

Ó Muircheartaigh Ó Bambaire

Innealtóirí Sibhialta
Agus Comhairleoirí Pleanála



- ◆ sráid an dá gheata ◆
- ◆ daingean Uí chúis ◆
- ◆ co. chjarraí ◆
- ◆ Fón: - (066) 91 52233 ◆
- ◆ Fax: - (066) 91 52627 ◆
- ◆ email: - moriartybambury@eircom.net ◆

Senior Planner.
Kerry County Council,
Planning Dept,
Co. Buildings,
Rathass,
Tralee.
29 / 09 / 2020.

Re: Draft An Daingean EA LAP 2020 - 2026.
On behalf of : Dion & Emir Egan
Highfield House.
Celbridge Road, Lexip, Co. Kildare.



A Chara,

We wish to make a submission, on behalf of our clients Dion & Emir Egan, regarding their site at Ballynabooby, Dingle to the Draft An Daingean EA LAP 2020 - 2026.
See attached copy of Site Location Map showing the site in question edged in red.

Emir Egan is a native of Dingle, (Upper Main St.) and Dion was born & reared in Annascaul they purchased the site in question over 25 years ago with a view to setting up home on this section of ground. They have had a number of Planning Applications processed re the site over the past number of years including : 89 / 958 , 95 / 1438, 97 / 1919 & 17 / 1199 .

The most recent was a great disappointment to our clients as a refusal was issued which categorised the site as Rural.

In the proposed Draft An Daingean EA LAP 2020 - 2026 our clients were disappointed to see that the site in question is not included within the proposed Town Boundary and therefore would be considered as General Rural which has criteria which in our view does not lend itself fairly to the site in question.

Recent Planning History for a site shows that this is not a fair categorisation of this area and brings in our view unfair restrictions with same. The site in question is just over half a mile from Dingle Post Office, Both Banks, Dingle St. Mary's Church and other notable landmarks that are within the core of Dingle Town Centre.

DIRECTORS:

MCHAEL MORIARTY – 087 2432160
JIMMY BAMBURY – 086 2630236
VAT NO. – 8254476P

Although the 2017 Planning Application included on site Waste Water Treatment public sewer connection is now possible for the site in question. It lies within the 50 KPH zone and has a number of large houses in close proximity which serve as Guesthouses serving the thriving tourist industry.

To consider the site in question as General Rural is not fair and proper in our view it is an area which although not Town Centre is within what one would consider the extended town area. It may be convenient for planning departments to have definite lines to define different areas however the practicality of the matter is that this is not the case on the ground and that our client as an example has planned her future on what was the general rule and expectations as promoted by previous Plans.

In reality Dingle has developed , not in a rigid grid like manner but in a more evolving pattern which may not be to a town planners wish and therefore to try and implement any rigid system must, in the interest of fair and proper planning, have cognisance to existing patterns and previous plans.

To consider the site in question as Rural is not fair, when one looks the definition of RURAL

Definition of 'rural'

rural

Rural places are far away from large towns or cities.

Rural means having features which are typical of areas that are far away from large towns or cities.

The site in question does not fulfil the criteria as cited above. Planners may say they have to have certain zones to adjudicate on planning proposals but this site should not in our view be considered RURAL we are not asking that it be considered Town Central but in reality it is part of Dingle Town and we contend that there has to be a buffer zone where one off houses are permitted at the extents of the town.

If one looks at the location of Kerry County Council Area Office, (similar location to the site in question) which is within the 50 KPH zone, has public services including sewerage, is surrounded by housing and housing developments. Has at present extensive works ongoing to connect same by public pathway with lighting to Dingle Town Centre surely one must consider this to be an extension of Dingle Town and not in A Rural Area which the Draft An Daingean EA LAP 2020 - 2026 proposes.

We therefore request in the interest of fair and proper planning that the zoning for the site in question be amended to allow our clients/family members construct a home at this location.

Is Mise Le Meas,

Michael Moriarty B.E.

Michael Moriarty B.E CEng MIEI
For and on behalf of Moriarty & Bambury Ltd

DIRECTORS:

MCHAEL MORIARTY – 087 2432160
JIMMY BAMBURY – 086 2630236
VAT NO. – 8254476P





 Site Edged in Red

 Area = 0.2 Hectares


 Scale 1:2500

- 1- Is le haghaidh tarrafas Pleanála amháin na líneochta seo
- 2- Beidh na hOibreacha go léir á chur i bhfeidhm de réir na Rialacháin Tógála Reatha
- 3- Níl tog scála ón líneocht seo - Úsáid na bunríomhais ó d' amháin

REV. 1	DRAWN	DATE

Ó Muircheartaigh
Ó Bambaire
 Innealtóir Sibhialta
 Agus Cornhalteoir Pleanála

• stáid an dta gheata •
 • dábhan Uí chéile •
 • co. chlárait •
 • For: - (086) 91 52233 •
 • Fax: - (086) 91 52627 •
 • email: - moilar@ambury.com •
 • moilar@ambury.com

Mr. Dion Egan Draif An Dúigean EA UAP Submission Ballynabooly, Dingle, Co. Kerry	28-09-2020 1-2500 09-020-1046-07	Site Location Map 
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Description:
 Digital Cartographic Model (DCM)

Publisher / Source:
 Ordnance Survey Ireland (OS)

Data Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 v_50101507_1.dwg

Clip Extent / Area of Interest (AOI):
 LTX,LY = 443500,9781,601361,348
 LRX,LRX = 444330,9781,601361,348
 ULX,ULY = 443500,9781,601976,348
 URX,URY = 444330,9781,601976,348

Projection / Spatial Reference:
 Projection= IRENET95_Irish_Transverse_Mercator
 Centre Point Coordinates:
 X,Y= 443915,9781,601668,848

Reference Index:
 Map Series | Map Sheets
 1:2,500 | 5861-D
 1:2,500 | 5862-C
 1:2,500 | 5861-B
 1:2,500 | 5862-A

Data Extraction Date:
 Date= 09-Jan-2020

Source Data Release:
 DCLMS Release V1.123.106

Product Version:
 Version= 1.3

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Ó Muircheartaigh Ó Bambaire

Innealtóirí Sibhialta
Agus Comhairleoirí Pleanála



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- ◆ email: - moriartybambury@eircom.net ◆

Senior Planner.
Kerry County Council,
Planning Dept,
Co. Buildings,
Rathass,
Tralee.
29 / 09 / 2020.

Re: Draft An Daingean EA LAP 2020 - 2026.
On behalf of : Michael Moriarty & Jimmy Bambury.
Moriarty/ Bambury, Dykegate Lane, Dingle.



A Chara,

We wish to make a submission regarding two no dwelling houses at The Lower Colony, Dingle to the Draft An Daingean EA LAP 2020 - 2026.

See attached copy of Site Location Map showing the location in question edged in red.
Ref. No. 09 / 020 / J046 / 02

In the proposed Draft An Daingean EA LAP 2020 - 2026 the sites in question are included within the proposed Town Boundary and proposed zoning is Existing Residential with additional planning criteria of : Housing Protection Area

We are of the opinion that to categorise these structures as residential only is very restrictive given that the vast majority of structures (50% min) at this location are commercial. Of the remaining 50% residential 3 No are derelict and the expectation is that all three will be demolished and most likely replaced by one / two units at most.

The structures in question : One is a two storey unit that was constructed in late 1970's and does not have any architectural merit at this location. The adjoining single storey unit is an infill between two larger structures and has no architectural value given that the vast majority of this structure is post 1980's .

We therefore request that the two units be included in Town Centre Zoning (M2)

