

Ballybunion Development Company Ltd.

Main Street, Ballybunion, Co. Kerry.

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10/12/2019

Re; Draft Listowel Municipal District Local Aera Plan 2019 – 2025

Dear Planner

Under the proposed draft plan the area to the rear of the existing Tintean Theatre is zoned "Strategic Residential Reserve".

The background to this site is that it was donated to the Local Authority by Ballybunion Development Company to act as a catalyst to develop Ballybunion Town from a tourist/ industry point of view. The front part of the site was gifted back to the town as the location for the Theatre.

As such I would like to see the zoning on this land changed to "Tourism & related" as per the original plan for this site.

Yours Sincerely

Padraig Hanrahan

Secretary Ballybunion Development Company



Oifig na
nOibreacha Poiblí
Office of Public Works



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

Re: Draft Listowel Municipal District Local Area Plan 2019 - 2025

Dear Sir/Madam,

The Office of Public Works (OPW) welcomes the opportunity to comment on the Draft Listowel Municipal District Local Area Plan 2019 – 2025 and associated Strategic Flood Risk Assessment. These comments should be read in conjunction with a separate letter provided with comments related specifically to the third variation of the Listowel Town Development Plan 2009-2015 (as extended).

OPW consider that there are deficiencies with the Strategic Flood Risk Assessment and Draft Local Area Plan provided in a number of respects.

1. OPW would expect to see the figures in the SFRA report showing the most recent analysis including mapped flood zones with the amendments that are being proposed shown in a clear and transparent manner. This is not the case with the SFRA nor the LAP making it difficult to assess the impacts of the proposed amendments. Pluvial flooding, which has impacted a number of areas in the plan only receives a cursory mention and needs to be explored in more detail.
2. The plan does not appear to be using the sequential approach principles in flood risk management as claimed within both documents.
3. There is a lack of any form of justification or detailed commentary for the rezoning of lands within Flood Zones A and B. Table 4.2 is provided but falls far short of demonstrating that the designation of the lands for a particular use meets the requirements of proper planning and sustainable development. For a number of the sites it has not been demonstrated that site specific flood risk assessment would be required and no mention of if/how the development of these lands can be managed without causing unacceptable adverse impacts elsewhere. OPW note that the Strategic Reserve lands and New/Proposed residential Phase 1 lands are noted as being Zone B within the document but are in Zone A in some cases. The documents should be reassessed to ensure that they are providing the correct information.

OPW agree that while a balanced view of land use and flood risk should be taken, it considers that this can be achieved in full compliance with the Guidelines. OPW welcomes Kerry County Council's commitment to adhere to these guidelines. For further information please refer to the Planning System and Flood Risk Management Guidelines or contact OPW for further information.



Yours faithfully,

Karen Donovan
Engineering Services Administration
10th December 2019

Box 4.1: Justification Test for development plans

Where, as part of the preparation and adoption or variation and amendment of a development/local area plan¹, a planning authority is considering the future development of areas in an urban settlement that are at moderate or high risk of flooding, for uses or development vulnerable to flooding that would generally be inappropriate as set out in Table 3.2, all of the following criteria must be satisfied:

- 1 The urban settlement is targeted for growth under the National Spatial Strategy, regional planning guidelines, statutory plans as defined above or under the Planning Guidelines or Planning Directives provisions of the Planning and Development Act, 2000, as amended.
- 2 The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:
 - (i) Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement²;
 - (ii) Comprises significant previously developed and/or under-utilised lands;
 - (iii) Is within or adjoining the core³ of an established or designated urban settlement;
 - (iv) Will be essential in achieving compact and sustainable urban growth; and
 - (v) There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

- 3 A flood risk assessment to an appropriate level of detail has been carried out as part of the Strategic Environmental Assessment as part of the development plan preparation process, which demonstrates that flood risk to the development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere

