



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

**OPR Ref: DP-006-25**

21<sup>st</sup> March 2025

Senior Planner,  
Planning Policy Unit,  
Planning Department,  
Kerry County Council,  
County Buildings,  
Rathass,  
Tralee,  
Co. Kerry,  
V92H7VT

**Re: Proposed Variation No. 1 to the Kerry County Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing proposed Variation No. 1 (the proposed Variation) to the Kerry County Development Plan 2022-2028 (the County Development Plan) .

A key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and 31AM(2) of the Planning and Development Act 2000, as amended (the Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is requested to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is advised by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

On adoption of the variation, the Office will consider whether it has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and development of the area concerned.

## **Overview**

The Office welcomes the preparation of the proposed Variation and in particular, the Office notes and welcomes the overall approach of Kerry County Council (the Planning Authority) in the preparation of the proposed Variation and in addressing the National Planning Framework (NPF) and the Southern Regional Assembly (SRA) Regional Spatial and Economic Strategy (RSES) in accordance with section 13 of the Act.

In relation to the core strategy and the zoning of residential lands, the Office notes that the proposed Variation proposes changes to text, objectives and residential land use zoning. The Office is generally satisfied with these changes and notes that there is no resultant impact on the core strategy from the zoning proposals.

The Office recognises the Planning Authority's rezoning of lands within Tralee Town and Ardfert to reflect the current policy framework for compact, sequential and sustainable growth. Notwithstanding, the Office advises that a more focused approach to zoning lands as R4 Strategic Residential Reserve and O1 Strategic Reserve is required to assist in forward planning for infrastructure delivery and support compact growth principles.

The Office also raises concerns about the lack of focus and analysis of Employment lands in the proposed Variation, which does not provide an evidence-based justification for the overall quantity and location for lands use zonings, identification of accessibility to services

and identification of sites uptake and capacity remaining for future development for employment uses in Tralee, Ardfert and Fenit.

In particular, the Office has concerns regarding the justification for a new Strategic Site zoning, the extension to the Kerry Technology Park in Tralee. While the extension may be justified in terms of the need for additional Employment lands, the new zoning objective for this site (C7) includes Shops and Offices which has the potential to undermine the vitality and viability of the town centre which the proposed Variation otherwise seeks to support. Further consideration also needs to be given to the accessibility of the lands by walking, cycling and public transport. Similarly, the Office is concerned regarding the inclusion of cinema use for two other Strategic Sites located outside the town core at Ballybeggan and Bracker O'Regan Road.

In relation to Fenit, the Office also raises concerns relating to a new Tourism C5 zoning due to wastewater capacity restrictions within the plan period.

The Office also welcomes the provision of the draft Tralee Local Transport Plan (draft LTP) as part of the proposed Variation. However, although generally satisfied with the content of the Variation and objectives, the Office recommends a review on objectives to include Employment and Retail sites and more comprehensive mapping to improve integration of land use and sustainable transport for the proposed Variation and Tralee specifically.

Otherwise, the focus on town centre retail and regeneration, in particular retail policy objectives KCDP TR 33 - 38 supporting Town Centre First approach and the management of Manor West and East and West, KCDP TR 39 - 41, is strongly welcomed, and the Office supports the comprehensive range and hierarchy of regeneration proposals identified in the proposed Variation.

Finally, this submission recommends a number of amendments to management of flood risk in the area.

The submission below has been prepared to provide strategic level input to the Planning Authority in finalising the proposed Variation. It is within the above context that the submission sets out six (6) recommendations and two (2) observations under the following key themes:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#">Core strategy and zoning for strategic reserve</a>	<a href="#">Recommendation 1</a>	-
<a href="#">Economic development/employment lands</a>	<a href="#">Recommendation 2, 3, and 4</a>	-
<a href="#">Town centre and regeneration</a>	-	<a href="#">Observation 1</a>
<a href="#">Transport and integrated land use and sustainable transportation</a>	<a href="#">Recommendation 5</a>	-
<a href="#">Flood risk management</a>	<a href="#">Recommendation 6</a>	-
<a href="#">Implementation and monitoring</a>	-	<a href="#">Observation 2</a>

### **1. Core strategy and zoning for strategic reserve**

The proposed Variation proposes text, objective and residential land use zoning changes. The Office is generally satisfied with these changes and notes that there is no resultant impact to the core strategy from the zoning proposals.

