

**Chief Executive's Report on
Submissions Received
for
Proposed Material Alterations**

to the
Draft
Listowel Municipal District
Local Area Plan
2019-2025

September 2020
Kerry County Council
Planning Policy Unit



Introduction

1.0 Legal Preamble

Under Section 20 of the Planning and Development Acts 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 each of the Municipal Districts as stated in the Kerry County Development Plan 2015-2021. 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 blueprint 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 31st October to 13th December 2019 (both dates inclusive). An open day for members of the public was held in the Listowel Civic offices on the **21st November 2019**.

In all, 39 no. submissions were received during the consultation period of the plan.

The Chief Executives Report and Recommendations on Submissions were presented and considered at the Listowel Municipal District meeting held on the 12th June 2020. The proposed material alterations in this document are those approved by the Elected Members went out for public consultation between **Thursday 25th June and Friday 24th July 2020**.

The material alterations were advertised in the Kerry's Eye newspaper on Thursday 24th June 2020. **12 no.** submissions on the proposed material alterations were received during the consultation period.

3. Environmental Assessments

3.1 Strategic Environmental Assessment (SEA)

Further to the SEA of the material alterations of the Listowel Municipal District LAP as detailed in the SEA ER Addendum report, the proposed material alterations were assessed. No significant effects on the environment were identified from the material alterations as detailed in the ER Addendum report. On adoption of the Municipal District LAP an SEA Statement will be produced which will summarise the SEA of the Municipal District LAP in accordance with the Planning and Development 2001 Regs, as amended.

3.2 Habitats Directive Assessment (HDA)

A HDA is an assessment of the potential for impact on Natura 2000 sites which are nature conservation sites of international importance. A Combined HDA was undertaken for the proposed 3rd Variation of the Listowel Town Development Plan 2009-2015 (as extended) and the proposed Listowel Municipal District Local Area Plan 2019-2025. This approach facilitated the assessment of potential cumulative and in combination effects. The HDA reports prepared by the Environmental Assessment Unit are adopted as those of Kerry County Council.