N.B. The acceptability or otherwise of levels of any residual risk should be made with consideration for the proposed development and the local context and should be described in the relevant flood risk assessment

Figure 1 - Extract from Planning System and Flood Risk Management Guidelines (2009) – Guidance on Justification Tests for Development Plans

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

Re: Proposed Variation No.3 to the Listowel Town Development Plan 2009 -2015 (as extended)

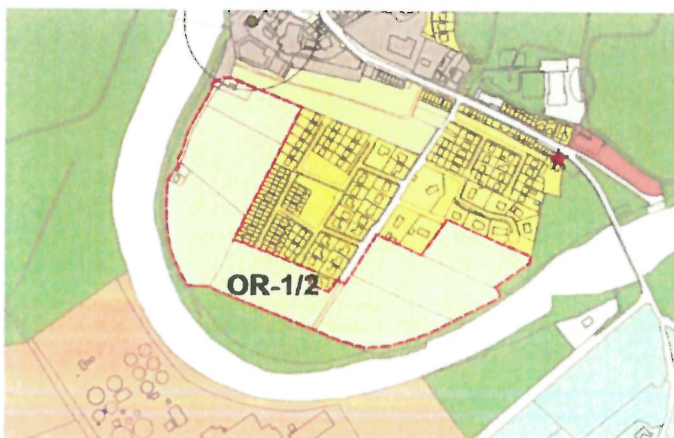
Dear Sir/Madam,

The Office of Public Works (OPW) welcomes the opportunity to comment on the proposed Variation No.3 to the Listowel Town Development Plan. There are plans to progress the development of a Flood Relief Scheme for Listowel as outlined in objective TPWDF RM39.

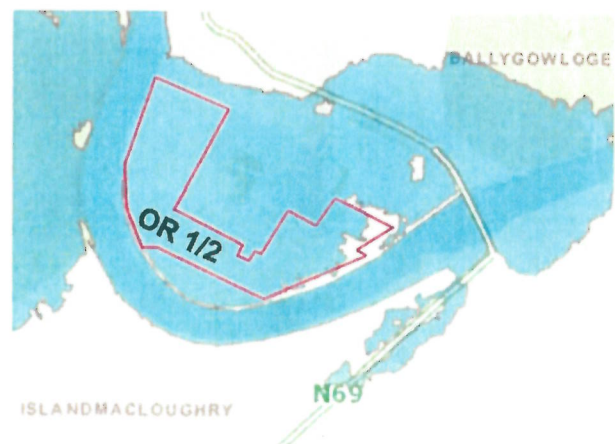
The document sets out an objective that all developments are carried out in a sustainable manner to comply with the "sustainable Residential Development in Urban Areas Guidelines yet there is rezoning within the proposed variations which appear to be in contravention of the Planning System and Flood Risk Management Guidelines (2009) and Circular PL 2/2014.

Objective OR1 and OR2 (Other/Strategic Reserve Sites / Castleinch Masterplan)

A per the Planning Guidelines above, OPW note that in Flood Zone A only water compatible development such as docks and marinas, dockside activities that require a waterside location, amenity open space, outdoor sports and recreation, would be appropriate zoning for this location. Other or Strategic Reserve sites would not fall into these categories. OPW notes that there is a requirement to carry out a flood risk assessment to an appropriate level of detail and provide a justification test if any changes to zoning are to be carried out which have not been provided.