The Office recognises the Planning Authority’s rezoning of lands within Tralee Town and Ardfert to reflect the current policy framework for compact, sequential and sustainable growth. However, a more focused approach to zoning lands as R4 Strategic Residential Reserve and O1 Strategic Reserve is required so that investment in infrastructure delivery can be appropriately prioritised and co-ordinated with housing delivery, and to support compact growth and the sequential approach to zoning whereby the most centrally located development sites are prioritised for new development.

As there is a sufficient supply of residential and mixed use lands to accommodate housing supply targets and future population growth and there is no evidence to support the zoning of further R4 Strategic Residential Reserve and O1 Strategic Reserve zoned lands in Tralee Town, the Office finds the Planning Authority’s consideration that the zoning of these lands is best placed for the next plan cycle is in accordance with section 4.4.2 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines).

## Recommendation 1 - Strategic Residential Reserve and Strategic Reserve Lands

Having regard to the quantity of land zoned for Strategic Residential Reserve and Strategic Reserve, the principles of compact growth, sequential approach to zoning, and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- NPO 3c of the NPF;
- RPO 35 of the RSES for compact growth;
- the policy and objective for sequential approach to zoning at section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines); and
- NPO 72a-c of the NPF for the tiered approach to zoning and the policy and objective that land use zoning should be informed by a Settlement Capacity Audit at section 6.2.1 of the Development Plans Guidelines,

the Planning Authority is recommended to omit the following R4 Strategic Residential Reserve and O1 Strategic Reserve zoning objectives:

- (i) KCDP TR-23;
- (ii) lands at Cloghers (currently zoned P1 Agriculture); and
- (iii) lands bounded by Dromthacker Road and Bill Kinnerck Road (currently zoned P1 Agriculture and unzoned).

## 2. Economic development/employment lands

The proposed Variation proposes text, objectives and various Employment land use zonings retained and amended. The Office is generally satisfied with these changes, however there are a number of concerns regarding the transparency and clarity of information provided to justify some of these amendments.

The Office acknowledges that the proposed Variation highlights the importance of the RSES, SRA key economic drivers for Kerry, and identifies Tralee as a key town, focusing on Tralee as having a key role in the Kerry Hub and Knowledge Triangle. The Office also acknowledges policy Objective KCDP TR-52 which aims to promote Tralee as a centre for research and innovation and section 3.1.11. of the proposed Variation which highlights the

importance of tourism as an economic driver for the settlement and wider region due to Tralee's strategic location on the Atlantic Economic Corridor and Wild Atlantic Way.

However, section 3.1.11 has generally limited updated employment data for Tralee. This compares to the previous Tralee Municipal District Local Area Plan 2018 -2024 (Local Area Plan) which included statistics relating to unemployment rate, economic activity, industry type and how jobs are distributed in the employment sector. As Tralee is a key town and driver for economic growth in Kerry and this proposed Variation will replace the above Local Area Plan, it is necessary to ensure that the sufficient information is provided to ensure that the economic strategy for the area is clear and evidence-based.