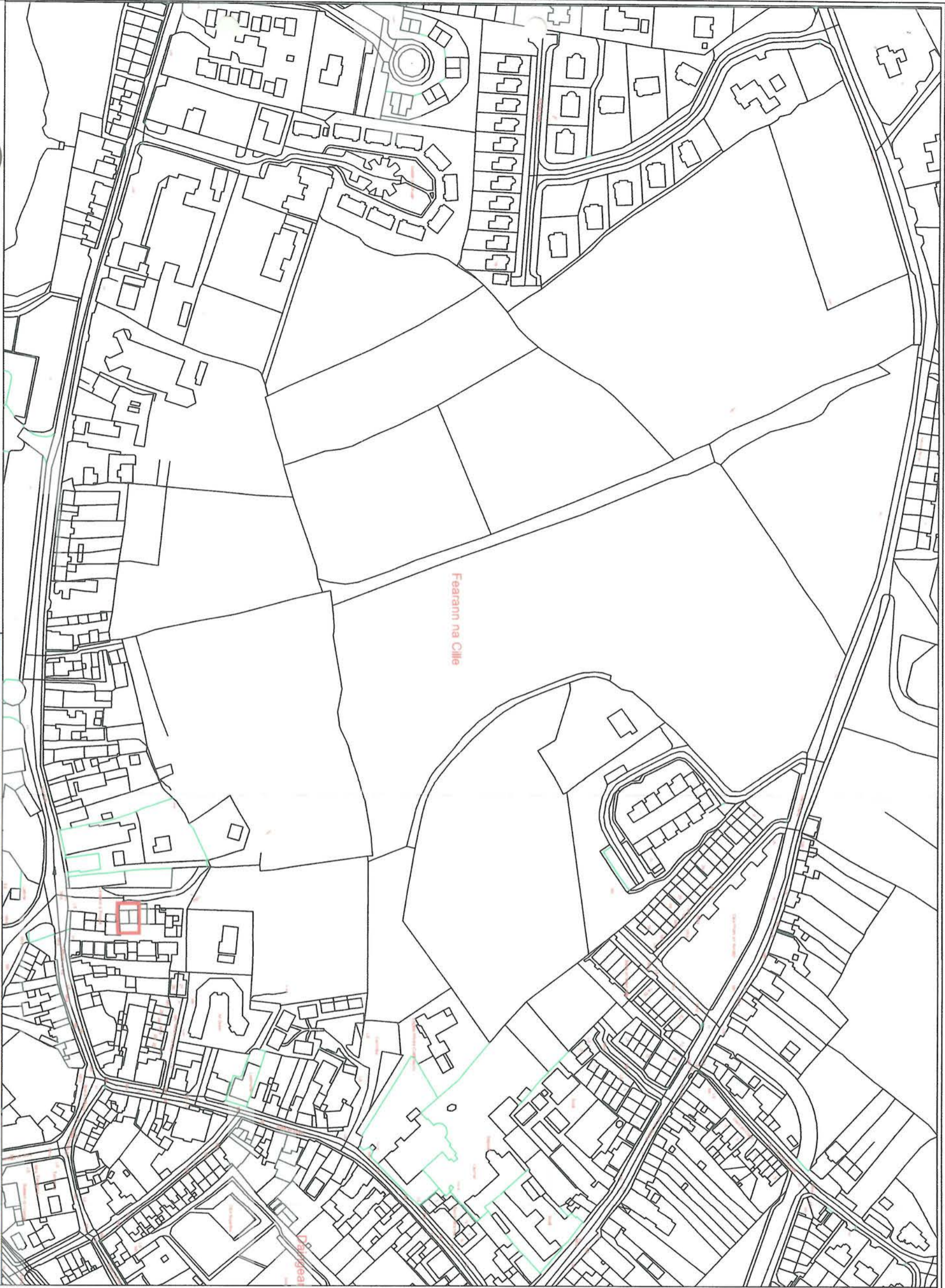
Is Mise Le Meas,

Michael Moriarty B.E.

Michael Moriarty B.E CEng MIEI
For and on behalf of Moriarty & Bambury Ltd

DIRECTORS:

MCHAEL MORIARTY – 087 2432160
JIMMY BAMBURY – 086 2630236
VAT NO. – 8254476P



Site Edged in Red
 Area = 0.02 Hectares
 Scale 1:2500

NOTA	REV. No.	DATE	REVISION
1- Is le haghaidh tarralás Pleanála amháin na líníochta seo			
2- Beith na hOibreacha go léir á chur i bhfeidhm de réir na Riatacháin Tógála Reatha			
3- Na tóg scála ón líníocht seo - Usáid na buntomhais cúl amháin			

Ó Muircheartaigh Ó Bambaire
 Innealtóir Sibhialta agus Cornhalfeoir Pleanála

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 • co. chiallail •
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 • email: moiliary@ambury.ie

Author:	Mr. Michael Moriarty & Mr. Jimmy Bambury
Title:	Draft An Deirgeán EA LAP Submission
Site:	The Colony, Dingle Co. Kerry
Scale:	1:2500
Date:	09-020-1046-02
Rev:	28-09-2020

Description:
 Digital Cartographic Model (DCM)

Publisher / Source:
 Ordnance Survey Ireland (OS)

Data Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 v_50079281_1.dwg

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 443821.0443,601024.9254
 LRX,LRV= 444651.0443,601024.9254
 ULX,ULY= 443821.0443,601639.9254
 URX,URV= 444651.0443,601639.9254

Projection / Spatial Reference:
 Projection= IRENET95_Jrish_Transverse_Mercator

Centre Point Coordinates:
 X,Y= 444236.0443,601332.4254

Reference Index:
 Map Series | Map Sheets
 1:1,000 | 5862-11
 1:2,500 | 5861-D
 1:2,500 | 5862-C
 1:2,500 | 5861-B
 1:2,500 | 5862-A

Data Extraction Date:
 Date= 16-Aug-2019

Source Data Release:
 DCIMS Release V1.120.106

Product Version:
 Version= 1.3

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**DECLAN NOONAN &
ASSOCIATES**

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ARCHITECTURE ENGINEERING & PROJECT MANAGEMENT

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

28/09/20

Re: Submission to Draft An Daingean Electoral Area Plan 2020 - 2026

Dear Sir / Madam

We are making a submission in relation to the Lispole land zoning within the Draft An Daingean Electoral Area on behalf of Johnny O'Sullivan, Goulane East, Lispole. We request the land identified on the attached map is included within the development boundaries of Lispole. The intention is to develop the land to provide housing for local people.

The location of the site is below the main public road so the siting of the houses should not be overly obtrusive on the landscape. The proposed development land is directly adjacent to the GAA grounds, pre school, primary school, metal fabrication factory and the Lispole community center. The village of Lispole has developed around this location so we believe any further development should in our opinion be concentrated around this village core.

The site is served by a public sewer connection and the location of an entrance to the site will not pose a traffic hazard. There is a strong demand for housing for local people and the site will represent an ideal opportunity to provide houses for locals around the existing services Lispole enjoys.

The proposed development form will mimic the existing council estate constructed on lands across the road from this site. We feel these lands pose an ideal opportunity to provide housing for locals at a location where people want to live and where the local amenities are. The development of these lands will help to sustain the local shop and pub that is located 5 minutes walk for the site.

We ask the Planning Department to zone the lands accordingly to provide the opportunity to address the housing shortage Lispole is currently experiencing.

Kindest regards,

Declan Noonan.

Declan Noonan



**The Property
Registration Authority**
**An tÚdarás
Clárúcháin Maoine**

Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.pral.ie.

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(see line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

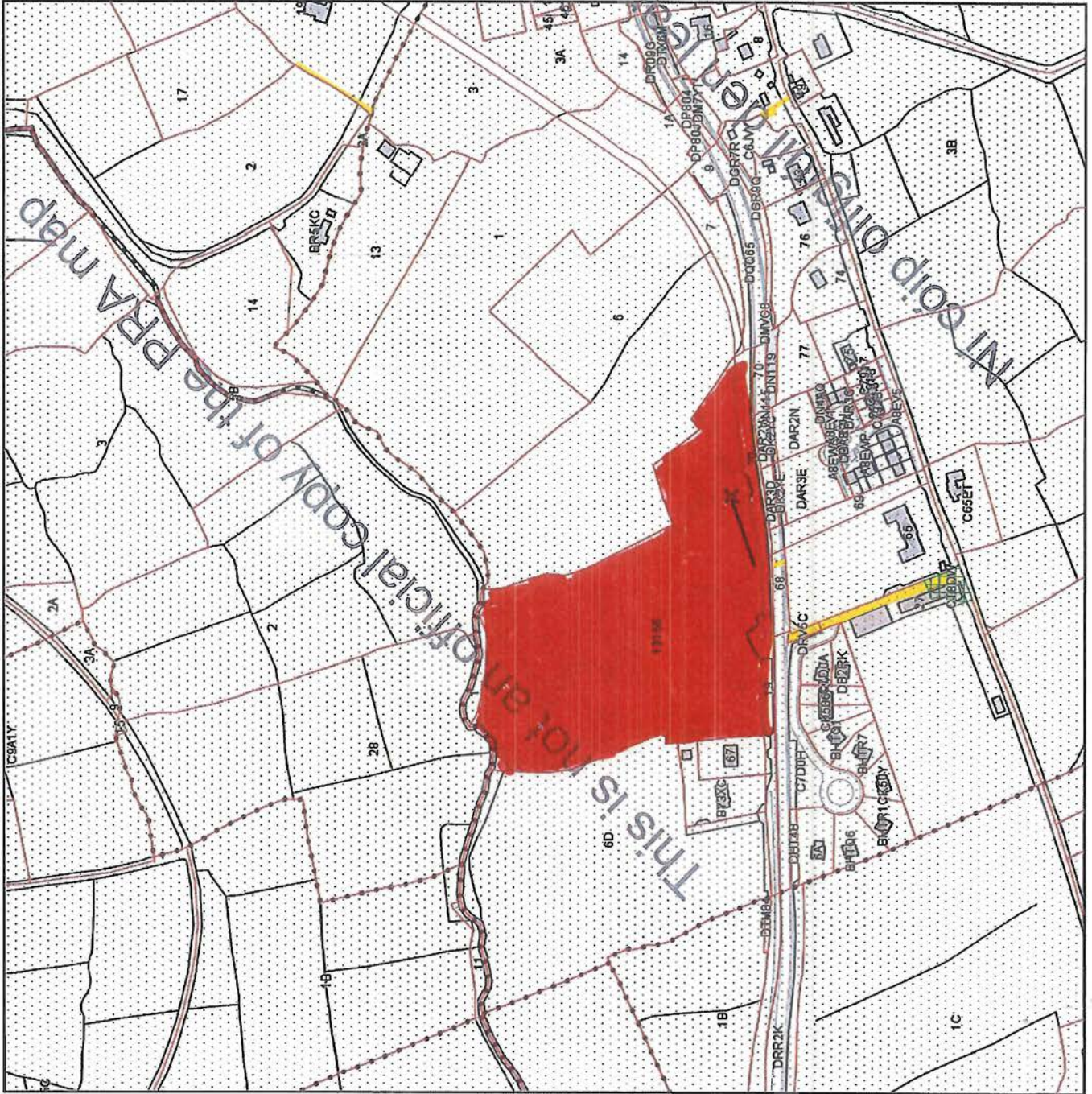
Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landregister.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.



44



**DECLAN NOONAN &
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ARCHITECTURE ENGINEERING & PROJECT MANAGEMENT

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

28/09/20

Re: Submission to Draft An Daingean Electoral Area Plan 2020 – 2026, on behalf of Ramond O’Sullivan

Proposal to zone lands at Ballybeg, Dingle to be zoned New Proposed Residential.

Dear Sir / Madam

This submission is on behalf of Ramond O’Sullivan the owner of land adjacent to lands being proposed for new housing as part of the Draft An Daingean Plan. See attached map of lands identifying the areas of land proposing to be zoned as part of this submission. The area hatched green is Local Authority land and the area hatched blue is Ramond O’Sullivan land.