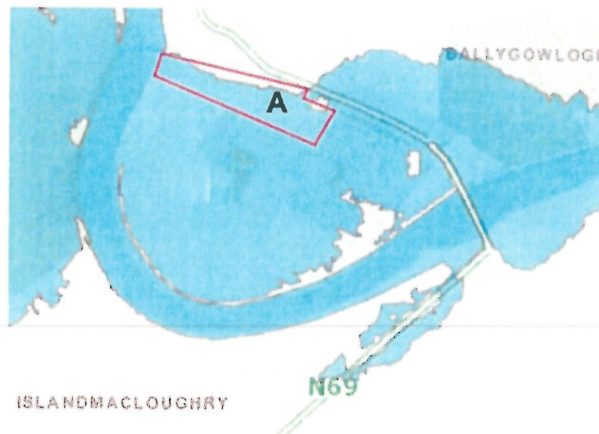
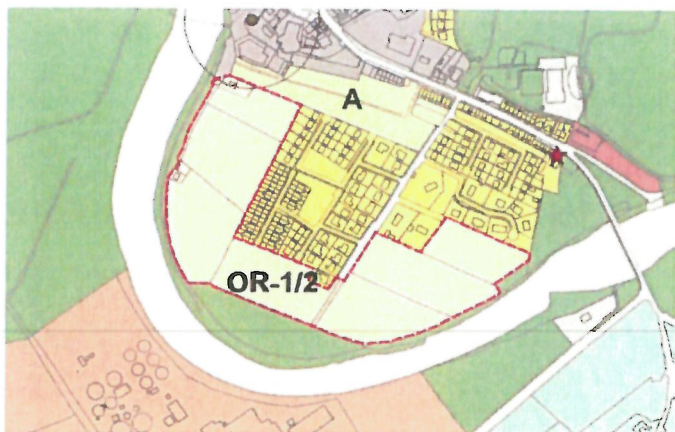


Proposed New Residential (Identified as A and B below)





The sites identified as 'A' and 'B' below are within Flood Zone A. Proposed 'New/proposed Residential Phase 1' zoning here would not be considered a water compatible designation and would not be in accordance with the guidelines.



OPW agree that while a balanced view of land use and flood risk should be taken, it considers that this can be achieve in full compliance with the Guidelines. OPW welcomes Kerry County Council's commitment to adhere to these guidelines. For further information please refer to the Planning System and Flood Risk Management Guidelines or contact OPW for further information.

Yours faithfully,

Karen Donovan
Engineering Services Administration
10th December 2019

[REDACTED]
LISTOWEL
CO KERRY
[REDACTED]

Senior Planner,
Planning Policy Unit, Planning Dept,
Kerry County Council, County Buildings
Rathass
Tralee, Co Kerry

10/12/19

Submission/ Observations on Proposed Variation No.3 of Listowel Town Development Plan '09-'15

Dear Senior Planner,

The above proposed variation refers.

As the resident of number 12 Kenny Heights and in the vicinity of the proposed rezoning, I wish to register our strong objection to the proposed residential zoning to the rear of Kenny Heights estate. We respectfully bring the following matters to your attention such that they may be considered when Kerry County Council make a decision on the proposed amendment.

- This change in land use zoning and the realisation of associated future developments will result in permanent losses of areas of natural environment
- Any such rezoning and realisation of associated future development will detract from the compact nature of the existing development that is Kenny Heights
- We consider that this proposed rezoning will not provide any enhancement or improvement to the residential amenity of the existing residential area that being Kenny Heights – Indeed the contrary through:
 - Negative impact of additional traffic in the area – all houses traffic exiting via our estate – into what is already a busy exit road from Kenny Heights and Golf View Estate
 - Nearby intersection i.e. Kenny Heights roundabout simply cannot handle dramatic increase in traffic associated with future developments if this area is rezoned as residential. As such a large additional volume of traffic exiting onto the very busy National Route (N69) leading into our estate creates an unwarranted high risk for road users and pedestrians. Indeed this roundabout has been the subject of several accidents and ‘near misses’ in terms of RTAs.
 - Negative impact on nature and wildlife in the vicinity
 - Aesthetically – A negative impact on the visual amenity that is the vast open view from rear of Kenny Heights Estate (green area) as is currently enjoyed by all residents through the use of the green area for recreation