In this respect, the Office notes the following:

- although there is reference to a recent planning permission and some recent developments within the sites however, no comprehensive overview has been carried out of the previously zoned Employment lands from the previous plans or new extensions and zonings;
- while the proposed Variation refers to some of the lands zoned for economic development at Monavalley, Clash site, Munster Technological University, Kerry Technology Park and Kerry ETB in this section, it does not comprehensively identify other existing zonings which will provide for economic development opportunities for a range of uses throughout Tralee;
- similarly, the proposed Variation proposes a hierarchy of economic development sites including three (3) Strategic sites, four (4) Mixed Use sites, four (4) Opportunity sites, and the Tralee Leisure and Recreational Quarter and Tralee Bay Coastal Hub, all of which are to be commended but are dealt with in different sections of the Local Area Plan;
- also, although the Settlement Capacity Audit identifies the four Mixed Use zonings, no other Employment land zonings have been included and as such it is not clear if there is adequate infrastructure capacity to service the Employment zoned lands;

- further details should be provided in relation to the scale, land capacity availability per employment type, and accessibility to public transport routes, road/rail network and active travel networks. This should include the out-of-town retail warehouse/parks including at Manor West/Manor East; and
- while the various Employment lands zonings above are identified on Tralee Zoning map figure 3.4.1 and figures 3.43 - 3.46 maps A, B, C and D of the Local Area Plan, and other figures throughout the document, the Employment lands zonings with their requisite land zoning objectives are not clearly identifiable. Given Tralee's role as a key town in the RSES and importance of economic land zonings to this settlement, a comprehensive map showing the hierarchy and suite of Employment sites being retained, changed or extended should also be provided.

The Office also notes the new extension zoning to the North East of Kerry Technology Park. Notwithstanding the objective of the RSES and the County Development Plan to focus on Tralee as a centre for research and innovation, and the recent permission granted for a medical products factory, limited evidence-based justification has been provided to support the scale of the extension to the zoning at this more peripheral location and what measures may be in place to link active travel measures adjoining the site to improve connectivity.

### Recommendation 2 - Employment zoned lands

Having regard to the provision of a clear and strategic evidence-based rationale underpinning the zoning of land for employment purposes, the co-ordination of land use zoning and infrastructure, and the integration of land use and sustainable mobility, and in particular to:

- NPO 10b of the NPF;
- NPO 72a-c of the NPF for the tiered approach to zoning and the policy and objective that land use zoning should be informed by a Settlement Capacity Audit in the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines);
- RPO 62, RPO 26d, RPO 26f, and RPO 212 of the RSES;

- section 6.2.5 of the Development Plan Guidelines - Zoning for Employment Lands; and
- KCDP 9.19, 9.20, 9.21, and 9.22 of the Kerry County Development Plan 2022-2028,

the Planning Authority is recommended to

- (i) review Economic section 3.1.11 of the proposed Variation to include further background and up to date information regarding the economic profile and economic activity for the key town of Tralee and key settlements included in the proposed Variation;
- (ii) provide an evidence-based justification for the overall quantity and location of all Employment land use zonings clearly identifying new and existing zonings. Where no such justification can be provided, the lands should not be zoned for high intensity employment;
- (iii) provide details of the scale of the sites, land uptake and land capacity by employment use type, accessibility to road/rail routes and public transport and active travel networks and infrastructure capacity analysis and audit for each site applying the tiered approach to zoning;
- (iv) provide a strategic map of Tralee identifying existing and proposed Employment lands zonings and sites with employment generating uses including Industrial/Business/Technology Park, Mixed Use sites, Strategic sites, Opportunity sites and key Retail Parks; and
- (v) review the new extension zoning to Kerry Technology Park to the North East of Tralee to provide an evidence-based rationale for the further expansion to the northeast periphery of the settlement taking into account active travel opportunities and infrastructure capacity. Where no such justification can be provided, the lands should not be zoned for high intensity employment.



In addition to the above, the proposed new zoning objective (C7) applies both to the new extension to the Kerry Technology Park and MTU site, previously zoned as Education and Education/Innovation/Research and Development. The C7 zoning objective would allow for a wider range of development uses to be Open to Consideration or Permitted in Principle, including Shops (Class 1), Financial/Professional Services and Offices (Class 3). The Office is concerned that this has the potential to undermine Tralee's Town Centre First approach, Objective KCDP TR-34 of the proposed Variation and the County Development Plan. The proposed new extension to the Kerry Technology Park zoning and zoning matrix therefore needs reviewed and amended in light of the above.