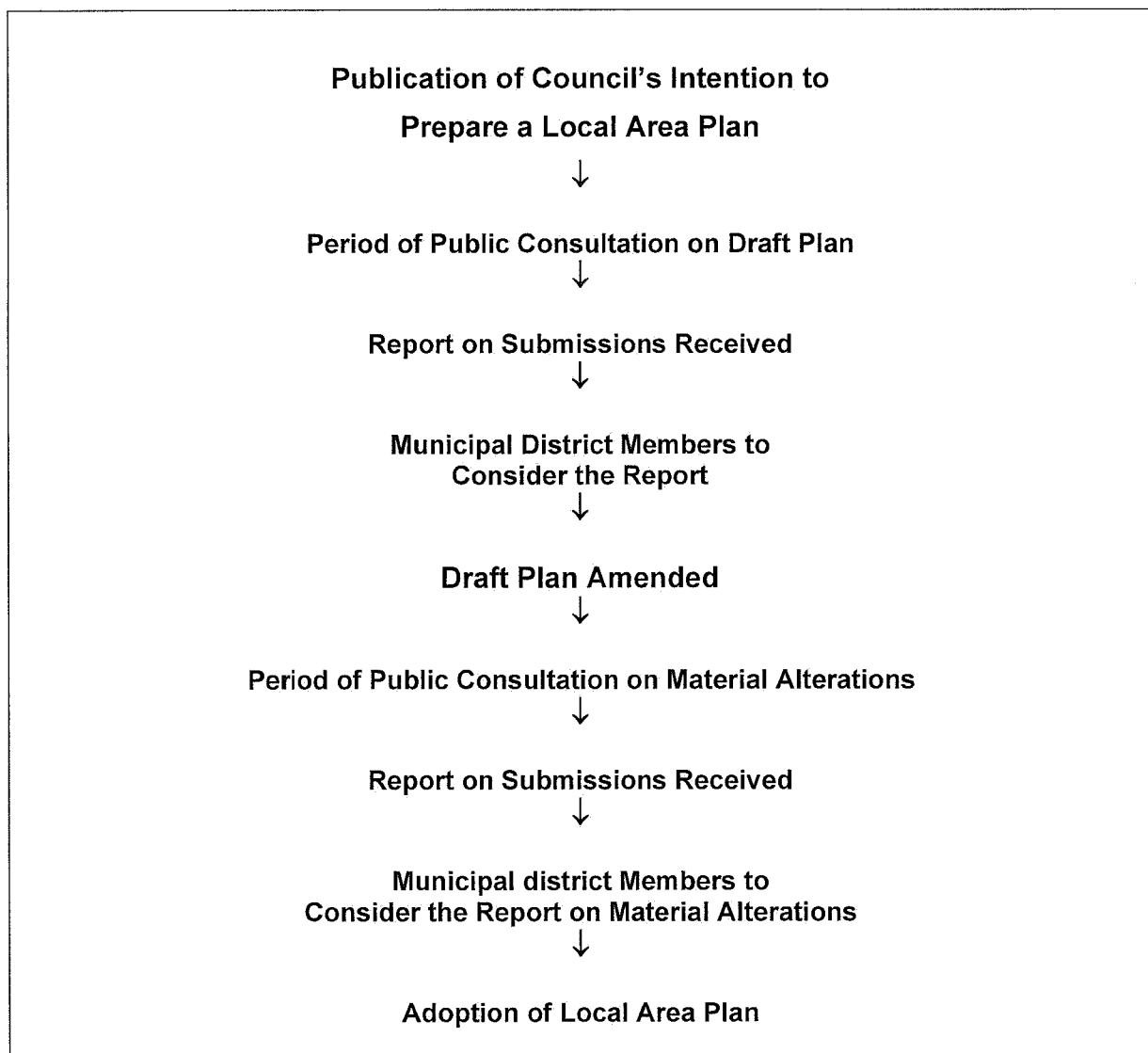


Table 1

This report

- (a) Lists the persons who made submissions and observations.
- (b) Summarises the issues raised.
- (c) Contains recommendations in relation to issues raised in submissions.
- (d) Lists proposed amendments to the draft plan based on the above.

Submissions from the Department of Housing, Planning and Local Government and the Statutory Bodies regarding policies to deliver an overall strategy for the proper planning and sustainable development are included first.

It is important, that Members, in considering this report, have regard to the overall strategy of achieving a sustainable compact urban form in settlements, and the optimal use of social and physical infrastructure.

Submission:

The OPR is satisfied that that the material alterations are consistent with national and regional policy and section 28 guidelines.

The OPR is satisfied with the planning authority's responses to Recommendations 1-3 as contained in its submission letter on the Draft Plan of 13 December 2019. In relation to Recommendation 4, the planning authority is advised to give full consideration to any submission by the Office of Public Works in relation to the Strategic Flood Risk Assessment and any implications arising from Amendment 17.

In relation to Amendment 30: (proposal to amend the zoning of the former Castle Hotel, from Conservation (G3) to Tourism and Related (C5)), the OPR states that this is a matter for the planning authority, having regard to the relevant planning considerations. The OPR notes, however, as residential development is open for consideration under the C5 zoning objective, that consideration should be given to including objective BN-TM-05 to ensure that any proposal for the site should relate to the primary objective to facilitate tourism development, and any additional development should be ancillary to this purpose.

In relation to Amendment 33: (the zoning of lands at the southern edge of Lixnaw from (O1) Strategic reserve to Strategic Residential reserve (R4)). The OPR notes that Lixnaw is a tier 4 settlement with limited allocation of population growth under the Core Strategy. The OPR while not issuing a recommendation, advises the planning authority to consider omitting this amendment pending the assessment of the requirement for residential zoned land in the review of the core strategy and settlement hierarchy as part of the review of the Kerry County Development Plan 2015-2021 and preparation of the Kerry County Development Plan 2022-2028.

Response:

In relation to including a new objective restricting development on the site in Ballybunion for tourism development, the subject lands are to be zoned (C5) tourism & associated facilities. The criteria in relation to this zoning as specified in the zoning matrix is considered adequate to ensure that development on this site should primarily be tourism related with any additional development ancillary to this purpose.