- This amendment and subsequent residential development is neither in keeping with nor harmonious to the existing public realm of the area
- The realisation of associated future developments on foot of this proposed rezoning will result in significant hazard and unnecessary inconvenience to residents of Kenny Heights by way of
 - Construction vehicles and staff access to the site
 - Noise and dust associated with large scale development
- In so far as moderate proportions of development progress in / in the vicinity of Kenny Heights may be acceptable, it should also be borne in mind that the Greenway development has recently been approved and indeed works commenced on same – this in itself encroaches upon many of the adjoining Kenny Heights property owners and as such any additional developments in the vicinity area, are considered disproportionate and unwarranted.
- As such there has been a complete lack of genuine neighbour engagement – apart from the open day held at the council on 21st November – This however was a medium to inform the neighbours of the proposed rezoning rather than to engage in dialogue or consider neighbours' concerns.

In conclusion the Kerry County Council is respectfully requested to re-consider such a proposal for rezoning of this parcel of land.

Yours faithfully

Donal Daly

Tadhg Casey Architects

HQ2 Dominick St.
Tralee Co. Kerry
V92 C799
085 242 6224
tc@tcarchitects.ie

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Senior Planner
Planning Policy Unit
Planning Department
Kerry County Council
County Buildings
Rathass, Tralee
V92 H7VT

December 10, 2019

Re: Draft Listowel Municipal District Local Area Plan

Site Location Coordinates; X,Y; 475628,628102

Our Client;

John Hartnett,

[REDACTED],

[REDACTED]

Co. Kerry, [REDACTED]

PLEASE ADDRESS ALL CORRESPONDENCE TO THE AGENT

Dear Sir/Madam,

In accordance with Section 20(3)(b)(iii) of the Planning and Development Act 2000 - 2016 (as amended) we wish to make a submission on behalf of our client John Hartnett of Main Street, Ballyheigue Co. Kerry in respect of the Ballyheigue settlement, Draft Listowel Municipal District Local Area Plan. Our client is a longstanding resident of the district town of Ballyheigue and a prominent local businessman.

Settlement Boundary

Currently, in the draft LAP, our client's holding is not within the settlement boundary of the district town. Our client's property is shown in *Figure 1* below.

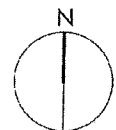


Figure 1 [Not To Scale]

Figure 2 shows the subject site in relation to the settlement boundary in the Draft LAP.