A number of years previously the Housing Department purchased land at Ballybeg for the provision of social housing. Some of this land is now being propose to be zoned within this draft plan and Ramond O’Sullivan would like his lands to be include within the boundaries of the An Daingean land and his lands zoned New Proposed Residential.

The intention is to sell this land to the Local Authority for the inclusion within their overall development, that the Local Authority intend to undertake for the provision of social housing. Increasing the area of zoned land in this area under the ownership of the Local Authority makes perfect sense as it allows the Local Authority to construct more social housing in a area already identified suitable by the Local Authority. As many

social houses as possible is needed for the An Daingean area and this additional land will facilitate more houses being constructed.

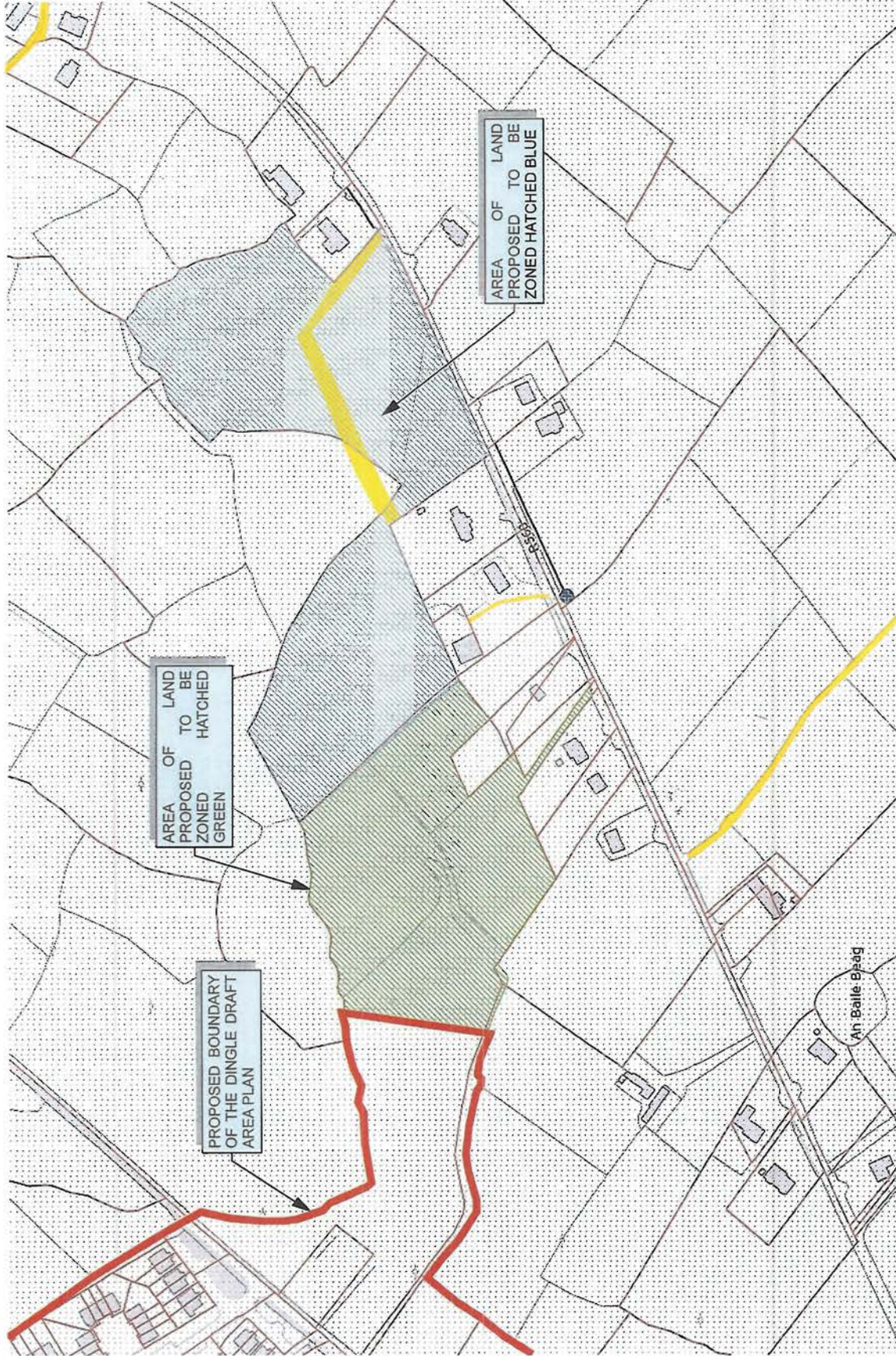
The zoning of the O'Sullivan land for housing and the subsequent purchasing of the land for value will give the Local Authority a connection from the lower Spa Road to the Connor Pass road thus allowing greater connection to the proposed development.

We ask you to consider this submission and include the land within the Final Plan zoned New Proposed Residential.

Kindest regards,

Declan Noonan.

Declan Noonan



MAP 01
SCALE - NTS

Declan Noonan & Associates Architecture, Engineering & Project Management Consultants

Upper Main Street,
 Dingle,
 Co. Kerry
 tel: 087 2837745
 tel: 068 9120947
 fax: 068 9151103
 email: info@noonan.ie

Lisa O'Carroll

From: Warren Reidy <info@wrpd.ie>
Sent: Thursday 1 October 2020 09:29
To: planpolicy
Subject: 20-043 EM002 KCC PD - Submission to the An Daingean, Electoral Area Local Area Plan 2020-2026 for Brandon Village
Attachments: 20-043 RP001 KCC PD 01.pdf

[Caution: External Sender] Use care when opening attachments or clicking links unless you can verify the sender.

Good morning,

I wish to lodge the attached submission on behalf of my client, David O'Connor in relation to Brandon Village in the An Daingean, Electoral Area Local Area Plan 2020-2026.

Please confirm receipt of same by return e-mail?

Kind regards,

Warren.

WARREN REIDY MIEI MCIQB



Goulane, Castlegregory, Co. Kerry.

Ph: (066) 7139515
Mob: (086) 6993821
Website: <http://www.wrpd.ie>

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Proposal to extend proposed development
boundaries to accommodate future
developemnt required for Brandon Village.



Aerial view of Brandon(Google Maps)

• GOULANE, CASTLEGREGORY, KERRY • T: 066 71 39515 • E: INFO@WRPD.IE •
COMPANY REGISTRATION: 416880

To whom it may concern,

The following is a proposal, on behalf of our client, David O'Connor who resides in Brandon village and is a local landowner, in respect of the draft development plan for Brandon Village in the An Daingean, Electoral Area Local Area Plan 2020-2026, for your consideration.

Brandon is a small serviced village, the last node of development with local services on the east side of the Dingle Peninsula, servicing the hinterland of Brandon and Cloghane. There are three bars, two of which are restaurants in the village. The local pier known as the Cé, is a focal point for sea fishing, angling, swimming, boating etc. The village is located near Brandon Point and Mount Brandon. Brandon is a destination for walkers, cyclists and holiday makers. It is operational all year round, the summer months being the busiest.

There is mix of private homes and holiday homes in the village. The village is fully serviced by

- 1) electricity
- 2) public water
- 3) a modern public sewer that was installed the past ten years and
- 4) fibre optic broadband.

The village has the services to facilitate rural growth and remove the pressure from one-off housing. Several families have moved back to the area in recent times. It is our contention that this village has demand for local housing to facilitate those renting in the area and those wishing to move home, to Brandon village in particular. Our client, David O'Connor, prior to Covid-19 was receiving enquiries from locals looking to purchase a site to build their own home. Since Covid-19 he has had many further inquiries for houses or sites for primary residence.

It is important to recognise the new Covid 19 reality in the Development Plan, to make provision and zoning accordingly. There is an opportunity to zone more land in rural villages that have water, sewerage, and broadband to allow for increases in rural populations and restore the flight from rural Ireland. These villages, and in particular those like Brandon have the services as outlined and the traditional facilities of sea, beaches and mountains, easily facilitating social distancing. They deserve greater consideration than the traditional restrictive zoning as currently proposed.

Covid 19 has resulted in people working from home, now the technology is in Brandon village to allow people to move out of the likes of Dublin, to come home to their local area of Brandon and work from home. This has already occurred locally, but the availability of housing is an issue.

In addition, there is a vibrant Community and Comharchumann at Brandon. This is central to ensure integration and immersion in the Primary school, a possibility of a vibrant Irish language which would be in the best spirit of the Irish Language Act. There is capacity in the local primary school.

As well as the beaches and mountains offering the best amenities possible, there is a strong community in the area and there has been a lot of success with the local soccer team and GAA teams.

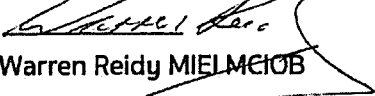
The current plan does not propose to facilitate any further development. The lands proposed by David O'Connor for future residential development are located between and within the existing radius of development in the village, please refer to the map enclosed. The existing development within the village is clearly highlighted in blue hatch, the village boundary as proposed in the draft plan, outlined in pink, excludes portions of the existing development within the village. The land highlighted in red shows the lands that David O'Connor proposes for future residential development to accommodate future housing need in the area.

It is our client's opinion that there is a need to accommodate the increase in the population of the area, consequently there is a need for zoned land in Brandon, to facilitate locals in their local area of Brandon which is fully serviced and has capacity. It requires a suitable tranche of land to be zoned to facilitate its future development as a vibrant rural community.

This proposal would support the objectives as set out in the draft plan with respect to small villages;

- New development shall maintain a compact settlement structure through making effective use of back-land and infill sites and preventing unnecessary ribbon development.
- Preserve and enhance the use of the Irish language in Gaeltacht areas and support the development of educational facilities therein.
- Consider proposals for residential development within the settlements, subject to the provision of adequate wastewater infrastructure, need and demand in the area and other normal planning criteria.

