

Proposed Amendments

To the

Castleisland Functional Area
Draft Local Area Plan
2009 - 2015

Kerry County Council
Planning Policy Unit



29th October 2009

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Introduction

1.0 Legal Preamble

Under Section 18 of the Planning and Development Act 2000 (as amended), Kerry County Council as a Planning Authority may prepare for any particular area within its functional area, a local area plan in respect of that area. The Act requires the plan to consist of a written statement and a plan/s, indicating objectives for the proper planning and sustainable development of the area. Such objectives are to be consistent with the objectives of the County Development Plan.

It is an objective of Kerry County Council as a Planning Authority to prepare local area plans for the settlements in the county which are grouped into Functional Areas in the Kerry County Development Plan 2009-2015. The plan for each settlement shall zone sufficient lands for residential, commercial, economic and social development, within defined development limits, and in accordance with its function. Plans will also make provision for the conservation and improvement of the cultural, natural and built heritage of an area.

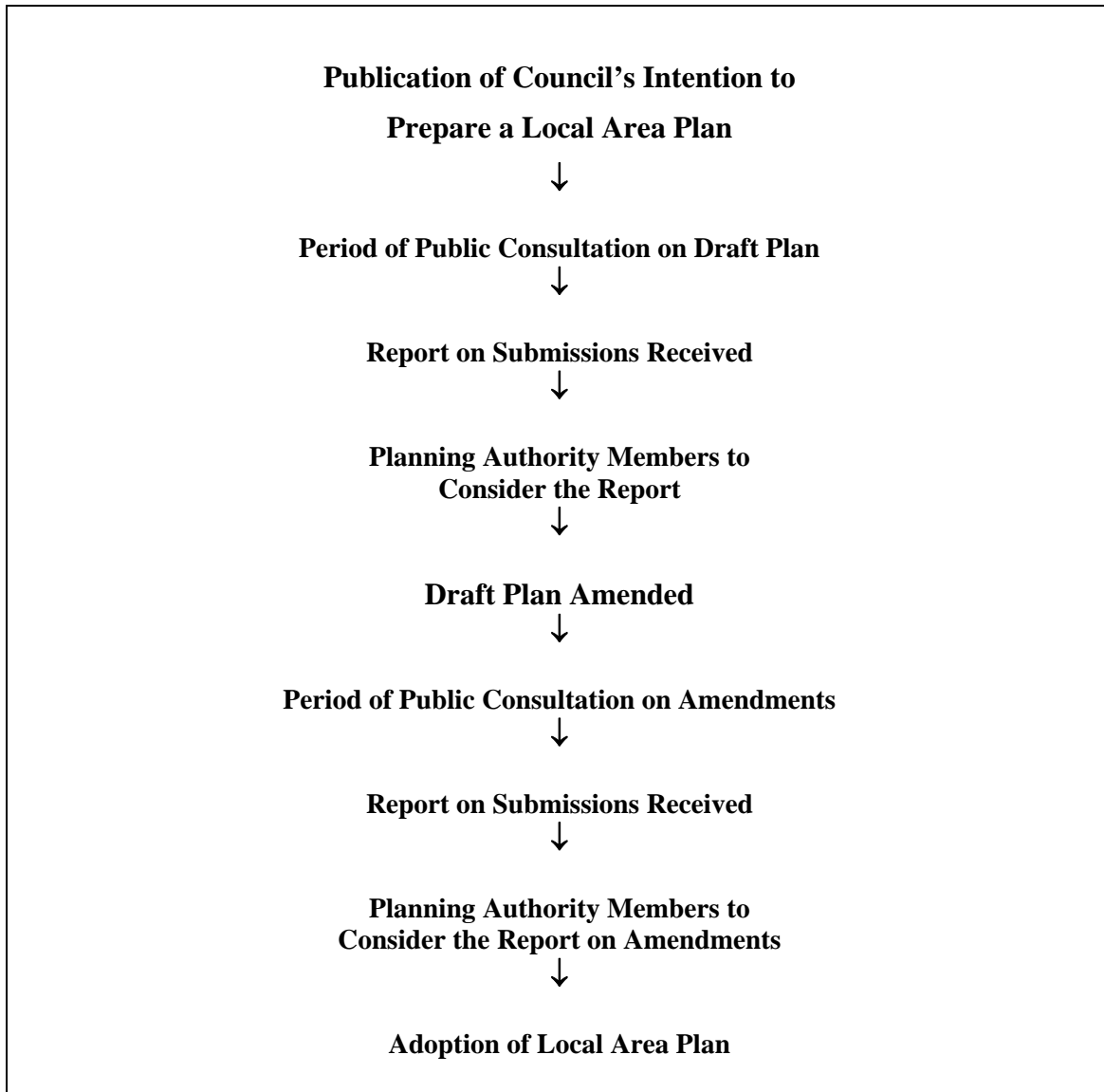
When adopted by the Council, local area plans will provide the overall framework for the development of an area and will be a material consideration in the assessment of planning applications. In addition to its regulatory functions, plans provide both a blue print for maximizing the social and economic potential of each settlement, and a tool for the spatial management of an area.