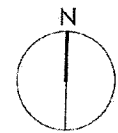
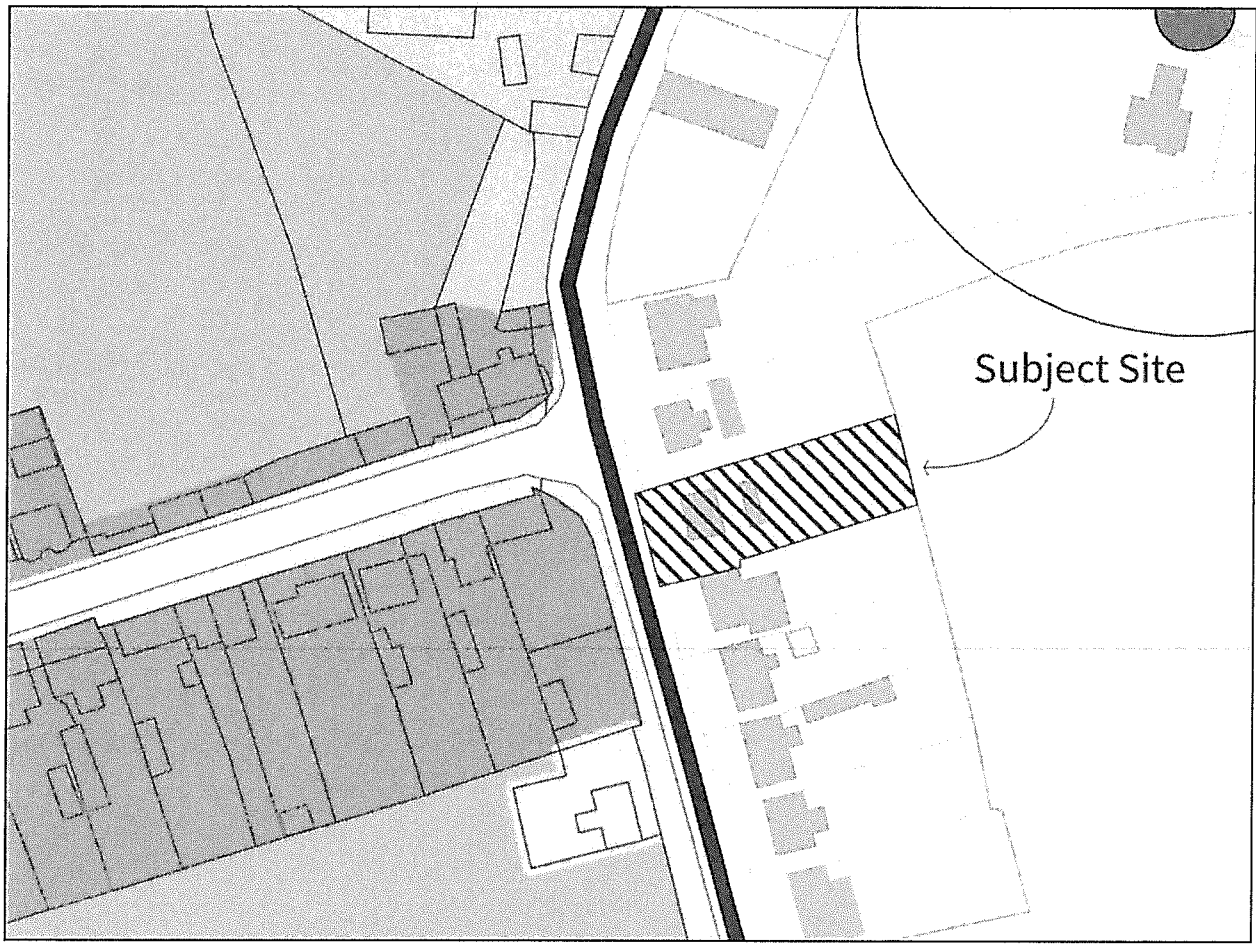


Figure 2 [Not To Scale]

Proposal

We ask the Planning Authority to amend the Draft LAP to extend the settlement boundary of the district town to encompass our client's property. We hold the view that including our client's property within the settlement boundary of the district town would be consistent with the objectives of the Draft LAP. *Figure 3* outlines in red the proposed settlement boundary extension requested.