In relation to the zoning of lands at the southern edge of Lixnaw village as Strategic Residential reserve (R4) the subject lands form part of an unfinished residential development which was previously granted planning permission. The zoning of these lands seeks to address a legacy issue arising relation to this unfinished development. Some of the roads and services have already been completed. In addition, construction has recently recommenced on the northern portion of these lands completing a number of previously unfinished dwellings.

It is acknowledged that Lixnaw is a tier 4 settlement as contained in the settlement hierarchy of the County Development plan 2015-21. The classification of Lixnaw as a Tier 4 settlement and the absence of a population allocation under the Core Strategy in the County Development Plan 2015-21 was due to the absence of adequate wastewater treatment capacity. Irish Water in conjunction with Kerry County Council are at present upgrading the wastewater capacity, which when complete will cater for a P.E. of 1,200.

As part of the review of the Kerry County Development Plan 2015-2021 and preparation of the Kerry County Development Plan 2022-2028, a review of the core strategy and settlement hierarchy will be undertaken which takes recent and planned infrastructural upgrades into consideration.

Recommendation:
No Amendment.

Written Submission No.2:

Transport Infrastructure Ireland (TII)

Submission:

The submission relates to proposed material alteration No 27 which outlines the Councils proposal to include a new Objective TT-I-03 to facilitate the preparation of a Traffic Management Plan for Tarbert to look at both vehicular movements in the town along with improvements to pedestrian infrastructure and safety.

In relation to such proposals, TII recommends consultation with the Authority where such proposals have the potential to impact the existing N67 and N69, national secondary roads. It is also requested that the Draft Plan include an objective to ensure that the lands required for the approved N69 Listowel Bypass Scheme will remain free from development to safeguard the delivery of the scheme.

Response:

Kerry County Council will ensure that all Plans and developments comply with the Spatial Planning and National Roads Guidelines (2012) and will consult with TII in relation to any plans or strategies for Tarbert. A full traffic impact assessment will be undertaken.

The Council consider it appropriate to include in section 2.4 an objective similar to objective MAC32A as contained in Variation No.3 to the Listowel Town Plan to ensure that the lands required for the approved N69 Listowel Bypass Scheme, are retained free from development.

Recommendation:

Include the following text to objective LS-RI-01 in section 2.4 Infrastructure;
and ensure lands required for the approved scheme are retained free from development to facilitate the delivery of the scheme.

Written Submission No.3:**Environmental Protection Agency (EPA)**

Submission:

The submission states that Kerry County Council should ensure that the findings and recommendations of the SEA and Habitat Directive Assessments are fully incorporated, as appropriate, into the amended Plan and Variation prior to their adoption.

With regards Material Alteration No. 22 (relating to road network aspects), it is suggested in a broader context, there may be merit in preparing a County Roads Strategy, where the strategic capacity of the road network may be considered at an appropriate level and be subject to the relevant environmental assessments.

In relation to material alterations Nos. 23–24, and 25-26, the development works associated with the objectives relating to the bridge and pier infrastructure in Ballylongford should also, be subject to the relevant environmental assessments being carried out.

Response:

The Planning Authority welcomes the submission. The SEA and Habitat Directive Assessments conclude that there are no significant effects on the environment.

Kerry County Council in the context of the review and preparation of the County Development Plan 2022-2028 will consider the preparation of a County Roads Strategy, where the strategic capacity of the road network may be considered at an appropriate level

With regard to the objective relating to the bridge and pier infrastructure in Ballylongford an assessment of the potential for impact on Natura 2000 sites and the wider environment will be undertaken as part of the consent process.

Recommendation:

No amendment.

Written Submission No.4:**Paul O'Dowd**

Submission:

The submission is made on behalf of Mr John Brown and relates to proposed material alteration No; 31 regarding the zoning of lands at the Links, Ballybunion. The submission requests that the zoned area be extended to include the entire 3ha of the site.

Response:

The Planning Authority acknowledges the content of the submission. The Planning Authority re-examined the proposal to zone this land as R4 Strategic Residential Reserve in the context of the previous submissions received, and in particular the submission received from the Office of the Planning Regulator.