2. Process

The process for the preparation of the local area plan is shown in Table 1. The draft plan, in conjunction with the publication of notice inviting submissions from the public, was placed on public display from 22nd July 2009 to 3rd September 2009. An open day for members of the public was also held in Castleisland on 5th August 2009.

In all, 40 no. submissions were received during the consultation period of the plan. The County Managers Report and Recommendations on Submissions was presented at the Kerry County Council meeting held on 12th October 2009. The proposed amendments in this document are those approved by the elected members to go out for public consultation between 28th of October 2009 and the 26th of November 2009.

Table 1



Proposed Amendments (General)

Amendment no 1

It is proposed that Objective Ru-18 of Subsection ‘2.0 Overall Objectives’ of section 3 (Rural Area) of the plan should be replaced with the following;

It is an objective of the Council to ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

Amendment no 2

It is proposed that the following be added to the list of documents in the Introduction of Section 1 of the plan,

“The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, the Dept. of Education and Science and DEHLG”. (2008)

Amendment no 3

It is proposed that Objective Ru-13 be replaced with the following text,

It is an objective of the Council to encourage ecologically sustainable ecotourism in the rural area.

Amendment no 4

Objective Ru-17 should be amended by replacing the words ‘designated cSPA’s’ with the words ‘proposed or designated SPA’

Amendment no 5

The following text should be inserted into Section 1.0 Introduction of the first section of the draft plan, after the words ‘it is within the context of these documents that local policies are developed.’ and before ‘ This plan is presented.....’. (instead of the existing text).

In accordance with legislation, local area plans must be consistent with the provisions and policies of the County Development Plan. Similarly County Development Plans must be consistent with the provisions of the Regional Planning Guidelines. This hierarchy of plans is indicated in Figure2. This provides for the consistent, coherent transfer of higher order planning strategies from regional level to the local level and ensures that policy at all levels works to achieve the broader strategic goals for the region. The LAP areas are indicated in Figure 1 with the population and growth targets for each area outlined in Table 1.

The Kerry County Development Plan 2009-2015 contains the strategy for the preparation of local area plans which divides the County into functional areas based on their strategic role and service provision for their hinterlands. The Tralee Killarney Hub, designated under the National Spatial Strategy, is the focal point for the County’s development in a National context, being one of a number of Gateways and Hubs throughout the Country identified to promote balanced regional development. In accordance with the provisions of the Kerry County Development Plan 2009-2015, Castleisland is a Primary Functional Area.