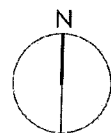
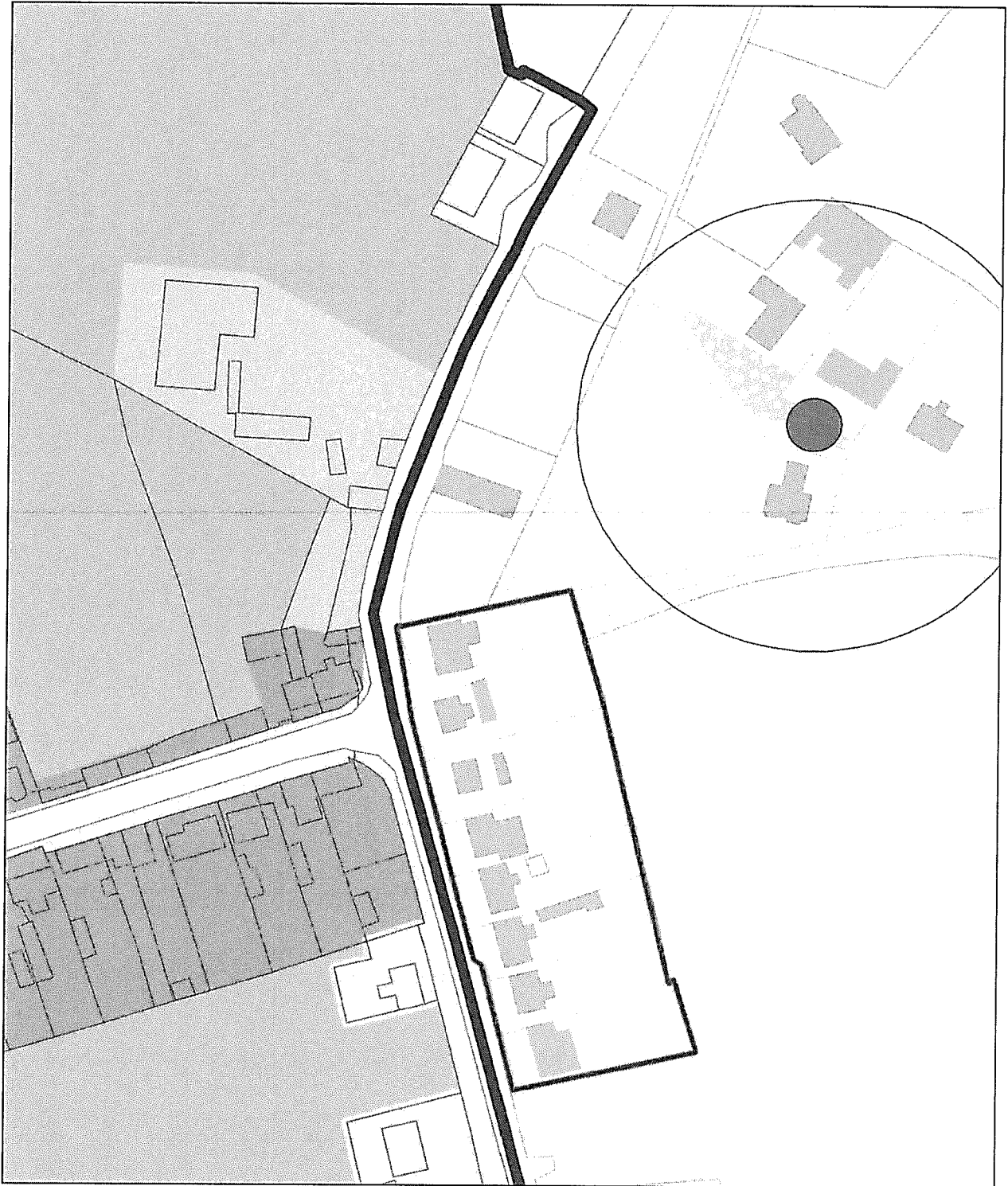


Figure 3 [Not To Scale]-Proposed Settlement Boundary Extension

Settlement Strategy

Section 2.1.3 of the Draft LAP outlines the key issues for the Municipal District, these include:

1. The reinforcement of the social and economic strength of the area by building critical mass of population and jobs in the designated town and villages.
2. The sustainable management of the land resource in the Municipal District settlements, through targeting dereliction, vacant and under-utilised sites in towns and villages and through regeneration stimulation opportunities.
3. The provision of opportunities for residential development to cater for all sectoral demands in the municipal district settlements through the development of healthy built environments and neighbourhoods.

The Draft LAP's Overall Development Strategy notes that 'rural areas outside of settlements have continued to attract a strong demand for one off rural type housing'. The need to stop the proliferation of one-off rural housing is crucial in order to build a critical mass of population and jobs in this district town.

These strategic issues could be addressed by extending the Draft LAP's settlement boundary for Ballyheigue to include the existing houses at the eastern edge of the district town. Our client's site is less than 500 metres from the core of the settlement and crucially these houses are approximately 70 years old and historically part of the settlement.