We respectfully request that the lands shown hatched red on the enclosed map be adopted into the Local Area Plan for Brandon, in the An Daingean, Electoral Area Local Area Plan 2020-2026 to accommodate future Local Residential development.

Signed: 
Warren Reidy MIEIMCIOB
Warren Reidy Planning & Design Ltd.

On behalf of David O'Connor
No. 3 Goulane Ard,
Brandon,
Co. Kerry.

Dated: 29.09.2020

Ordnance Survey Ireland
Licence No. EN 0042120



LEGEND



Existing development



Town boundary in draft LAP



Lands proposed to be zoned by David O'Connor for future residential development

Gaimeamh & Scaimeagáin

LWM

R585

LWM

DATE: 27.09.20

DESCRIPTION: PROPOSAL FOR LOCAL AREA PLAN DAVID O'CONNOR

CLIENT:

ADDRESS: GOULANE ARD, BRANDON, CO. KERRY.

DWG NO.: 20-043 1001

REV: 00



Lisa O'Carroll

From: eilis kennedy [REDACTED]
Sent: Thursday 1 October 2020 09:33
To: planpolicy
Subject: Submission to Draft An Daingean Electoral Area Local Area Plan 2020-2026

[Caution: External Sender] Use care when opening attachments or clicking links unless you can verify the sender.

Re section 3.2.10 of the plan , and in agreement that the laneways through the Colony and the Garraí as outlined are a positive addition and that the present dwellings be kept in form and style , I consider it vital that sufficient parking spaces are allocated to the small number of home owners in these laneways . In many cases these owners are elderly and at present the parking arrangements for these residents are quite poor. Having footfall through these two laneways will need cars to be out of the way and in their own designated spaces , perhaps to the back .This would enhance the and promote the use of these buildings as homes and would be a safe option . See below from your present LAP

It is the policy of KCC to support older people to live with dignity and independence in their own homes and communities for as long as possible. In providing a more seamless and appropriate continuum of housing choices with appropriate supports for older people and a built environment that is attractive, accessible and safe, older people will be supported and motivated to enjoy more active, healthy and connected lives and to age confidently and comfortably in their community

Le meas

Éilís Ní Chinnéide

Lisa O'Carroll

From: Warren Reidy <info@wrpd.ie>
Sent: Thursday 1 October 2020 09:36
To: planpolicy
Subject: 17-015 EM161 KCC PD - Submission to the An Daingean, Electoral Area Local Area Plan 2020-2026 for the District town of Milltown
Attachments: 17-015 RP002 KCC PD 01.pdf

[Caution: External Sender] Use care when opening attachments or clicking links unless you can verify the sender.

Good morning,

I wish to lodge the attached submission on behalf of my client, Evans & Kelliher Construction Ltd. in relation to the District Town of Milltown in the An Daingean, Electoral Area Local Area Plan 2020-2026.

Please confirm receipt of same by return e-mail?

Kind regards,

Warren.

WARREN REIDY MIEI MCIQB



Goulane, Castlegregory, Co. Kerry.

Phone: (066) 7139515
Mob: (086) 6993821
Website: <http://www.wrpd.ie>

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Proposal to include lands at Ballyoughtragh North
In 'proposed residential development' boundaries
Of the draft plan for Milltown
Currently in the Planning Process under
Planning Register Number 20/88



Aerial view of Milltown (Google Maps)

To whom it may concern,

We wish to request that the Planning Department include the lands at Milltown, belonging to Evans & Kelliher Construction Ltd as shown on the attached map, be zoned as 'proposed development' in the Plan for the district town of Milltown in the An Daingean, Electoral Area Local Area Plan 2020-2026.

We also wish to make the following observation in respect of the draft plan for the District Town of Milltown in the An Daingean, Electoral Area Local Area Plan 2020-2026.

This office carried out pre-planning consultations as early as 2017 with the Planning Authority with respect to our client's site at Ballyoughtragh North, which under the current active Development Plan is zoned as 'Proposed Development'. A planning application was lodged with the Planning Authority on the 4th February 2020 for namely: *Permission to construct 68 No. houses comprising 44 No. 3-bed semi-detached two-storey dwellings, 18 No 4-bed semi-detached two-storey dwellings and 6 No. 2-bed semi-detached two-storey dwellings and all ancillary works to the above including associated site works, site services, access roads, footpaths, boundaries and open areas and entrance onto the R563.* This application is currently in planning, further information was sought on the 25th March 2020. Consultations have been held between the Planning Department and this office in relation to the queries and the submission of the 'Further Information' is imminent. We respectfully request that;

The Forward Planning Unit acknowledge the current zoning

Acknowledge the fact that a planning application of considerable nature with extensive preplanning, design and professional input in all sectors of development including road/traffic, archaeology, civils, architectural, landscape and habitat, river flood analysis and planning have already been applied to this development and

Include this land as 'proposed development' in the District Town of Milltown in the An Daingean, Electoral Area Local Area Plan 2020-2026.

We note from the draft plan that *'Milltown is seen as a critical town to ensure balanced regional development, acting as a focus for strengthening its own rural hinterlands, that the development of this settlement will allow for the provision of services by encouraging and facilitating population growth at a scale, layout and design that reflects the character of each town, where water and wastewater infrastructure is available or where there are plans to develop such infrastructure'*. The proposed development is located adjacent to existing development in the town, it is situated within the 50kph limits on the R563 and the proposed relief road will be beyond it. A proposal to develop the land is in the planning process and subject to a grant of permission is ready to proceed to phase 1 construction immediately.

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COMPANY REGISTRATION: 416880

Milltown as a district town will be seen as *'principal locations for future investment in housing, employment, infrastructure, social and community facilities. Emphasis will be on the growth of the main settlements. The proximity of Milltown to the economic drivers in Killorglin, Killarney and Tralee, will be maximised'*. The current proposal for a 68 No. dwelling development with a good mix of housing types will facilitate a large portion of the required housing development and subject to permission will be ready to commence immediately.

'Milltown have adequate existing waste water capacity to cater for the area of lands zoned'. The proposed development, subject to planning could proceed immediately as the infrastructure is available to cater for it.

'It is anticipated that district towns will continue to play vital roles in providing accommodation for a proportion of the Electoral Area's existing population and in supporting rural communities'
The current proposal, subject to planning is ready for immediate development

The proposed development site meets the objective, *WK-DT-1 Promote Castlemaine, Furies and Milltown as the District towns in the LAP and facilitate the achievement of their population targets.*

The town has a relatively good range of social facilities including a community school, newly constructed national and secondary schools, sports hall, a community centre, health centre, Milltown G.A.A club and churches. The current proposal, subject to planning is ready for immediate development

Planning Considerations and Proposals - The development boundary for Milltown defines the existing extent of the area where new development may be considered, while also allowing for some expansion and re-development of the town core. The development boundary for the town is largely determined by topography and infrastructural considerations including the wastewater catchment area and proposed N70 by-pass. The proposed development of the Evans & Kelliher site is within the Relief Road and the 50kph on the R563.

Milltown has the potential to champion sustainable living by being 'climatesmart' and urging its residents to live more environmentally friendly where being green-smart would be a natural part of living in Milltown. The dwelling houses in the proposed development on the Evans & Kelliher application are designed to be suitable for families to reside in comfort, with ample accommodation, storage and living space. The houses are designed for the future taking cognizance of Nearly Zero Energy Buildings (NZEB) compliance. It is our client's intention to construct the houses to these newly introduced standards, in relation to insulation levels and

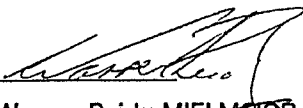
energy usage. The hot water and space heating will be by renewable energy sources such as air-to-water. Provision for car charging points will be made to the parking spaces within the individual sites. The Site Layout was designed with accessibility in mind. We have utilised DMURS guidelines and 'Recommendations for Site Development Works for Housing Areas 1998' and conducted preliminary discussions with the estates Unit of Kerry Co. Council. Biodiversity and habitat are integrated into the site design. Wildflower areas have been proposed within the site as well as native and semi native hedging to boundaries and areas close to visitor parking, providing habitat and biodiversity as well as screening and reducing the impact of the hard landscaping.

Milltown town is served by the Mid Kerry Scheme. This Scheme has adequate capacity to cater for the targeted growth of the town over the plan period. The decision on the Evans & Kelliher planning application on their lands, currently zoned as 'Proposed Residential' will facilitate immediate housing demand and growth of the town.

We trust that the lands as described will retain their current zoning and be zoned as 'proposed development' within the District Town of Milltown in the An Daingean, Electoral Area Local Area Plan 2020-2026.

If you have any queries, please do not hesitate to contact me.

Yours faithfully,

Signed: 
Warren Reidy MIEIMCIOB
Warren Reidy Planning & Design Ltd.