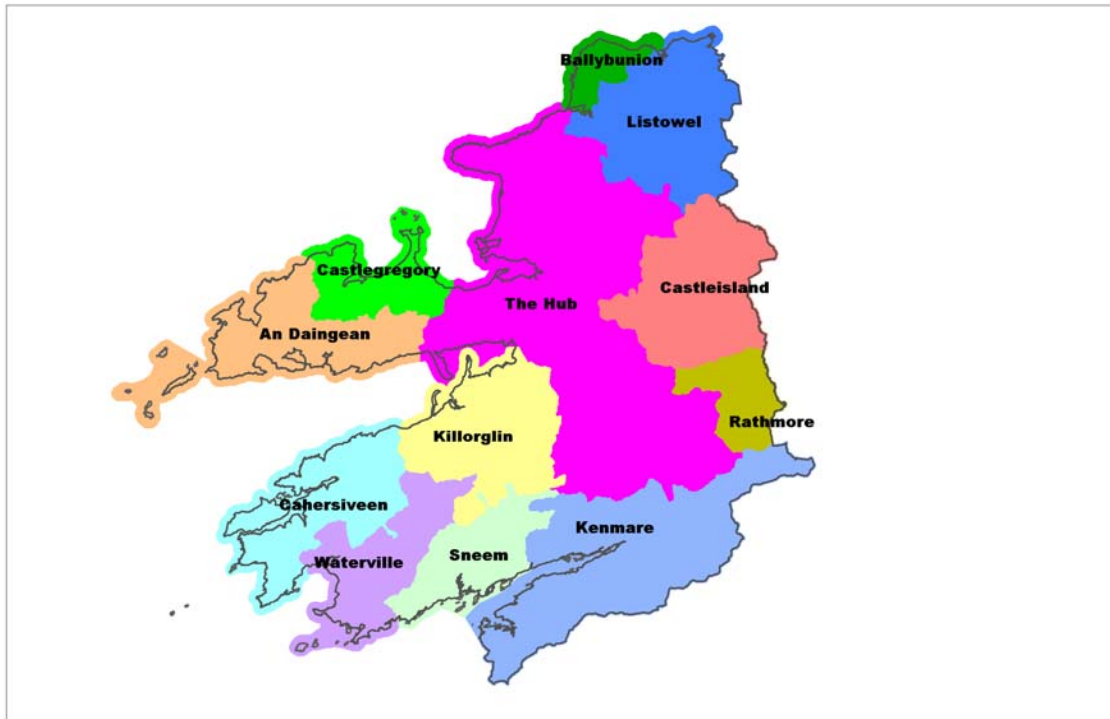


Figure 1
LAP Functional Areas

FIG. 2 HIERARCHY OF PLANS

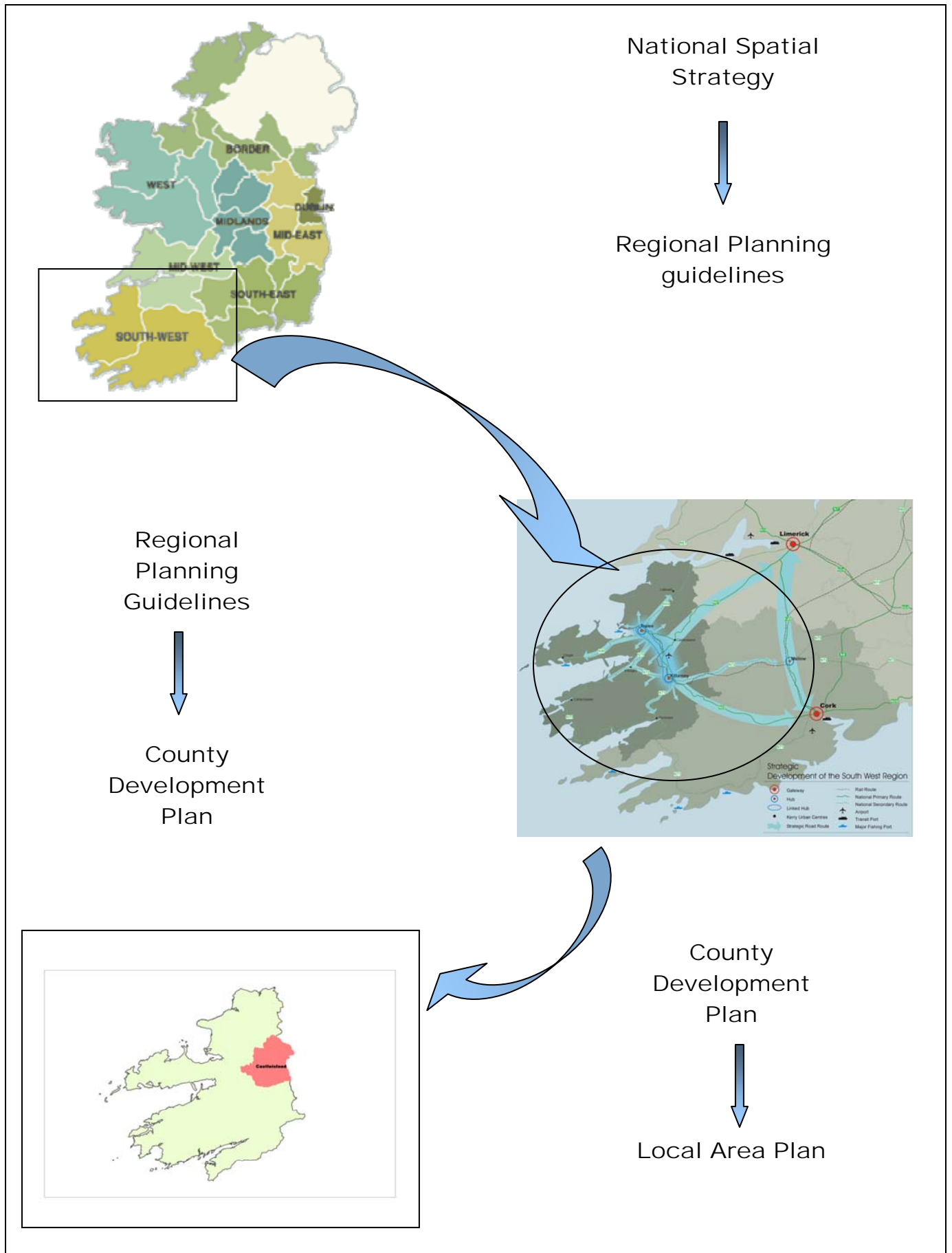


TABLE 1

POPULATION AND GROWTH TARGETS 2010 - 2016

SWR 2006 620,744	SOUTH WEST REGION POPULATION 2010 667,500	SOUTH WEST REGION POPULATION 2016 737,100	SWR 2022 795,000
KERRY 2006 139,835	COUNTY KERRY POPULATION 2010 149,847	COUNTY KERRY POPULATION 2016 165,471	KERRY 2022 178,469
TRA – KILL HUB 2006 37,347	TRALEE KILLARNEY HUB POPULATION 2010 39,700	TRALEE KILLARNEY HUB POPULATION 2016 44,700	TRA – KILL HUB 2022 49,400
BAL C'NTY 2006 102,488	BALANCE OF COUNTY POPULATION 2010 110,147	BALANCE OF COUNTY POPULATION 2016 120,771	BAL C'NTY 2022 129,069

FUNCTIONAL AREA POPULATION TARGETS	
2010	2016
WIDER HUB AREA 80,332	WIDER HUB AREA 89,032
AN DAINGEAN 7,486	AN DAINGEAN 8,240
CAHERCIVEEN 5,530	CAHERCIVEEN 6,077
CASTLEISLAND 10,516 2009 10,173	CASTLEISLAND 11,505 2015 11,340
KENMARE 6,119	KENMARE 6,889
KILLORGLIN 10,312	KILLORGLIN 11,299
LISTOWEL 16,676	LISTOWEL 18,375
BALLYBUNION 2,879	BALLYBUNION 3,222
CASTLEGREGORY 2,090	CASTLEGREGORY 2,255
RATHMORE 4,357	RATHMORE 4,715
SNEEM 1,293	SNEEM 1,395
WATERVILLE 2,279	WATERVILLE 2,458

Further details of the growth strategy for the Castleisland Functional Area and individual settlements is provided in Section 1.6.3 Growth Strategy of the plan.