Urban Form

Section 3.4 *Urban Form* states that 'developments on the approach roads leading into the town have created a more linear urban structure'. It would be a mistake to include our client's site as part of this linear structure as this site and the dwellings immediately to the north and south of it have been an integral part of the entrance to the district town for many years. By not including our client's site within the settlement boundary of the district town it effectively cleaves the district town in two and could ultimately lead to disparate development at either side of the street. Indeed development on one side of the street was historically imposed on the settlement of Ballyheigue by the local Landlord family the Crosbies, whereby no building was permitted to turn its back on the Castle. It would be a shame if contemporary policy had the same effect of unbalanced street development.

Objective BE-GO-05 of section 3.4 Ballyheigue is to 'encourage the development of a compact and sustainable village structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites'. Our client's site is contiguous to the existing development and its rezoning would allow for the infill of a crucial site within the town proper.

Proposed Zoning

The National Planning Framework sets out a two-tier approach to land zoning. The first tier includes land that 'lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available'. These lands will 'generally be positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands'. The second tier is land that is not sufficiently serviced to support new development but have potential to become fully serviced within the life of the plan.

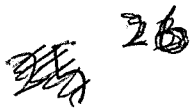
It is clear that our client's site falls within this first tier. It is located approximately ten metres from the closest point of the district town's zoning.

Our client is seeking his landholding to be zoned R2.6 'Existing Residential'. Having regard to the site location, its long-established use as a dwelling and the existence of all services to the site, it is clearly a tier-one site as defined by Appendix 3 of the National Planning Framework guidelines for zoning.

It is of course a given that the Planning Authority cannot overzone development sites but it seems entirely logical to zone our client's landholding 'Existing Residential' as it currently contains a dwelling that has been an intrinsic part of the contiguous urban fabric of the district town with many years and is fully serviced.

Yours Sincerely,

Tadhg Casey

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Dear Sir/Madam

We wish to object to the proposed zoning of Tobin's field at the rear of the Kenny Heights estate.

Personally we feel this development would destroy the current skyline and impact on the view which we currently have. This was key in purchasing our home.

This zoning/proposed development would create additional traffic in the estate which we feel would create additional hazards for the children that currently reside in the estate when at play.

The addition of noise and/or potential of anti-social behaviour will also impact on our day to day lives here at Kenny Heights.

We have had teenagers from council estates in the town already up here vandalizing our property and on more than one occasion, we have had to notify the Gardai.

We at no 27 are the corner house before the green area and would not be in favour of such a build ever due to the above.

Thank you
Kind regards

Paddy & Edel Kelly

Dear Sir/Madam,

I am making this submission in relation to the proposed rezoning of the land at the back of Kenny Heights also known as Tobins field. Please note as a resident of Kenny Heights I would strongly object to any further development to Kenny Heights. This estate is now a well maintained, mature estate that would be greatly damaged by any further development. As a family with young children we already have huge concerns over the speed at which traffic moves from the entrance to the rear of the estate. We would be very concerned that a development would increase this traffic for a number of years during any development. Large trucks entering the estate on a daily basis would be extremely worrying for those of us with young children. We also feel the estate as it stands is always very well maintained with the residents putting in a lot of hard work to ensure the planting around the estate is to the highest standard. We would be concerned that any development at the back of the estate would involve a disturbance to the green area.

Again we would strongly object to any further development to the Kenny Heights estate.

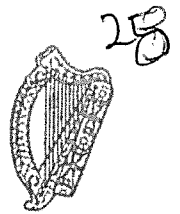
Kind regards,

Claire Hanrahan

[REDACTED]

Listowel,

Co. Kerry



Senior Planner
Planning Department
Kerry County Council
County Buildings
Rathass
Tralee
County Kerry

11 December 2019

Re: Draft Listowel MD Local Area Plan 2019-2025

Dear Sir/Madam,

I wish to acknowledge receipt of notification of the above draft plan. The Department of Education and Skills has examined the contents therein and would like to make the following submission.