The Office also notes that the two other Strategic sites, Ballybeggan (former Racecourse) and Bracker O'Regan Road (Zone A and Zone B only) are zoned as C6 Mixed General Commercial/Industrial/Enterprise which includes Cinemas (Class11) as Open for Consideration. The Office has concerns regarding the potential to undermine the vitality and viability of the town centre and considers that this needs to be reviewed.

### Recommendation 3 - Employment lands - Zoning Matrix

Having regard to town centre regeneration and prioritising a town centre first approach, and in particular to:

- NPO 6 of the NPF for the regeneration of towns;
- RPO 55 of the RSES supporting retail in towns and village centres;
- the sequential approach to development as set out in the Retail Planning Guidelines for Planning Authorities (2012); and
- NPO 74 of the NPF and the National Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society,

the Planning Authority is recommended to:

- (i) review the Zoning Matrix (p.137) and amend C7 to ensure that town centre uses are not permitted or provide limitations on nature and scale of town centre uses including Shops (Class1), Financial/Professional Services, Office (Class3) in relation to the following:

- (a) the revised zoning from Education to C7 zoning at MTU;

- (b) Kerry Technology Park where rezoned from C6 to C7; and
- (c) the new North Eastern extension to Kerry Technology Park; and
- (ii) review the Zoning Matrix (p.137) to amend zoning code C6 (Mixed General commercial/industrial/enterprise) to ensure that Cinemas/Class 11 is not permitted or provide limitations to Cinema/Class 11 for Strategic Sites, Ballybeggan (former Racecourse) and Bracker O'Regan Road, Zone A and Zone B.

The proposed Variation also introduces a significant new Tourism zoning (C5) to the southeast of Main Street.

The Office notes however that Uisce Éireann (UÉ) has highlighted a concern regarding wastewater capacity at Fenit. Fenit Wastewater Treatment Plant has been identified under the UÉ's Small Towns and Villages Growth Programme and is at concept stage which is estimated to be completed by 2029.

Furthermore, the proximity of Fenit to the Akeragh, Banna and Barrow Harbour SAC raises concerns regarding potential adverse impacts on the Natura 2000 sites where on-site wastewater treatment and discharge is required. The lack of wastewater treatment capacity does not appear to have been considered as part of the Appropriate Assessment in the Natural Impact Report and this should be reviewed.

The Office therefore has concerns given the lack of wastewater capacity within the plan period, that the new zoning of lands for any development cannot be serviced and therefore should either not be zoned for development at this stage or should clarify that development will be constrained until the development can be serviced by the upgraded wastewater treatment plant.

In addition, the Strategic Flood Risk Assessment (SFRA) highlights a flood risk on a significant part the southern section of this site with restrictions to water compatible uses only. Having regard to the provisions of Objective KCDP SP-16, the proposed Variation should clarify that the restrictions to water compatible uses apply that those parts of the C5 zoning located in the flood zone.

## Recommendation 4 - Fenit New C5 Zoning

Having regard to the co-ordination of land use zoning and infrastructure capacity, and the protection of water resources and the integrity of European designated sites, in particular to:

- NPO 72a-c of the NPF for the tiered approach to zoning and the policy and objective that land use zoning should be informed by a Settlement Capacity Audit in the Development Plans, Guidelines for Planning Authorities (2022);
- NPO 63 of the NPF for the efficient and sustainable use of water resources;
- NPO 59 of the NPF for the management of protect areas and protected species; and
- RPO 26d, RPO 26f and RPO 212 of the RSES,

the Planning Authority is recommended to omit or amend the new zoning for Tourism C5 to lands to the south-east of Main Street, Fenit to coordinate development with the delivery of the wastewater treatment plant and to clarify that the restriction to water compatible uses in Objective KCDP SP-16 apply to those parts of the C5 zoning located in the flood zone.

The Planning Authority is advised to engage with Uisce Éireann and Office of Public Works in relation to the above.