On behalf of: Evans & Kelliher Construction Ltd
Brackhill,
Castlemaine
Co. Kerry
V93 HT95

MAP DETAILS

Output Format: **ASTER**

Output File: **R_00_25282750_00000014**

Map Series: **6 inch**

K0047
 REVISION DATE = 31-Dec-1984
 SURVEY DATE = 31-Dec-1941

K0057
 REVISION DATE = 31-Dec-1985
 SURVEY DATE = 31-Dec-1941

Water Extent

ULULY = 461026.539293
ULULY = 494265.539293
ULULY = 461026.539293
ULULY = 494265.539293

Project

IPM

IPM Centre Point Co-ordinate:
X,Y = 493365.60077

Extraction Date:
07-Apr-2007

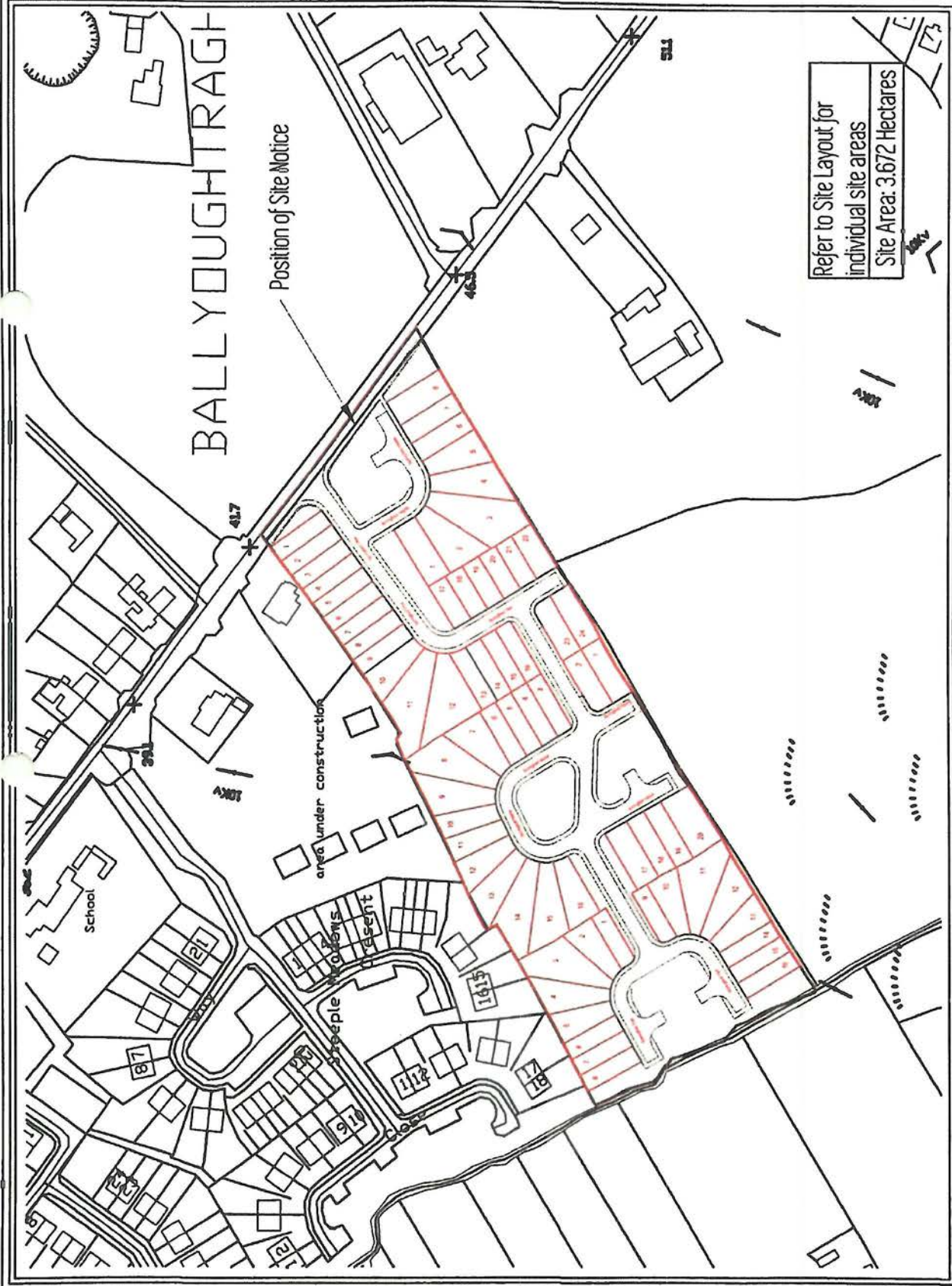
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No	Revision/Issue	Date
0	Issued for Planning	03.02.2009

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Project Name and Address
 Ennis & Keller
 Ballyoughtragh
 Millbank,
 Co. Kerry.

Project: **IP-015.1032.00** Sheet: **1 of 1**
 Date: **21-04-07**
 Scale: **1:2500**



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0m 50m 100m
 Scale 1:2500

48

Lisa O'Carroll

From: Shop <larionad@hotmail.com>
Sent: Thursday 1 October 2020 09:43
To: planpolicy
Subject: DRAFT PLAN DINGLE

[Caution: External Sender] Use care when opening attachments or clicking links unless you can verify the sender.

To Whom it Concerns,

I read the proposed plan for Dingle and I'm absolutely flabbergasted to note the absence of Upper Green Street as a retail area. Maybe I missed something but from what I noted the retail areas of Dingle are Strand Street, Lower Green Street, John Street and Main Street.

A rough count of retail units from Dick Macs to the Canon's Corner gives me 16 units.

Some say Upper Green Street is the area from Grey's Lane up to Main Street which would add a lot more units.

What have the Council got in store for us traders as we are apparently invisible?

Regards,

Mary O Sullivan

Educational Centre,
Upper Green Street,
Dingle.

[Redacted]
Annascaul,
Co. Kerry.

Damien Ginty,
Senior Planner,
Kerry County Council,
Rathass,
Tralee,
Co. Kerry.

1st October 2020

Re: Submission to the An Daingean Electoral Area Plan 2020 – 2026.

Dear Damien,

I am writing to you in relation to the draft An Daingean Electoral Area Local area plan 2020 - 2026 and in particular the proposal for Annascaul. I am writing in relation to a portion of land adjacent to Annascaul village which I wish to be considered as New proposed residential. The portion of land that relates to this submission can be seen in the attached OS map, outlined in red and also in the attached extract from the draft plan also outlined in red.

On inspection of the draft development plan for Annascaul I noticed that these lands have not been included in the zoned area surrounding Annascaul. I believe that these lands would be suitable for zoning as New proposed residential and would be keen to get them included in the final draft of the development plan.

The land relating to this submission is adjacent to existing residential area. The land also has access to the public sewer, has three possible connections to the existing public road, and is adjacent to all amenities.

Please do not hesitate to contact me if you would like to discuss this proposal further.

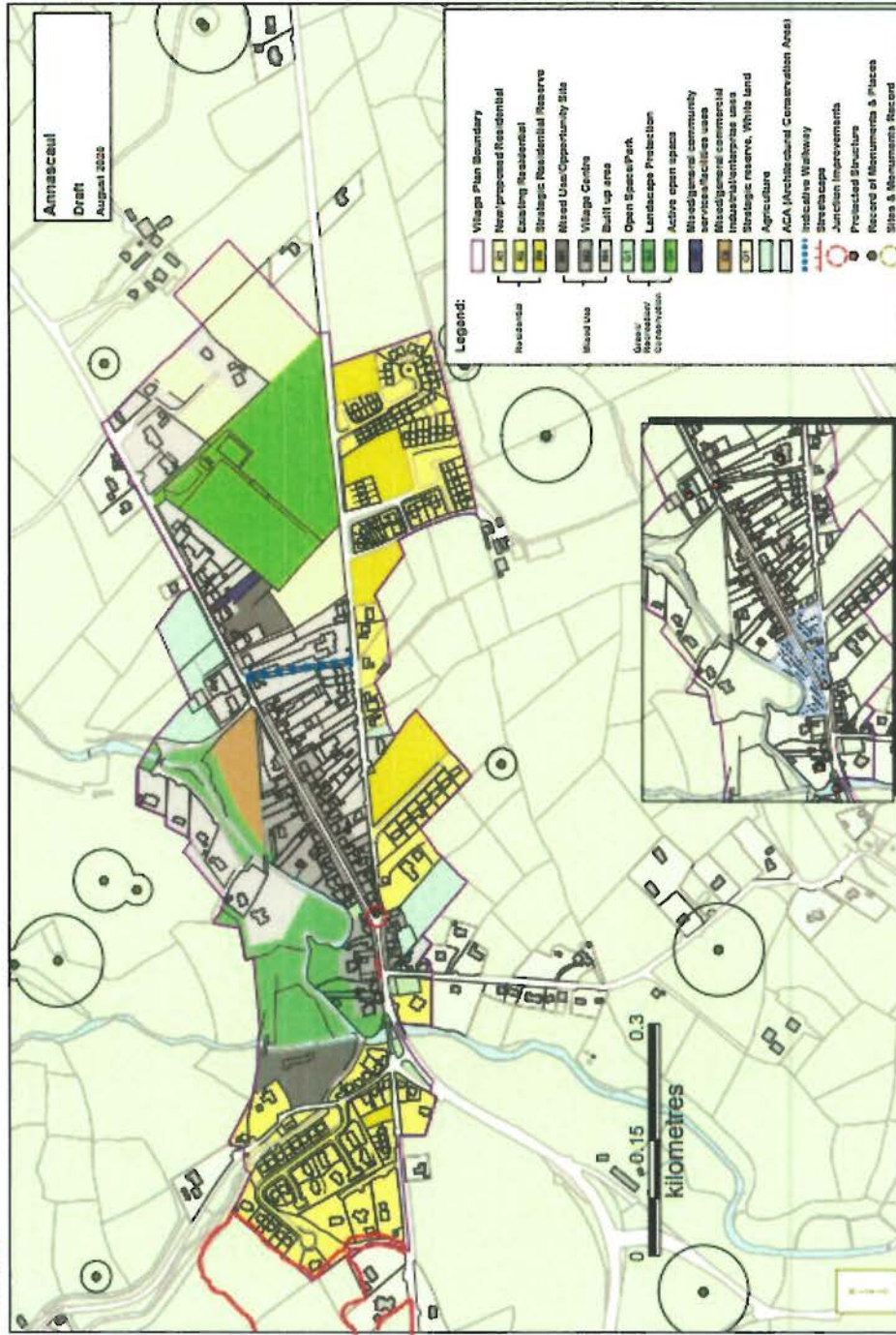
Regards,

Seán Guilfoyle. B.Eng. (Hons)