Amendment no 6

The following text should be inserted at the beginning of Section 1.6.1 in the Overall Introduction;

The settlements within the Castleisland Functional Area are designated on the basis of the following classification;

Amendment no 7

The following text should replace the words District Centres in Section 1.6.1 in the Overall Introduction, '*District Centres constitute the principal settlements within the primary functional areas. They ...*'.

Amendment no 8

The following text should replace the words Towns in Section 1.6.1 in the Overall Introduction,

'Towns constitute the principal settlements within the Secondary functional areas and within the hub areas also include Ballyheigue and Milltown. Towns ...'

Amendment no 9

It is proposed that paragraph 1.6.3 in the Overall Introduction to the draft plan be replaced by the following paragraph;

1.6.3 Growth Strategy

Population projections are necessary in order to accurately assess the future demand for housing, amenity, infrastructure and employment. The period of this plan is until 2015 and population projections for the period of the plan have been prepared.

The South West Region currently has a population of 655,811 with the Regional Planning Guidelines currently making provision for a population of 795,000 by 2022. (DEHLG Aug 2009). At 139,385 County Kerry currently has 22.5% of the population of the southwest region. It is now projected that the population of the County will grow to 178,469 by 2022 thereby maintaining the percentage of the regional population over this period. In the period to 2022, the South Western Regional Planning Guidelines will be reviewed at least twice (e.g. 2010 and 2016), and these reviews will provide the opportunity to revise regional objectives, growth strategies and programmes.

The population of the entire functional area as contained in the 2006 Census was 9728 persons (see Table 1.1). It is projected that the population of the entire plan area will grow by 1167 persons over the 6 year period of the plan (using the revised figures).

	2002	2006	2009	2015
Castleisland Functional Area	9508	9728	10,173	11,340

Population change and projected population in Castleisland Functional Area 2002-2015
Table 1.1

At present, approximately 33% of the population live in urban areas in the Castleisland Functional Area. It is considered that in order to promote a more sustainable urban/rural settlement pattern, that over the period of the plan, provision should be made to accommodate 55% of the projected growth in the urban settlements. Of the total growth within the functional Area this equates to 641 persons giving a requirement of 118 acres of residentially zoned land for the settlements. It is anticipated that the current breakdown

between the individual settlement will not change significantly and therefore 70% of the proposed growth in urban settlements is allocated to Castleisland, equating to 448 persons. At an occupancy rate of 2.7, an average density of 5 dwellings per acre and an inertia factor of 2.5, this equates to 83 acres of residentially zoned land needed for the town of Castleisland.

The remaining growth of 193 persons is allocated to the smaller settlements. The current settlement pattern in these settlements and the level of infrastructural provision, particularly wastewater infrastructure, necessitates a lower density of development. On this basis, at a density of 2.5 dwellings per acre, the smaller settlements require 36 acres of zoned residential land.

Settlement	Area of Land Zoned (acres)	Projected Housing Provision (no.)
Castleisland	82.52	412.5
Brosna	5.28	13
Cordal	5.37	13
Curran	8.02	20
Currow	8.81	22
Knocknagashel	6.01	15
Scartaglin	5.40	13
TOTAL	121.41	508

Growth prediction for individual smaller towns and villages is difficult due to their lower population base. Prescriptive growth figures can act as a barrier to development. Assigning growth figures based on a traditional demographic analysis of the existing population size (births over deaths etc.) or the existing population as a proportion of the overall area population can lead to very small growth figures and do not take account of historic barriers to growth such as market inertia and lack of infrastructure. These factors are likely to decrease in the future. Furthermore, the period of this plan is for a period of 6 years and the quantities of land zoned using traditional techniques would not facilitate the longer term development of the villages considering the need for amenities, public space and attractive streetscapes.