### 3. Town centre and regeneration

The Office welcomes the inclusion of a range of policy objectives to promote and protect town centres, including KCDP TR-33 - KCDP TR-38, KCDP TR-34 to promote a Town Centre First approach, KCDP TR-37 limiting non-confirming retail developments, and KCDP TR-39 - KCDP TR-41 for Manor West/Manor east to manage and limit retail development in order to protect the vitality and viability of Tralee town centre.

The identification of a hierarchy of sites and schemes in various maps, tables and diagrams within this section is also to be welcomed. However, the regeneration proposals are located in different sections of the County Development Plan and it is difficult to fully ascertain spatially the extent of how the proposals as a whole will have a positive impact on Tralee

and how they interconnect and will be delivered to boost the redevelopment of the town centre.

Furthermore, a key component in promoting the town centre as a focus for future development is to ensure there is an improvement in public realm, focusing on strengthening pedestrian and cycle links and creating further linkages to the wider cycle network as indicated in section 3.1.2 of the proposed Variation - Development of Tralee.

While these measures are indicated in parts of the proposed Variation, it is not clear how these existing and new regeneration proposals will integrate with positive improvements to public realm at sites such as Town Square, Market Quarter, Casement Plaza, and the Opportunity Sites, Masterplan sites and Neighbourhood and how these are connected to the central train station/bus station and wider Greenway and Cycle path networks.

There is merit therefore in providing a town centre map, identifying and demonstrating all the regeneration proposals and how the hierarchy of these will be delivered spatially. Furthermore, the map should identify also how the pedestrian permeability will be improved providing linkages to train and bus stations, and how walkways and cycle paths will be linked and integrated with the regeneration sites within the town centre and radiating into the wider active travel mode networks.

The Office welcomes and notes the various regeneration objectives in the proposed Variation, including KCDP TR-13- KCDP TR 17 relating to Public Realm, and the various objectives relating to Masterplan sites, Urban Development Zones, Regeneration Neighbourhoods and Design Briefs. It is unclear, however, from the text and objectives what status the various sites will have in the proposed Variation and what weight or consideration can be attached to the proposals and various maps/diagrams for future decision making.

#### Observation 1 - Town centre and regeneration

Having regard to the need for compact growth and town centre regeneration, and in particular to:

- NPO 6 of the NPF; and
- RPO 15f and RPO 34 of the RSES,

the Planning Authority is advised to:

- (i) enhance the Town Centre Regeneration section of the proposed Variation by identifying the hierarchy of regeneration sites and proposals for Tralee including: Masterplan sites, Urban Development Zones/Priority Area Plans, Opportunity sites, Design Briefs and Regeneration Neighbourhoods and Tourism proposals by way of a comprehensive map;
- (ii) attach all relevant town centre public realm enhancement schemes and active travel proposals for walking and cycling with improved linkages for permeability, town centre laneway upgrades, linkages to greenways/recreational activities to the map and demonstrate how proposals integrate with regeneration sites; and
- (iii) clarify the status/position of Masterplans, Urban Development Zones/Priority Area Plans, Design Briefs and Opportunity sites and Regeneration Neighbourhoods regarding the weight/consideration to attach to the such sites and relevant documentation/maps within the proposed Variation.

#### **4. Transport and Integrated Land Use and Sustainable Transportation**

The Office welcomes the preparation of the draft LTP as part of the proposed Variation.

The inclusion of Objectives KCDP TR-97 – 98 for the prioritisation and delivery of interventions and actions set out in the draft LTP to be progressed in the lifetime of the County Development Plan is also strongly supported. Similarly, Objective KCDP TR-98 positively focuses on facilitation of school zone measures, including slow zones around schools, promotion of active travel measures for schools and the introduction of School Park and Stride sites at figure 3.33 of the proposed Variation.