M: [Redacted]

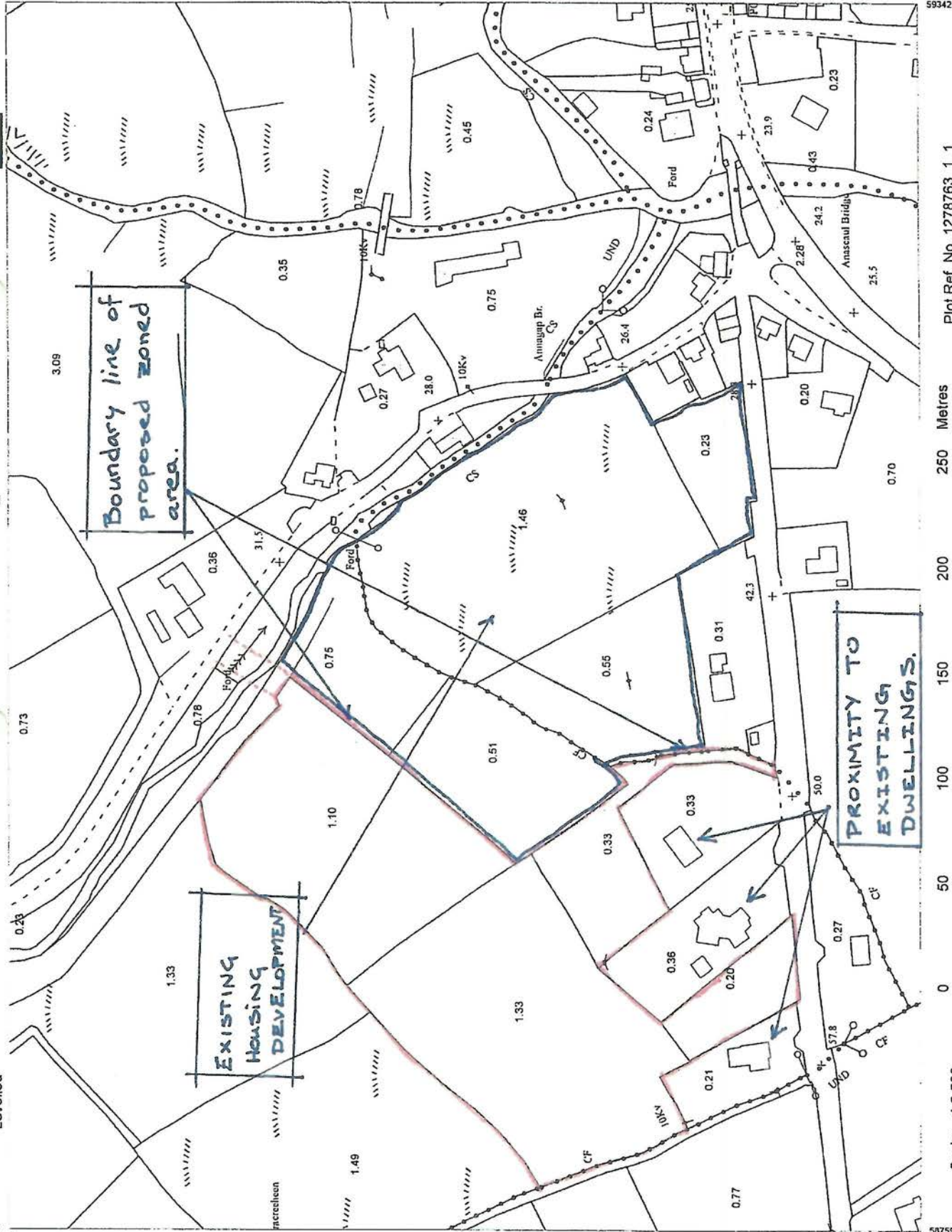
e: [Redacted]

Emailed to planpolicy@kerrycoco.ie & plan@kerrycoco.ie. FAO Damien Ginty



Surveyed 2002
 Revised 2002
 Levelled

Royal PLACE Map



PROXIMITY TO
 EXISTING
 DWELLINGS.

Boundary line of
 proposed zoned
 area.

EXISTING
 HOUSING
 DEVELOPMENT

Scale:- 1:2,500
 Scála:- 1:2,500

Metres

Feet

Plot Ref. No. 1278763_1_1

Plot Date 17-JAN-2008

59342
 102204

101774

ITM CENTRE PT. COORDS
 459031.602045

DESCRIPTION

MAP SHEETS

1:2500
 5865-B



Produced by National Map Services,
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 Kinross Road,
 Co. Cork
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.

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COAKLEY O'NEILL
town planning

Submission to

Draft An Daingean Electoral Area Local Area Plan 2020-2026

Prepared in September 2020 on behalf of

John Moran

Coakley O'Neill Town Planning Ltd.

📍 NSC Campus, Mahon, Cork

☎ 021 2307000

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🌐 www.coakleyoneill.ie

Document Control Sheet

Client	John Moran
Project Title	Submission to Inform the An Daingean Electoral Area Local Area Plan 2020-2026
Job No.	CON20181
Document Title	LAP Submission
Number of Pages	14

Revision	Status	Date of Issue	Authored	Checked	Signed
1	Draft	30 th September, 2020	SK	AON	<i>Ad O'Neill</i>
2	Final	1 st October, 2020	SK	AON	<i>Ad O'Neill</i>

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1.0 INTRODUCTION

- 1.1 This submission made by John Moran, Moran's of Dingle, Mail Road, Daingean Ui Chúis, Co. Kerry, c/o Coakley O'Neill Town Planning Ltd., NSC Campus, Mahon, Cork. Our client welcomes the publication of the Draft Plan and the opportunity to make a submission on same.
- 1.2 The principal subject of this submission is the site Moran's of Dingle convenience shop/petrol station garage complex and adjoining lands of c. 1.34ha in size situated on Mail Road.
- 1.3 This submission requests the following:
- **To rezone the entire site on the Mail Road which is one ownership to mixed use town centre (M2) to reflect the site's existing, established uses and town centre service function, and the existing permission for the redevelopment of the site for primarily retail uses.**
 - **To insert a specific policy objective for non-confirming uses, as is the case in section 1.8.8 of the current LAP.**

2.0 SUBMISSION CONTEXT

This section provides a context for the Planning Authority's consideration of the submission. It firstly establishes the nature and location of the site before setting out in brief the relevant planning history and policies from various statutory planning policy documents.

2.1 Site Location and Description



Plate 1: Subject Site identified in red

2.1.1 The site is situated on Mail Road a gateway location at the entrance to the town of Daingean Ui Chúis. It is approximately 1.34 hectares in size and is in single ownership.

2.1.2 The front of the site facing Mail Road is a long-established convenience shop, smaller service units and petrol station, (total 1,638m²), originally permitted in 1992, while the rear of the site comprises a garage/VTN centre/bus depot, and an undeveloped section that extends in an easterly direction. The towns' GAA pitch is located adjacent to the south-eastern boundary while the Christian Brothers secondary school playing pitches are to the east of the site.

- 2.1.3 Along the northwest boundary are a number of two storey terraced residential units, which front onto The Mall. To the southwest, the site is bounded by the N86, a number of 2-storey detached residential units, one of which is a B&B and also a large-scale guest house.
- 2.1.4 The site is easily accessible by vehicles and pedestrians, with good road frontage onto the N86 to Tralee and is within walking distance of Main Street.
- 2.1.5 The site is currently zoned as 'Town Centre' in the An Daingean Local Area Plan (LAP) 2012-2018.

2.2 Planning History

- 2.2.1 The site has several historic planning applications in place, including a live permission. The details of these applications are set out hereunder.
- 2.2.2 **An Bord Pleanála Reference PL08.236157 / Application Register Reference 09/757:** An eight year planning permission was granted for development of a predominantly retail scheme of c. 3,711m², as well as 590m² offices, 147m² restaurant and c. 1,128m² leisure use granted on 18th January 2011. It is noted that this was subsequently extended through an extension of duration permission (**099757**) on 9th April 2018, which extended the life of the planning permission until 17th January 2024.
- 2.2.3 **Application Register Reference 05/4231:** Planning permission was granted for the change of use of a section of the existing supermarket to an off licence.
- 2.2.4 **An Bord Pleanála Reference PL08 .217477 Application Register Reference 05/3996:** An Bord Pleanála granted permission for the change of use from car showroom to dry cleaning facility and the provision of enclosure building to existing automated car wash facility and revised forecourt parking layout to service restaurant and car wash, following a third party appeal against Kerry County Council's decision to Grant permission for (a) change of use from car showroom to dry cleaning facility (b) change of use from car showroom to restaurant and hot food takeaway and (c) the provision of enclosure building to existing automated car wash facility and revised forecourt parking layout to service restaurant and car wash. It is noted that the Board refused permission for (b) the change of use from car showroom to restaurant and hot food takeaway.
- 2.2.5 **Application Register Reference 96/32:** Permission was granted for the completion of the front area of the garage development comprising supermarket, offices and car showroom to revised layout and revised elevations.
- 2.2.6 **Application Register Reference 92/1337:** Planning permission was granted for a service station, shop units and workshop.

2.3 Statutory Planning Context

2.3.1 National Planning Framework

2.3.1.1 The National Planning Framework was published in 2018 and sets out the Government's high-level strategic plan for shaping the future growth and development of Ireland up to 2040.

2.3.1.2 Of specific note in relation to Dingle, is the major new policy emphasis in the NPF on renewing and developing existing settlements, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.

2.3.1.3 The NPF contains 10 no. National Strategic Outcomes, and the first of these relates to Compact Growth. In this regard, it is noted that all settlements in the country contain many potential development areas, which are centrally located and are capable of re-use to provide housing, jobs, amenities and services. It is noted that activating these sites and achieving effective density and consolidation is a top priority.

