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# Chapter 1

# Introduction

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## 1.1 Legal Preamble and Interpretation

Kerry County Council as the Planning Authority has a duty to make a Development Plan for its functional area and to review it every six years. The legal basis for Development Plans is contained in the Planning and Development Acts 2000-2014.

The current Plan was formally made on the 6<sup>th</sup> April 2009 and became policy from the 4<sup>th</sup> May 2009.

The County Development Plan 2015-2021 will incorporate the aims, objectives, policies and guidelines to provide for the proper planning and sustainable development of County Kerry. The County Development Plan is a spatial planning framework that gives effect to the delivery of sustainable and planned economic and social development in a manner consistent with higher level plans and strategies such as the National Spatial Strategy 2002-2020 and the South West Regional Planning Guidelines 2010-2022.

Throughout the Kerry County Development Plan 2015-2021 the term “**Sustainable**” is used widely. Sustainable is defined as that which meets the needs of the present without compromising the ability of future generations to meet their own needs. The conservation of species and habitats in accordance with the requirements of the EU Habitats and Birds Directives is considered to be an important component of sustainable strategies, policies and objectives. Similarly where the term ‘*at appropriate locations*’ is used within this Plan, the protection of the Natura 2000 networks ecological integrity inherently applies.

## 1.2. Plan Review Process

The review of the Kerry County Development Plan (2009-2015) commenced on the 27<sup>th</sup> March 2013 with an initial phase of public consultation based on an Issues Document, which was prepared to promote discussion. Public Information sessions were held

throughout the County during April 2013 and a total of 56 no. written submissions were received from the public during this initial consultation phase.

The County Managers Report, on pre-Draft submissions received, was presented to the Elected Members of the Council on the 15<sup>th</sup> July 2013. This Report was considered by the Members and directions regarding, the policies and objectives to be contained in the Draft Plan, were issued to the County Manager at a meeting held on the 2<sup>nd</sup> September 2013. A Draft Plan was then prepared by the Planning Policy Unit having regard to the directions received from the Elected Members and the Draft Plan was presented to the Members on the 22<sup>nd</sup> November 2013.

### Draft County Development Plan

Following consideration of the Draft Plan by the Elected Members at meetings held on the 2<sup>nd</sup> December, 9<sup>th</sup> December 2013, 6<sup>th</sup> January and 13<sup>th</sup> January 2014, the Draft Plan (as amended by the Members) went on public display for a period of 10 no. weeks from Friday 24<sup>th</sup> January, 2014 to Monday 7<sup>th</sup> April, 2014. The Draft Plan was on display at the Kerry County Council Offices in Rathass, the Kerry County Council Roads Area Offices, the Libraries and a dedicated web page was set up on the Kerry County Council website at [www.kerrycoco.ie](http://www.kerrycoco.ie).

7 no. Open Days were also held to facilitate members of the public in Killorglin, Cahersiveen, Kenmare (Templenoe), Daingean Uí Chúis, Tralee, Listowel and Killarney and which were attended by Staff of the Planning Policy Unit. In addition, a series of Workshops with Local Community Groups were held subsequent to each Open Day between the hours of 7pm and 9.30pm. An extra Workshop meeting was held in Castleisland on 12<sup>th</sup> March, 2014. More than 138 nos. Community and Voluntary groups attended the workshops held throughout the County.

In all, 327 no. submissions were received during the consultation period. Each submission was read, categorised and



summarised in the Chief Executives Report together with the Chief Executives Response and Recommendation(s).

### **Amendments/Material Alterations to the Draft Plan**

The above-mentioned Chief Executives Report was considered by the Elected Members at meetings held on 28<sup>th</sup> July 2014, 1<sup>st</sup> September 2014 and 11<sup>th</sup> September 2014. A number of Amendments/Material Alterations were agreed by the Elected Members.

The proposed Amendments/Material Alterations were environmentally assessed. There are addenda to the Strategic Environmental Assessment, Habitats Directive Assessment and Strategic Flood Risk Assessment environmental reports.