It is considered that other undeveloped lands in Ballybunion should be advanced first for development and that the lands at Marconi / the Links (though contiguous to an established residential area) are not required for residential development at the current time hence the R4 Strategic Reserve zoning. It is also noted that the zoning of additional lands would exceed the amount of land required in the Core Strategy as contained in the County Development plan 2015-2021. It should also be noted that the Ballybunion development boundary was extended in order to accommodate this R4 zoning.

Recommendation:

No amendment.

Written Submission No.5:

Gary Rowan HRA Planning

Submission:

The submission is prepared on behalf of the Castle Green Preservation Group in respect to the proposed amendment no.30.

The submission states that there is no need for additional lands to be zoned for tourism purposes and that the proposal is contrary to the objectives in the draft Local Area Plan and current County development Plan.

Response:

The material alteration proposes to zone a portion of these lands at this location as C5 Tourism. The remaining lands to the west remain zoned G3. This will facilitate the development of a hotel or other tourism enterprise at this location while protecting the views and vistas to the beach and cliffs, providing a buffer to the national Monument (castle) and ensuring that the SAC/SPA are not affected.

This is considered reasonable and allows for the sustainable development of the site having regard to its central location in a tourist town, its sensitive visual location and adjacent monuments and designated habitats.

Recommendation:

Proceed with proposed amendment No.30.

Written Submission No.6:

Paul O'Dowd

Submission:

The submission is made on behalf of Mr Greg Ryan and relates to proposed material alteration No; 30 regarding the zoning of lands at the former Castle Hotel, Ballybunion. It is requested that the entire site be zoned C5 Tourism.

Response:

See response and recommendation for submission no. 5.

Submission:

The submission relates to the amendment No.17 (flood Risk Mapping) and its impact on Ballylongford and the adjacent area. It is stated that the construction of the housing has exacerbated the flood risk.

This submission questions the NIR and suggests that site specific conservation objectives are not available for the Lower River Shannon SAC.

The submission also states that many small villages identified in the plan as development nodes lack wastewater infrastructure and have lost many of their functions and have declined in terms of population.

The submission also questions Amendment no. 29 which is the deletion of objective AD-OS-02.

Response

The OPW CFRAM study has published detailed flood risk maps together with flood risk management plans (FRMP) to mitigate flood risk for a number of settlements including Ballylongford. These flood risk maps now inform planning decisions and land use strategies including Local Area Plans. No lands have been zoned for further development in Ballylongford that have an identified flood risk. The FRMP for Ballylongford proposes a comprehensive scheme of defensive walls and embankments.

In addition, Kerry County Council recently completed partial flood defence measures as part of the OPW minor works scheme to mitigate flooding at the village centre.

In relation to the NIR, this has been completed in accordance with legislative requirements. As part of this site-specific conservation objectives for the Lower River Shannon SAC are available and have been taken into consideration.

In relation to amendment no.29 it must be noted that Amendment no. 28 which amends objective LS-AI-02 will *Facilitate the sustainable development of a Greenway in North Kerry in accordance with the Kerry County Council Greenway Strategy (or similar adopted strategy). Any such strategy will be subject to SEA and AA Screening prior to adoption*'.

This amendment necessitates the deletion of objective AD-OS-02 as this objective is no longer applicable.

Recommendation:

No amendment to the proposed variation.

Written Submission No. 8:

John O'Sullivan

Submission:

The submission relates to the long-term planning zonings and zoning under the Renewable Energy Strategy and the Landscape Character Assessment. It is stated that without consideration of these zonings, the plan is inadequate and misleading.

Response

The submission is noted. This submission does not relate to any of the proposed Material Alterations.

Revised policy with respect to renewable energy will be prepared as part of the review of the County Development Plan which commenced in June of this year.

Recommendation:


No amendment

Chief Executives Recommendation

It is recommended that the material alterations that went on public display be adopted as proposed with the following modification:

Modification 1:

Include the following text to objective LS-RI-01 in section 2.4 Infrastructure;
and ensure lands required for the approved scheme are retained free from development to facilitate the delivery of the scheme.

Signed: 

Michael Scannell,
Director of Services / Stiúrthóir Seirbhísí,
Economic & Community Development /
Forbairt Eacnamaíochta & Pobail

Date: 16/9/2020