2.3.1.4 In addition, National Policy Objective 5 notes the aim to develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

2.3.2 Regional Spatial and Economic Strategy for the Southern Region (2020)

2.3.2.1 The NPF set out the context for the Regional Spatial and Economic Strategy (RSES), particularly in relation to compact growth, involving the careful management of the sustainable growth of compact cities, towns and villages to achieve better residential development across the Southern Region.

2.3.2.2 While the RSES focuses on the Cities of the region, the strategy is equally focused on ensuring a balanced approach and realising the much-underutilised potential in wider rural towns and dispersed communities. There is a key focus on strengthening our smaller towns and villages as well as rural areas.

2.3.2.3 Section 3.1 of the Strategy sets out the key principles in developing the strategy, including the need to provide strong regional support for policy and initiatives at the local level which restrict urban generated sprawl, strengthening the role of settlements servicing hinterlands, consolidating existing settlement, and protect the environment and resources of rural areas from haphazard, urban-generated housing patterns.

2.3.2.4 In terms of the importance of Towns and Villages within the Region, it is noted that they are local drivers for their surrounding areas. In this regard Regional Policy Objective (RPO) 26, sets out this policy in full, and the following are of relevance;

- a) *To strongly support strengthening the viability of our towns and rural settlements, as a key objective of the RSES, including the protection of essential rural services such as post offices, shops, and medical facilities;*

- b) *To seek investment and initiatives that deliver smart technologies, revitalisation of mixed-use town and village centre streets, and pilot initiatives for regional good practice in renewal and re-use of buildings;*
- d) *To ensure that development plans tailor the appropriate planning response by reference to the scale, nature and location of the settlement. Local authorities will identify settlements which can play an enhanced role at sub-regional level to drive the development of their area;*

2.3.3 Kerry County Development Plan 2015-2021

2.3.3.1 It is noted that Dingle has been identified as a key urban centre in Map 2.1 of the Core Strategy of the current Development Plan. Furthermore, it is identified as a Regional Town in the settlement hierarchy of the County.

2.3.3.2 In relation to the aims for Regional Towns as set out in the hierarchy, it is noted that it is the intention of the Plan to *"facilitate the provision of an appropriate and sustainable range of social and physical infrastructure, facilities and services, including retail and commercial and enterprise development to serve the inhabitants of the towns and their rural hinterlands"*

2.3.3.3 In addition, Section 6.5.3 notes that Dingle provides important services and employment functions for its catchment area, traditionally the centre for trade and commerce in West Kerry, highlighting the important sub regional role played by the Town.

2.3.4 Kerry County Development Plan 2022-2028 – Issues Paper

2.3.4.1 The Issues Paper published in advance of the Draft Kerry County Development Plan 2022-2028, states it is the intention that Dingle will continue to be a Tier 2 settlement, characterised as strong, active and economically vibrant towns.

2.3.4.2 This indicates that the current position of Dingle as set out in the current Development Plan will be carried through to the new Development Plan.

2.3.5 Dingle Functional Area Local Area Plan 2012-2018

2.3.5.1 As set out in Section 1.5.1 of the Plan, Dingle has been defined as a District Centre within the Dingle Functional Area. Of significant note, is that the subject site was included within the defined town centre in the existing Local Area Plan, as can be seen in Plate 2 below.

2.3.5.2 In addition, and as set out in Section 2.3.1, the Plan acknowledges that Dingle benefits from having a compact town centre.

2.3.5.3 It is stated in Section 3.1.1 of the Plan that the strategy for the entire An Daingean Electoral Area Local Area Plan is dependent of the growth of Dingle/Daingean Uí Chúis as the Regional Town. Several Overall Objectives are set out in the Draft Plan with Objective WK-OO-03 set out as follows:

Encourage the sustainable expansion in the range and number of retail, commercial and community services/facilities of the settlements in tandem with population growth which in turn will provide local employment and improve the quality of life of the local community



Plate 2: Existing Dingle Functional Area Local Area Plan - Land Use Zoning Map

2.3.6 Draft An Daingean Electoral Area Local Area Plan 2020-2026

2.3.6.1 The Draft An Daingean Electoral Area Local Area Plan was published in August 2020. It is noted that the Plan sets out a series of Strategic Objectives for the development of Dingle, with Overall Strategic Objective 03 outlined as follows:

Support the strategic role of Dingle / Daingean Uí Chúis as a centre of economic growth and employment to act as catalysts for development within its hinterland, in a manner which is in accordance with proper planning and sustainable development.

2.3.6.2 It is also an intention of the Plan to strengthen the urban structure of settlements, as set out in Section 2.2.1 of the Plan, noting that designated towns and villages need to ensure they retain their service centre function and develop sustainably as attractive places to live, work and visit.

- 2.3.6.3 In relation to the Town Centre, section 3.2.5.3 of the Draft Plan notes that in order to maintain a vibrant town centre it is essential that the level of retail provision in the town centre is maintained and enhanced. It is further noted in Section 3.2.5.4 of the Plan that the vitality and viability of the town centre will be protected in the future by ensuring that all future retail developments are located in the town centre.
- 2.3.6.4 However, it is noted that the principal site on Mail Road is no longer zoned Town Centre but is now part zoned M4 'built up area', and C2.1 'Industry, Enterprise and Employment'. It is noted that, apart from car parking (which is permitted in principle) all uses are open for consideration under the Draft LAP in the M4 zone. In the C2.1 zone, a shop and a supermarket greater than 2,500m² are permitted in principle, and open for consideration uses include wholesale warehouse, café/restaurant, warehousing/storage depot/distribution centre.

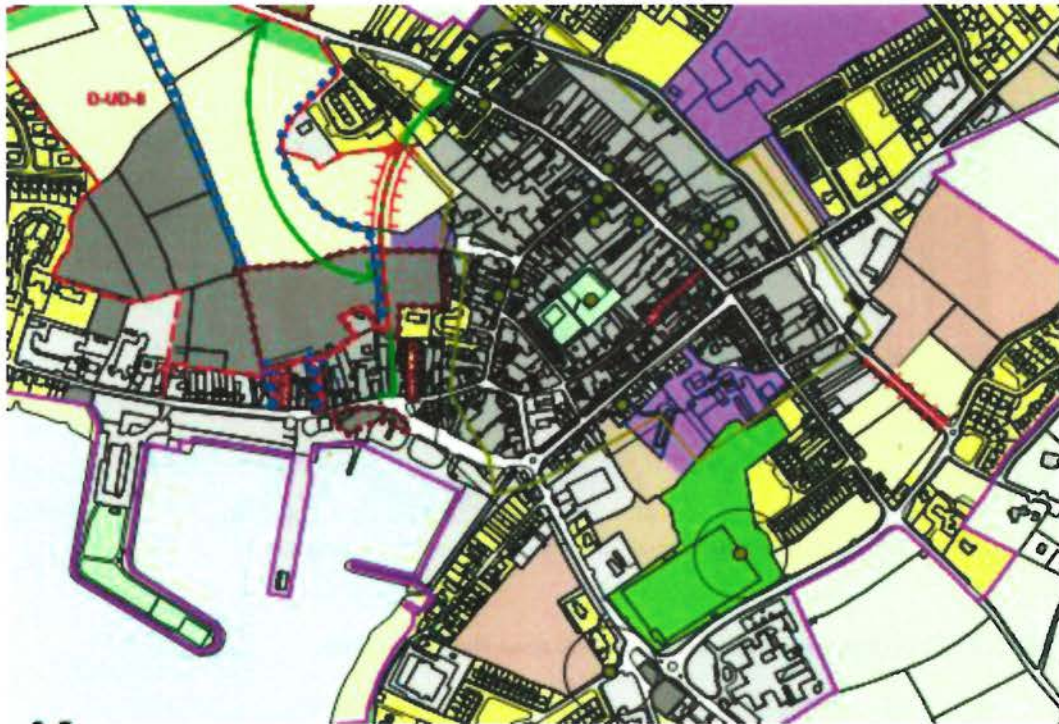


Plate 3: Land Use Zoning Map of Dingle in the Draft An Daingean Electoral Area Local Area Plan

3.0 BASIS OF THE SUBMISSION

3.1 We request Kerry County Council to revert the town centre zoning for the site at Mail Road, Dingle, as set out in both the Dingle Functional Area Local Area Plan 2012-2018 and the previous An Daingean LAP 2006.

- Dingle has been identified as a Regional Town in the Kerry County Development Plan, as well as being identified as a key urban centre within the Core Strategy for the County, forming the second tier of the settlement hierarchy.
- It is noted that in the Issues Paper published in advance of the new County Development Plan 2022-2028, that the status of Dingle as a second tier settlement has been maintained, indicating that it is the intention of the new plan to maintain the status of the Town in the new Plan.
- Having regard to National Policy, in the form of the National Planning Framework (2018), which the County Development Plan and Local Area Plan must comply with, it is noted that there is major new policy emphasis on developing existing settlements rather than the continual expansion of towns into the countryside. In this regard the National Strategic Outcome for Compact Growth focuses on the need to strengthen existing settlements as a top priority.
- In this regard the RSES for the Southern Region sets out the need to provide strong regional policy support to strengthen and consolidate existing settlements that serve a wide hinterland. Moreover, Regional Policy Objective 26 seeks the protection of existing services, as well as allowing Development Plans to identify settlements which can play an enhanced sub regional role, to drive the development of their area.
- Dingle plays an important service role for its catchment area, which has traditionally been the centre for trade and commerce in West Kerry. It is further noted in the Draft LAP that the development of the entire Electoral Area is dependent on the growth of Dingle. In this regard it is considered that a strong urban centre will be critical to allow Dingle to fulfil this role.
- On this basis, it is considered that the reduced town centre area, as proposed in the Draft LAP, will undermine the requirement to deliver compact development in a town which plays an important sub-regional role, in contradiction of both national and regional planning policy. In this regard it is considered that a strong urban centre rather than a reduced urban centre will be critical to allow Dingle to fulfil this role.
- The recognition of the contribution to be made by existing and permitted employment and service resources for the town should in our view be a starting point for the implementation of these objectives. Such resources should be supported through positive, proactive and appropriate zoning and development objectives.