The figures above for the smaller villages were therefore derived from zoning contiguous land to the existing settlement in a manner which would retain their character and create functional, attractive and well designed communities while retaining their compact settlement pattern.

Amendment no 10

It is proposed that Section 1.7 of the Castleisland Town LAP to be replaced by the following;

1.7 Population Projections

Population projections for the town of Castleisland until the end of the local area plan period in 2015 are contained in table 1.1. It targeted that the population of the town will grow to 2,944 persons during the plan period. This is an increase of approximately 448 persons in the plan period.

2006	2009	2012	2015
2300	2496	2708	2944

Table 1.1 Population Projections for Castleisland town 2009-2015

On the basis of the population in the existing settlements, it is calculated that the demand for residential development in Castleisland will be 70% of the total demand of the functional area. It is the intention therefore to make provision for the development of approximately 33.2Ha (83acres) of residentially zoned land over the period of the plan.

Amendment no 11

It is proposed that the SWRFB be inserted as a responsible authority into Table 6.5 of the SEA.

Amendment no 12

It is proposed Section 1.4 Summary of Strategic Issues, in the Introduction of the plan, should be amended by the replacement of ‘ *to facilitate the development of adequate wastewater treatment throughout the plan area*’ with

- *To Promote the provision of adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc. on a planned and phased basis in order to address current problems and/or deficits and to reflect predicted increases in population during the lifetime of plan.*

Amendment no 13

It is proposed that the following objectives should be included :

- OO-15 a** *Comply with ‘The Urban Waste Water Treatment Regulations’ 2001 and 2004.*
- OO-15 b** *Promote the preparation and implementation of “An Energy Conservation Strategy” and associated awareness campaign within the Plan area.*
- OO-15 c** *Improve water supplies in the plan area, paying particular regard to the EPA’s Remedial Action List.*
- OO-15 d** *Connect all houses located within settlement boundaries and which are serviced by wastewater treatment plants to the public wastewater treatment plants in a sustainable manner.*

Amendment no 14

It is proposed Objectives OO-25 should be amended to read as follows:

OO-25 Support the implementation of the Kerry Heritage and Biodiversity Plan 2008-2012 and subsequent updates, including measures outlined to control / manage alien /noxious species, in consultation with the National Parks and Wildlife Service.

Amendment no 15

It is proposed Objectives OO-26 should be amended to read as follows:

OO-26 Ensure full compliance with the requirements of Directives 79/409EEC (Birds Directive) and 92/43/EEC (Habitats Directive) with respect to ‘Appropriate Assessment / Habitats Directive Assessment’ of any relevant plans or development proposals. As part of this any proposed amendments / variations to the plan or development proposals should be

screened with respect to the potential impact on Natura 2000 sites and the requirement for “appropriate assessment / Habitats Directive Assessment” in accordance with Article 6 of the Habitats Directive.

Amendment no 16

It is proposed the following objectives should be included as objectives OO-27a to OO-17i to the Overall Objectives for Environment contained in the Introduction to the Plan:

