the flood risk issues relevant to the Plan area and is being prepared in accordance with requirements of the Department of the Environment, Heritage and Local Government (DoEHLG) and Office of Public Works (OPW) Planning 2009 Guidelines '*The Planning System and Flood Risk Management*'.

The LAP strategy has been specifically informed by the SFRA and specifically the key requirements for acceptable flood management as set out in Table 6.3. The SFRA will also provide

guidance to ensure sustainable flood risk management principles underpin planning decision-making in the LAP over its lifetime. In summary no known land identified as a flood risk has been zoned for a flood vulnerable use e.g., proposed residential in this Plan.

It is recommended that all future developments within the LAP should be designed and constructed in accordance with the "Precautionary Principle" detailed in the guidelines. All the flood zoning within this LAP is based on the High-End Future Scenario (HEFS) for climate change.

Objectives relating to Land use and Flood Risk Management as set out in the Chapter 11 of the KCDP shall be adhered to in this LAP. Objectives relating to nature-based solutions to storm water management are set out in Chapter 13 of the KCDP.

1.5.5 Public Consultation – Issues Paper

A period of pre-draft public consultation ran from 4th August 2022 until 9th September 2022 during which the public were invited to make submissions/observations to assist the non-statutory background data gathering process. Figure 1.2 illustrates some of the issues raised in the pre-draft consultation.

There were 60 submissions received. Where possible this LAP has sought to address the issues raised during the pre-draft consultation.



Figure 1.2: Issues raised during pre-draft consultation