- It is noted that one of the overall objectives for the development of the Electoral Area is to encourage the expansion in the range and number of commercial and community services/facilities of the settlement. It is considered that the current level of service must also acknowledge and include the permitted town centre primarily retail development of the subject site, which will significantly enhance the range of retail provision once the permission is implemented.
- However, notwithstanding the acknowledgement that growth of the electoral area is dependent on the growth of Dingle, the Draft LAP proposed to reduce the town centre boundary from that adopted in both the Dingle Functional Area Local Area Plan 2012-2018 and the An Daingean LAP 2006, effectively removing the Town Centre designation for the first time in 14 years.
- While the draft LAP is premised on the County Council's Core Strategy, and zoned residential land modified accordingly, there is no explanation is provided in the LAP as to the rationale for the reduction in the boundary of the town centre.
- This reduced town centre boundary has had the effect of removing the Mail Road site from the town centre of Daingean Uí Chúis. There does not appear to be any reasoning or logic to this action, and no rationale is put forward in the draft LAP.
- It is our submission that the Mail Road site is located in the town centre and has been in use as an established shop, retail services and service station. The Mail Road site therefore essentially operates as a town centre use supporting the vitality and viability of that centre.
- The Mail Road site is strategically located relative to existing and proposed population and employment areas in the draft LAP, is extremely accessible by car and on foot, and its redevelopment for more intensive primarily town centre retail uses has already been supported by strategic policy and endorsed by An Bord Pleanála.
- Moreover, the primary retail use of the permitted development under 09/757 / ABP PL 08. 236157 is compatible with and reinforces this established town centre use. It is noted that this permission was subsequently extended under reg. ref. 099757 and does not expire until 17th January 2024.
- Having regard to the timeframe of the LAP and the planning permission which had been extended until 2024, it is considered that the permission is entirely implementable during the duration of the An Daingean Electoral Area Local Area Plan 2020-2026.
- This permission was granted by Kerry County Council having regard to the town centre zoning of the land under App. Reg. Ref. 09/757, while the reporting Inspector for the Board under ABP PL 08.236157 commented that:

The Retail Impact submission at planning application stage states that the site is within 300 metres walking distance of Main Street. I note also that the site falls within the area of the town "inside" the relief road reservation shown in the Development Plan and the submitted TIA. Having regard to these considerations I accept the thrust of the submissions for the applicant that the site should be regarded as a town site and not "edge-of-town" or "out-of-town".

- Irrespective of the town centre zoning objective, the Inspector regarded the Mail Road site as being town centre site having regard to its location and its context. Nothing has changed in the interim to either the site's location or its context. The site's status, as agreed by the Board, therefore remains that of town centre.
- Furthermore, the reporting Inspector for the Board under ABP PL 08.236157, and the Board itself, accepted that the permitted development would not undermine the vibrancy and vitality of the town centre, and that there was sufficient capacity in the catchment to support the scale of retail development. In addition, and having regard to the Retail Planning Guideline, in determining that a sequential test was not required, the Board confirmed the town centre status of the Mail Road site.
- That the Board permitted c. 3,711m² retail floorspace at the Mail Road site, including anchor store, is further testament to the site's preferential town centre status, and not a mixed-use edge of centre location;
- However, the Draft LAP, notwithstanding the reasoned conclusions previously reached by Kerry County Council under App. Reg. Ref. 09/757, and the Board under ABP PL 08.236157, now proposes to rezone part of the site from its established town centre status to a mixed use zone, with the other part zoned C2.1 for industry/enterprise/commercial. In doing so, the Council does not acknowledge its own decision under App. Reg. Ref 09/757, or acknowledge the decision of the Board under ABP PL 08.236157, or acknowledge the decision to extend the permission to 17th January, 2024 under reg. ref. 099757.
- The thrust of this submission therefore simply asks for consistency in approach, that the Mail Road site is town centre, and to make the necessary amendment to the draft LAP.
- It is noted that retail development of the scale permitted under ABP PL 08.236157 and App. Reg. Ref 09/757, as extended, comprises 3,711sqm, which is not a use that is permitted in principle under the draft LAP but is rather a use that is open for consideration.
- In this regard, it is considered that the proposed land use zoning bears no relationship with the existing permitted development on the Mail Road site. It is considered that the proposed zoning reflects the existing use of the site, without considering the permitted development on the Mail Road site that represents its true planning status, rather than the existing uses.

- The apparent discrepancy between the zoning objective and the zoning matrix insofar as the extent of permissible retail uses are concerned is, in our view, confusing, but, in normal circumstances, the overriding policy pertaining to the zoning objective would take precedence. In this regard, the proposed change in zoning objective clearly creates difficulties for any future expansion/amalgamation/amendment of permitted retail uses, as a result of the requirement for a sequential test to justify the site's location, when Kerry County Council, and subsequently the Board, have previously clearly ruled that the site's status is that of town centre, where no sequential test applies.
- 3.2 In this regard, we find no compelling case as to why the town centre zoning objective established for the site on Mail Road in the An Daingean LAP in 2006 , on which grounds the retail-led development of the site was granted, and the Dingle Functional Area Local Area Plan 2012-2018, on which grounds the permission was extended for further period of 5 years, should not be carried through to the new LAP.
- 3.3 The consequences for our client of this action have yet to be determined, but there are implications for the potential devaluation of the land, and the devaluation of the permission under 09/757 / ABP PL 08.236157, which may attract compensation.
- 3.4 The change to M4 Town Centre will mean that the existing petrol station and vehicle repairs garage will be considered a non-conforming use. While it is noted that the Local Authority will support these existing primary land uses, as set out in section 2.8.2. of the draft LAP, it would serve our client better if there was to be a specific policy objective for non-confirming uses, as is the case in section 1.8.8 of the current LAP:

Many uses exist in locations where they do not conform to designated use zoning objectives set out for that area and are normally long term established uses that have developed over time. The LAP notes that when there is an extension to, or improvements of premises accommodating these uses proposed, each shall be considered on its merits and permission may be granted where it can be shown that the proposal does not adversely affect amenities in the vicinity and is compatible with the proper planning and sustainable development of the area.

4.0 CONCLUSION

- 4.1 In conclusion, having regard to the foregoing, the reasons for reinstating the town centre zoning objective on the site are numerous and are justified on the basis of their planning merit.
- 4.2 While the draft LAP is premised on the County Council's Core Strategy, and zoned residential land modified accordingly, no explanation is provided in the LAP as to the rationale for the reduction in the boundary of the town centre, and the consequent removal of the subject site from the established town centre of Daingean Ui Chúis.
- 4.3 This is not in the interests of the proper planning and sustainable development of Dingle, an established settlement, which plays a sub-regional role as the main driver of growth within the Electoral Area. Indeed, it is considered that the reduction of the town centre undermines the policies set out at both national and regional policy level, which advocates for strong and compact town centres.
- 4.4 It has been clearly established that:
- The site on Mail Road and adjoining lands all already exhibit town centre orientated uses;
 - The site's status as part of the established town centre, by reason of its location within easy walking distance of Main Street, strong pedestrian and road linkages, and its immediate context, has already been established by both Kerry County Council and An Bord Pleanála;
 - As a consequence, the site has the benefit of a live planning permission which is in force until 2024, which is entirely implementable over the plan period for the An Daingean Electoral Area Local Area Plan 2020-2026;
 - The proposed mixed-use and industrial/enterprise/employment zoning objective does not reflect the reality of the permitted development which represents the true use of the site and the contribution it will make to the sustainable development of Daingean Ui Chúis in accordance with the statutory planning policy framework guiding its development.
- 4.6 Accordingly, we request that the land use strategy in the final LAP should support the town centre status of the subject site in a manner consistent with the statutory planning framework established under national, regional and county level policy documents, and, above all, consistent with the permitted primarily retail development pertaining to it.
- 4.7 This is also consistent with An Bord Pleanála's ruling that the subject site should be regarded as town centre.
- 4.8 We ask that the following commitments, set out in the various planning policy documents mentioned above, be taken into account in the consideration of this submission:

- The strategic policy objectives set out in the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region, and the Kerry County Development Plan with regard to the development of Daingean Ui Chúis;
- The Council's commitment to support and promote the compact and sustainable development of Daingean Ui Chúis as set out in development plan policy objectives, and
- The Draft LAP's vision for the town which notes that the development of Dingle is critical for realising balanced regional development.

In addition to these objectives and commitments, the location, context and character of the subject site all provide strong planning merit to promote and facilitate the re-establishment of its town centre zoning status.

The reality is that this site is already part of the established town centre. Its rezoning will therefore reflect its established use, and its existing permission.

The change to M4 Town Centre will mean that the existing petrol station and vehicle repairs garage will be considered a non-conforming use. While it is noted that the Local Authority will support these existing primary land uses, as set out in section 2.8.2. of the draft LAP, it would serve our client better if there was to be a specific policy objective for non-confirming uses, as is the case in section 1.8.8 of the current LAP.

In this regard, this submission requests the following:

- **To rezone the entire site on the Mail Road which is one ownership to mixed use town centre (M2) to reflect the site's existing, established uses and town centre service function, and the existing permission for the redevelopment of the site for primarily retail uses.**
- **To insert a specific policy objective for non-confirming uses, as is the case in section 1.8.8 of the current LAP.**