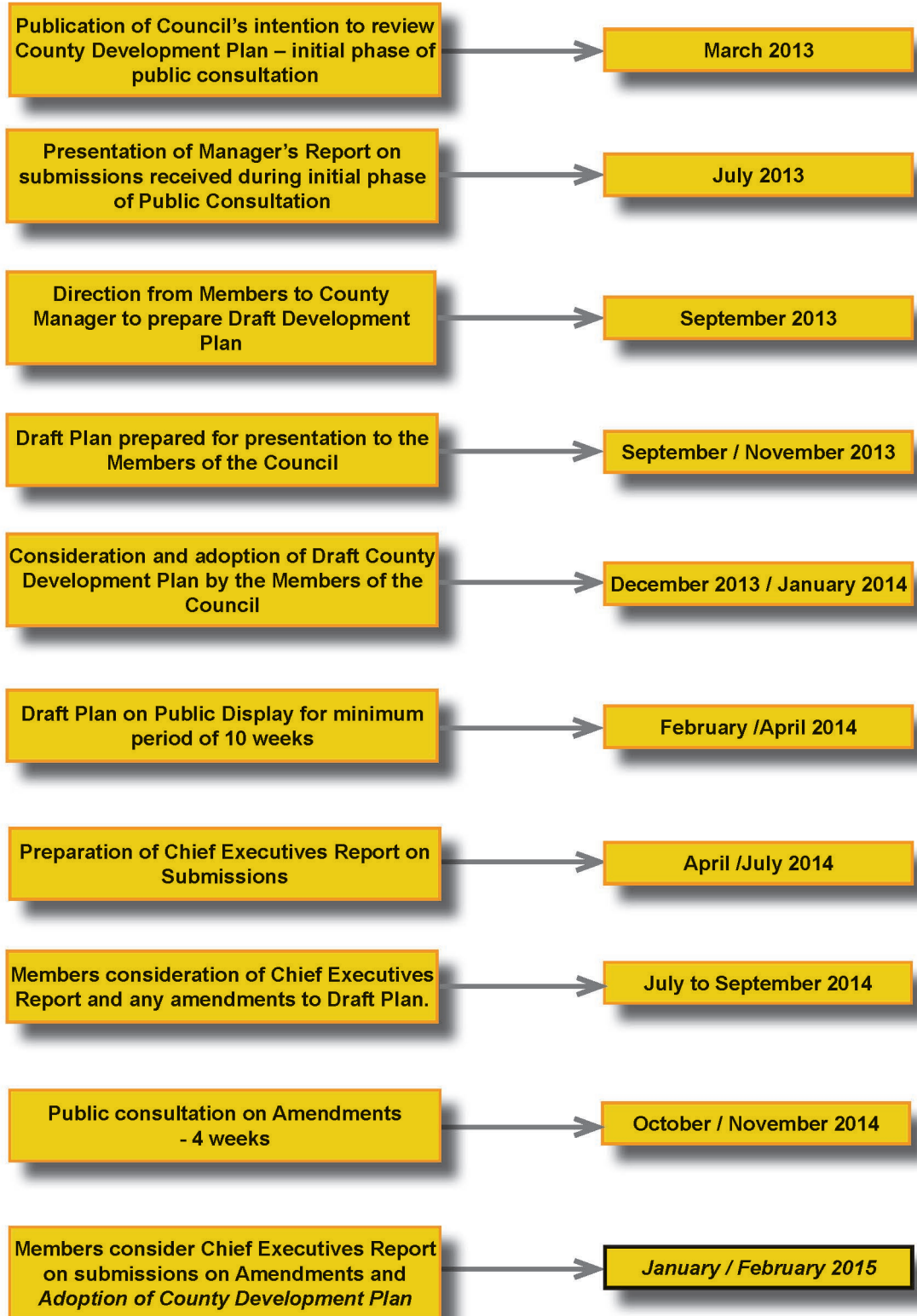
The proposed Amendments/Material Alterations were on public display from Wednesday **22<sup>nd</sup> October 2014** until Friday **21<sup>st</sup> November 2014**.

**422** no. submissions on the proposed material alterations were received during the consultation period. Each submission was read, categorised and summarised in the Chief Executives Report together with the Chief Executives Response and Recommendation(s).

The above-mentioned Chief Executives Report was considered by the Elected Members at a Special Planning Meeting held on 12<sup>th</sup> January 2015. The Kerry County Development Plan 2015-2021 was adopted at the Council Meeting held on 16<sup>th</sup> February 2015 and is effective from the 16<sup>th</sup> March 2015.