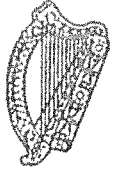
The Department notes with interest the Population target section 2.2.2.2 of the document, where the population growth figures are projected to increase by a potential 891 persons by 2021 in accordance with targets as outlined in the CDP 2015 -2021. The Department also notes with interest the Long Term Planning section 2.2.3 where it states that *"The period of this plan is for six years only. It is acknowledged however that planning for sustainable development occurs over a longer period of time and for this to happen it is important that a strategic land bank is put in place in key settlements where appropriate in terms of infrastructure provision."* If the projected population increases as outlined in section 2.2.2.2 materialise, a requirement for additional education provision at both primary and post-primary level may emerge over the lifetime of the proposed new Plan. Also, any potential future development as referenced in Section 2.2.3 could also give rise to an additional need for educational provision. Therefore, in an effort to identify future school place requirements within the Listowel MD area, it is important that future engagements between the Department and the Council take into consideration both the short term and the longer term potential population increases as referenced in this draft plan. The Department would also greatly appreciate if the text *"Ensure adequate provision is made for schools"*, which appears on Page 7 can be changed to the following *"Ensure sufficient and appropriate provision is made for schools"*.

The Department will continue to work closely with the Council in relation to the provision of new schools and the development of existing schools and emphasises the critical importance of the ongoing work of the Council in ensuring sufficient and appropriate land is zoned for this purpose.

Yours sincerely,

Alan Hanlon
Site Acquisitions and Property Management Section

**An Roinn Oideachais
agus Scileanna
Department of
Education and Skills**



Senior Planner
Planning Department
Kerry County Council
County Buildings
Rathass
Tralee
County Kerry

11 December 2019

Re: Proposed Variation No. 3 to the Listowel Town Development Plan 2009-2015

Dear Sir/Madam,

I wish to acknowledge receipt of notification of the above variation. The Department of Education and Skills has examined the contents therein and has no further comment to make at this time.

Yours sincerely,

Alan Hanlon

Site Acquisitions and Property Management Section

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

RE: Submission / Observation on Proposed Variation No. 3 of the Listowel Town Development Plan 2009-2015

A Chara,

We note the proposed change of zoning to the lands adjacent to Kenny Heights, specifically the area known locally as 'Tobins field'. The c. 2.5 acres of land immediately border the existing green area at the rear of the Kenny Heights Estate, and is facing our house.

We strongly object to the residential zoning on the following grounds:

- 1) The loss of amenity
Changing the zoning to residential development will undoubtedly mean that the lands will be developed in the near future. This would have a significant impact on the amenity of our street. Currently, the special appeal of the estate, especially the road at the rear where we live is the extensive green area without any further development and its close proximity to nature. To grant any residential development will place houses or apartments in very close proximity to the green area and impact our view of the countryside and amenity.
- 2) The overuse of the existing infrastructure
The current layout of the estate is not ideal with the straight centre road. There is already a huge concern for safety of pedestrians, especially children, as cars are driving too fast. To have additional traffic going through the centre road servicing additional houses will immensely exacerbate this problem.
- 3) The traffic during construction period
The increased level of traffic during the development phase would pose an unwarranted risk for the children of the estate and the residents. It is not acceptable to open a mature and completed estate up to new development. This negatively impacts the longstanding residents of the estate. Any construction traffic does not regard the safety of the residents and children at play and walking to school, as they are only concerned with their own business. There is also no overall plan for the development presented, which gives rise to fear that the development will be haphazard and unstructured, and potentially protracted for a long time. For example, the development in the adjacent estate of Golf View is still uncompleted, 15 years since it was started.

We trust our submission receives the Council's consideration to ensure the continued amenity and quality of life in Kenny Heights, which we specifically sought out in this estate and have come to enjoy since settling here.

Sincerely

Ina Baumann & Bill Kissane,
[REDACTED] Listowel, Co Kerry

Date of Submission
11.12.2019