While the Office notes and acknowledges section 1.3.5 of the proposed Variation and overarching objectives KCDP SP-13 - 15, it focuses only on the need for improving connectivity in existing and proposed residential areas. It should be acknowledged that there are other high trip generator destinations in settlements such as Retail and Employment areas. This general objective should therefore be extended to include key strategic Employment lands and strategic Retail sites outside the town centre where appropriate.

It is also recommended that this approach is included in respect of Tralee (section 3.1.15.1 of the proposed Variation) and in Objective KCDP TR-96. These changes would support improvement permeability and connectivity in Tralee.

Regarding connectivity, the Office also notes the inclusion of separate figures 3.30 - 3.34 for walking, cycling, public transport and parking strategies from the draft LTP alongside Objective KCDP TR-96. However, the proposed Variation does not include a comprehensive map to provide clarity and transparency on how existing and new proposals will integrate with the main trip generation locations for Tralee including key Residential and Employment lands and Retail sites and also how these links with public transport stops/stations and therefore recommends an inclusion of a map in this respect.

### **Recommendation 5 - Integration of Land use and sustainable transportation**

Having regard to the need for integration of land use and sustainable transportation, and in particular to:

- NPO 74 and the National Strategic Objective of the NPF for sustainable mobility;
- RPO 151 of the RSES regarding Integration of Land Use and transport;
- RPO 152 of the RSES regarding delivery of permeability for walking, cycling and public transport modes; and
- the Climate Action and Low carbon Development Act 2015 as amended, mandatory target to reduce greenhouse gas emission by 51%, the Climate Action Plan 2024 and associated actions including the National Sustainable Mobility Policy 2022 targets to reduce vehicle kilometres travelled per year and the National Investment Framework for transport Ireland (2021),

the Planning Authority is recommended to:

- (i) review section 1.3.5 and Objective KCDP SP-13 and include the implementation of improved connectivity objectives to and from strategic Employment lands including Strategic sites and key Retail sites;
- (ii) review section 3.1.15.1 (Tralee Local Transport Plan) and Objective KCDP TR-96 and include the implementation of improved connectivity objectives to and from strategic Employment lands including Strategic sites and key Retail sites; and

(iii) provide a comprehensive map which identifies connectivity for existing and proposed active travel networks and public transport network for strategic existing and proposed residential, Employment lands and Retail sites and linkages to public transport stops and stations for Tralee.

## 5. Flood Risk Management

The Office welcomes the preparation of the SFRA for the proposed Variation and the approach taken with to the Plan Making Justification Test (Justification Test) to inform the policies and objectives of the proposed Variation. The Office also welcomes objectives KCDP SP-16 – KCDP SP-20 of the proposed Variation in relation to flood risk.

However, the Office notes that the SFRA refers on several occasions, under Flood Risk Comments and Recommendations, that ‘an objective should be included’. It should be reviewed and confirmed that this aspect of the SFRA has been transferred into the draft proposed Variation.

In relation to the sequential approach to flood risk management, the Office welcomes the inclusion of Justification Test for new development but notes that the Office of Public Works (OPW) raises a concern regarding existing, developed, zoned areas at risk of flooding. The OPW highlights Circular PL2/2014 - section 4.27 regarding an existing land use which may be categorised as a ‘highly vulnerable development’ such as housing, be zoned for residential purposes and also be located in Flood Zone A and B, as well as additional small infill housing/extensions/change of use which may increase the risk of number of people in a flood prone zone area.

These scenarios must be considered in the plan making process for the Justification Test and would appear to have been overlooked in this SFRA.

Therefore, if a Justification Test is appropriate for developed areas, this needs to be included as part of the SFRA. It is noted that the Planning Authority has carried out assessments of these sites in the Flood Risk Comments and Recommendations section. However, the comments have not been transferred into the Justification Test. A reference to Objective KCDP SP-17 in relation to development within existing built-up areas located within Flood Zone A and B should also be included where appropriate.