**Table 1.1**  
**Development Plan Review Process and Indicative Timescale**





### 1.3 Development Plan Context

The County Development Plan is an important framework document assisting in the economic recovery and sustainable growth of the County, in turn generating benefits for all our citizens; enhancing the attractiveness of the County as a place in which to live, work, invest and enjoy; and supporting national policy and legislation in an integrated manner.

The Plan has **Seven** main goals for the future development of the County and the policies and objectives in this Plan will assist in achieving these goals.

- (1) *To attract inward investment and people into the County and stem outward migration from the County.*
- (2) *To promote the growth of a sustainable economy.*
- (3) *To adopt 'green principles' that promote a high quality of life.*
- (4) *To promote the creation of attractive vibrant settlements that provide a high quality of life for our citizens.*
- (5) *To maintain and provide additional services for our citizens, investors and visitors.*
- (6) *To protect and enhance the natural and built environment.*
- (7) *Actively strive to secure the financial resources to achieve policies and objectives contained in the County Development Plan.*

#### 1.3.1. Public Participation

Consultation with the public is fundamental to the Plan making process. A number of consultation methods were used including publishing public notices (in newspapers and on the Council website) inviting written submissions; public meetings and drop-in sessions. The various issues arising from the consultation process informed the preparation of the Plan.

### 1.4 Format and Content of the Plan

Section 10 of the Planning & Development Act 2000 (as amended) prescribes the content of the Plan. It states that a development plan must set out an overall strategy for the proper planning and sustainable development of an area and include various objectives as listed in the Act.

The Planning and Development (Amendment) Act 2010 introduced the requirement to include a Core Strategy within all development plans. The Core Strategy must show that the development objectives in the development plan are consistent, as far as practicable, with National and Regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines. The Development Plan does not seek to duplicate or re-invent the County Development Board's (CDB) Meitheal Chiarraí Strategy for County Kerry 2009 - 2012 or the proposed Tourism and Economic development strategies for the County.

The focus of the Plan is on physical development and land-use and how it can help to achieve the sustainable economic and social development of the County.

***This Plan consists of 5 no. Volumes:-***

#### **Volume 1**

Consists of a number of Integrated Strategies and each Strategy includes policies to assist in achieving the goals of the Plan and supporting objectives to achieve those policies.

#### **Volume 2**

Consists of:

- Record of Archaeological Monuments and Protected Structures
- Public Rights of Way

#### **Volume 3**

Landscape Amenity, Environmental Designation and Zoning Maps.

### **Volume 4**

The CDP as adopted, underwent three environmental assessments – a Strategic Environmental Assessment (SEA), an Appropriate Assessment (contained in a Natura Impact Report) and a Strategic Flood Risk Assessment (SFRA). These assessments ran in parallel with the drafting of the CDP. The assessments informed the plan in an iterative process and where applicable, recommended amendments to the plan as it proceeded towards adoption.

An SEA Statement, available with the adopted plan, summarises how the SEA informed the plan making process.

A Natura Impact Report/AA Concluding Report details how adverse effects on the site integrity of Natura 2000s, either individually or in combination with other plans/projects, are not considered likely from the implementation of the plan.

The SFRA is an assessment of the CDP from a strategic flood risk management point of view. The SFRA along with the CDP also provides guidance so as to ensure sustainable flood risk management principles underpin planning decision making in the County, over the lifetime of the Plan.

### **Volume 5**

Housing Strategy.

## **1.5 Planning Policy Context**

The preparation of this Development Plan has been influenced by a number of strategic international, national, regional and local strategies/reports. Volume 2 details some of the considerations from key policy documents for the preparation of this Plan. These include the mandatory objectives for Development Plans that are set out in the Planning and Development Acts 2000-2014.

Under Section 9(6) of the Planning and Development Acts 2000-2014, Development Plans must be consistent as far as is practicable

with national plans, policies or strategies that the Minister for the Environment, Community and Local Government determines relate to proper planning and sustainable development.

## **1.6 Environmental Statement**

Pursuant to Section 10 (1)(D) of the Planning & Development Acts 2000-2014 a development plan must include a written statement which shows that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

This Plan has undergone a Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA). None of these assessments have identified development objectives likely to have significant effects on the Environment. It is therefore considered that the development objectives as set out in the plan are consistent, as far as practicable, with the conservation and protection of the environment.