- **OO – 27a** *It is the policy of the Council to minimise the threat of air, land, water or other environmental pollution, by use of the statutory powers of the local authority. The attention of developers is drawn to the requirements of the Environmental Impact Assessment Regulations. Under the EIA and Planning and Development Regulations certain projects that may arise during the implementation of the Plan may require an Environmental Impact Assessment.*
- **OO – 27b** *Implement the guidelines contained within the “Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads” with regard to the implementation of road programs and projects located within the plan area.*
- **OO – 27c** *Facilitate the mapping of habitats, including wetlands within the plan area, in consultation with the National Parks and Wildlife Service – Department of the Environment, Heritage and Local Government, the Heritage Council, the Southwest Regional Fisheries Board and other relevant statutory and non statutory nature conservation interest groups.*
- **OO – 27d** *Prohibit discharge of untreated wastewater into any receiving waters classified as being “at risk” under the Water Framework Directive.*
- **OO – 27e** *Promote the protection of fisheries and shellfisheries located within the catchment of the plan area, including the Maine and Brown Flesk Rivers which are identified as “Salmonid” and “Habitat” rivers under the WFD Register of Protected Areas.*
- **OO – 27f** *Promote the protection and enhancement of surface water, groundwater water resources and their associated habitats and species, including fisheries.*
- **OO – 27g** *Protect all designated habitats (Natura 2000 sites and Natural Heritage Areas) and species (including those listed in Annex II of the Habitats Directive) within the plan area and to promote the establishment, management and protection of buffer zones surrounding designated sites, where appropriate.*
- **OO – 27h** *Facilitate the National Parks and Wildlife Service in the implementation of the “Main Objectives Over The Coming Five Years and Beyond” as set out in the Conclusions of the National Parks and Wildlife Service Report “The Status of EU Protected Habitats and Species in Ireland”,(NPWS, Department of the Environment, Heritage and Local Government”,(2008) and in the implementation of conservation management plans for Natura 2000 sites.*
- **OO – 27i** *Promote the protection and improvement, where appropriate of air quality within the plan area*

Amendment no 17

It is proposed the following objective should be included as objective OO-41a in the Overall Objectives for Flood Risk Management contained in the Introduction to the Plan:

- **OO-41 a** *Provide for the protection, management, and as appropriate, enhancement of existing wetland habitats where flood protection/management measures are considered to be necessary.*

Amendment no 18

The following bullet points should be added to Section 1.6.4 ‘Zoning Criteria’ of the Introduction of the Plan:

- *Groundwater Vulnerability Maps shall be taken into consideration for any proposed rezoning, zoning or development, which may occur within the Plan area.*
- *The Water Framework Directive and impacts on Natura 2000 sites shall be taken into consideration for any proposed rezoning, zoning or development, which may occur within the Plan area. The provision of appropriate buffer zones between designated ecological sites and areas zoned for development will be considered in consultation with the National Parks and Wildlife Service (NPWS) of the Department of Environment, Heritage & Local Government (DOEH&LG).*

Amendment no 19

It is proposed Objective DM-5 in Section 1.8 ‘Development Management’ shall be replaced by the following:

DM-5 Ensure that development proposals for individual wastewater treatment systems will be referred to the Site Assessment Unit of the Environment Section of the Council. Proposed development will only be granted if the design, construction, operation and maintenance comply with the appropriate guidelines and regulations. Proposals which would result in or contribute to surface or groundwater pollution will not be permitted.

Amendment no 20

The following objectives should be included as objectives OO-10a to OO-10b to the Development Management objectives section contained in section 1.8 in the Introduction to the plan;

- OO-10a** *Promote the protection and enhancement of linkages between local biodiversity features and ecological networks e.g. hedgerows, watercourses etc.*
- OO-10b** *Ensure that development proposals with significant potential for the generation of Construction and Demolition waste are supported by Sustainable Waste Management Plans.*

Amendment no 21

It is proposed that Objective NE-2 of the Castleisland Town plan should be modified to read as follows:

NE-2 Ensure that water quality of the Maine River and its tributaries is maintained and protected from polluting development and is enhanced where possible.

Amendment no 22

It is proposed Objective RU-19, of the Rural Section of the Plan, should be modified to read;

RU-19 Ensure that screening for Appropriate Assessment / Habitats Directive Assessment is carried out as part of the environmental assessment process as per the requirements of Article 6 of the Habitats Directive.

Amendment no 23

It is proposed the following objectives should be inserted as Objectives Ru-20 and Ru-21 in the Rural Section of the Plan:

- Ru-20** *Ensure that Planning Conditions are complied with particularly in respect to the installation, operation and maintenance of individual wastewater treatment systems.*
- Ru-21** *Facilitate the implementation and enforcement of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009.*