The Office has also identified a number of mapping issues to be addressed by the Planning Authority through material amendments:

- figure 3.40 for Tralee is difficult to review due to the lack of quality of the map, therefore it is necessary to ensure the map is at an appropriate scale and fully legible;
- the flood extent layers for Flood Zone B across all flood maps have not been included and the correct probability extent layers have not been added, and there is no clear legend with the flood risk map which can be easily interpreted; and
- the Fluvial and Coastal Flood Zone Maps have been separated in the SFRA, and these should be combined to assist with review and interpretation.

The Office notes and welcomes reference to Sustainable Urban Drainage Systems (SuDS) in the SFRA, particularly table 6.2 - Sustainability Hierarchy for a range of SuDS techniques. The Office also welcomes the rainwater management objectives KCDP SP-21 – KCDP-26, in particular the promotion of swales and ponds. However, the development objectives for the Opportunity sites and Strategic sites should include SuDS incorporating nature-based solutions, and this should be included in the SFRA and guidance provided on the types of measures that are considered appropriate.

### **Recommendation 6 - Flooding risk management**

Having regard to the need to flood risk management, and in particular to:

- NPO 57 of the NPF;
- RPO 114, RPO 115, RPO 116 of the RSES; and
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines),

the Planning Authority is recommended to:

- (i) amend the proposed Variation to include the recommendations in the SFRA (under Flood Risk Comments and Recommendations) where 'an objective should be included';



- (ii) review the Plan Making Justification Test (Justification Test) in the SFRA to ensure that it applies also to existing developed areas, within the urban centres of Tralee Town and Villages which includes employment, retail, community, residential and transport functions. Where lands have not passed the Justification Test they should not be zoned for inappropriate development in accordance with the sequential approach set out in the Flood Guidelines;
- (iii) include Objective KCDP SP-17 relating to development within existing built-up areas located within Flood Zones A and B;
- (iv) review and provide clarity for Tralee Town Flood Map – figure 3.40 to ensure legibility;
- (v) review and attach the flood extent layers to ensure the correct layers are attached to both Flood Zone layers A and B and ensure clear legend has been attached to the Flood Risk Mapping;
- (vi) review the Flood Zone Maps to ensure that the Fluvial and Coastal Flood Zone Maps are combined together as one map in the Strategic Flood Risk Assessment; and
- (vii) ensure that the management of surface water runoff in the development of the Opportunity and Strategic sites is in accordance with Sustainable urban Drainage Systems (SUDS) nature-based solutions. These sites should be identified in the SFRA and necessary guidance provided on the applicability of different SUDS techniques.

The Planning Authority is advised to engage with the Office of Public Works in relation to the above.

## **6. Implementation and Monitoring**

Sections 10.3 and 5.1 of the Development Plans Guidelines encourages planning authorities to periodically review the success or otherwise of the implementation of the policies and objectives of a development plan by effective monitoring systems such as reviewing progress in securing the progress of specific objectives of the development plan.

The Office notes that an implementation and monitoring strategy has not been included in the proposed Variation and the Office also notes there is not a clear detailed implementation and monitoring strategy in the current County Development Plan. It is considered necessary under the Development Plans Guidelines that a systematic approach to monitoring should be adopted, which would assist the Planning Authority in implementing the key objectives/actions of the proposed Variation and provide suitable indicators and timeline for implementation of actions and projects.

### Observation 2 - Implementation and monitoring

Having regard to the effective implementation and monitoring of the Kerry County Development Plan 2022-2028 and in particular to sections 10.3 and 5.1 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines), the Planning Authority is advised to provide a detailed section for the systematic approach to monitoring and implementation of key objectives and actions for the proposed Variation.

**Note:** chapter 10 of the Development Plans Guidelines provides useful guidance in this regard.

### Summary

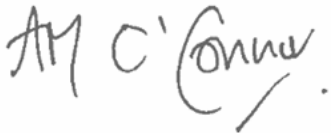
The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within **five working days** of the decision of the Planning Authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Variation in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

Is mise le meas,

—

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive, slightly slanted style.

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015

—