



21st June 2019

Mr. Damien Ginty
Acting Senior Planner
Kerry County Council

Re. Draft West Iveragh Local Area Plan

Dear Mr Ginty

Thank you for your authority's work in preparing the Material Alterations to the Draft West Iveragh Local Area Plan.

The Office of the Planning Regulator has assessed the Material Alterations above under the relevant provisions of the Planning and Development (Amendment) Act 2018 and under which the Office of the Planning Regulator (OPR) was established on 3rd April last.

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning. Accordingly, the following submission is made in relation to the Proposed Material Alterations:

1. Proposed Additional Residential Zonings

A total of 47 Proposed Material Alterations to the Draft West Iveragh Local Area Plan 2019-25 have been published by Kerry County Council. These alterations include two additionally proposed residential zonings which are of significance: one at Knightstown on Valentia Island (Proposed Amendment No.46) and the other at Cahersiveen (Proposed Amendment No.47).

Knightstown, Valentia Island (PMA No.46)

This Amendment seeks to change the zoning in the originally published Draft LAP from Objective P1 Agriculture to R1 Residential for a substantial parcel of lands (c. 9 hectares) to the west of the village. The site, comprising 6/7 fields, is positioned largely to the rear of houses along the main road and with a substantial coastline to the north. The amendment includes a caveat of a 'minimum site curtilage of 1 acre'.

Under s.19(2) of the Planning & Development Act (as amended) a Local Area Plan must be consistent with the core strategy of the relevant County Development Plan. Knightstown has not been identified as a growth settlement under Kerry County Council's Core Strategy as set out in Chapter 3 of the County Development Plan. Consequently, the proposed zoning of greenfield lands for new residential development is not consistent with the Kerry County Development Plan and is therefore in breach of s.19(2) of the Act.

Lands north of Cahersiveen (PMA No.47)

This amendment concerns creating an extension to the settlement boundary of Cahersiveen northwards and zoning lands for R1 Residential, R2 Existing Residential and M4 Built Up Area – with the zoning for new residential (R1) amounting to 6.6 ha. The subject lands are either side of the main road but are positioned on the far (northern) side of the bridge across the inlet from the town. The amendment would represent the first development zoning on the northern side of the inlet as the existing town and zonings are confined to the southern side of the inlet.

The originally published Draft West Iveragh LAP provides for residential zonings to assist the planned growth of Cahersiveen in accordance with the core strategy of Kerry County Development Plan 2015-21 (per table 2.2 of the LAP). Additional random zonings facilitating new residential under PMA No.47 are not in accordance with the Kerry County Development Plan and would represent excessive new housing development that is in breach of s.19(2) of the Act. Development of these spatially detached lands would represent piecemeal and uncoordinated development of the town into the surrounding countryside and erode the established boundary of the town along the southern side of the inlet.

The proposed significant new zonings at Knightstown on Valentia Island (Proposed Amendment No.46) and at Cahersiveen (Proposed Amendment No.47) are not consistent with the adopted core strategy of the Kerry County Development Plan 2015-21 and are therefore in breach of s.19(2) of the Act.

Recommendation 1: The Office recommends that your authority omits Proposed Material Alterations numbers 46 (Knightstown) and 47 (Cahersiveen) from the Draft West Iveragh Local Area Plan.

2. Next Steps

The Office requests that your authority addresses the specific recommendation outlined above in bold that is made in the context of the provisions of Section 31AO(3)(a) in order to ensure that the Draft LAP is consistent with relevant national policy obligations, guidelines and legislative requirements.

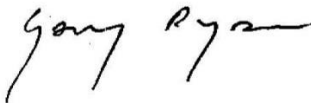
The report of the Chief Executive of your authority prepared for the elected members under Section 20 of the Act must summarise this recommendation and the manner in which it should be addressed. In addition, your authority is required to notify this Office within 5 working days of the making of the local area plan and send a copy of the written statement and maps as made.

Where the planning authority decides not to comply with the recommendation of the Office or otherwise makes the plan in such a manner as to be inconsistent with the recommendation made by the Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matter further as regards the making of a recommendation to the Minister in relation to a Direction that may be required under Sections 31AO and 31AP of the Act.

This Office would welcome further discussion of the above with your authority's forward planning team and if you so wish to arrange such a discussion in the context of informing your responses to the above, please contact the undersigned at: plans@OPR.ie

Yours sincerely

A handwritten signature in black ink that reads "Gary Ryan". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Gary Ryan

Assistant Director (Plan Evaluation)

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