## **1.7 Formulation of Policies and Objectives**

In the formulation of policies and objectives for this plan the Planning Authority had regard to all government guidelines and policy documents.

## **1.8 Statement of Implementation of Ministerial Guidelines**

In accordance with Section 28 of the Planning & Development Acts 2000-2014, a Planning Authority shall append to the Development Plan, a statement that:-

- Demonstrates how the Planning Authority has implemented the policies and objectives of the Minister contained in Section 28 Guidelines when preparing the Plan.





- If applicable, where a Planning Authority formed the opinion that it is not possible because of the nature and characteristics of the area, or part of the area, to implement certain policies and objectives of the Minister contained in the Guidelines; it shall give reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented.

It is considered that policies and objectives in the planning guidance issued under Section

28 of the Planning & Development Acts 2000-2014 have been implemented in the preparation of the County Development Plan 2015-2021 and this is demonstrated in the attached list.

<b>Section 28 Guidelines</b>	
Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009)	The process of Appropriate Assessment was carried out throughout the review period of the Plan. Mitigation policies have been included in the Plan where identified as part of the Appropriate Assessment Process.
Architectural Heritage Protection - Guidelines for Planning Authorities (2011)	Policies and objectives contained within this Plan have had regard to various legislative provisions and policy guidance documents, including the Planning & Development Acts 2000-2014, Architectural Heritage Protection – Guidelines for Planning Authorities 2011.  The Plan provides a list of the Record of Protected Structures.
Architectural Heritage Protection for Places of Public Worship - Guidelines for Planning Authorities (2003)	There are a number of places of worship recorded for protection in the Record of Protected Structures. These are identified in Volume 2 Appendix 1 and policy guidance is provided in Chapter 11.
Best Practice Urban Design Manual Part 1& 2 (2009)	The Development Management, Standards and Guidelines had regard to the Urban Design Manual.
Childcare Facilities Guidelines (June 2001)	The Community and Social Strategy and Development Management Standards and Guidelines address the issue of Childcare Facilities. Policies have been included which have regard to the recommendations and requirements of the Childcare Facilities: Guidelines for Planning Authorities 2001.
Design Standards for New Apartments (2007)	The Development Management Standards and Guidelines state that all apartment developments should comply with the design standards. It specifies that design statements for apartment developments are required to include details of compliance with the standards set out in the Guidelines, including space standards for each unit and the quantity of space provided in each unit.

Development Contributions -Guidelines for Planning Authorities – (2013)	These Guidelines are referred to in Chapter 13
Development Management – Planning Guidelines for Planning Authorities (June 2007)	Development Management Standards and Guidelines refers to Environmental Impact Assessment, Appropriate Assessment and the Development Contribution Scheme in accordance with the Guidelines.
Development Plans – Planning Guidelines for Planning Authorities (June 2007)	The Development Plan Guidelines for Planning Authorities have informed the preparation of this Development Plan. The Core and Settlement Strategies identify a detailed settlement hierarchy for the County. Chapters 2 and 3 of the Plan refer to the Guidelines. The Development Plan also sets out the planning framework for the future sustainable development of each of the towns/villages/ settlements and rural areas which is informed by National (NSS) and Regional Planning Policy (RPG).
Implementation of SEA Directive (2001/42/EC) Assessment of the Effects of Certain plans and Projects on the Environment - Guidelines for Regional Authorities Planning Authorities (2004)	The SEA Process has been undertaken and is included in Volume 4.
Implementation of new EPA Code of Practice on WasteWater Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10 Implementing Regional Planning Guidelines - Best Practice Guidelines (2010)	The Development Management, Standards and Guidelines had regard to the EPA Code of Practice and Best Practice Guidelines.
Landscape and Landscape Assessment - Guidelines for Planning Authorities (2000)	These Guidelines are referred to in Chapter 12.
Managing and Resolving Unfinished Housing Developments, Guidance Manual (DoECLG 2011).	The Housing Strategy and Development Management, Standards and Guidelines had regard to the Guidance Manual.
Provision of Schools and the Planning System – A Code of Practice for Planning Authorities, (2008)	The Community & Social Strategy has had regard to the Code of Practice. It specifies the role of Kerry County Council in education and refers to ‘the Provision of Schools and the Planning System, A Code of Practice for Planning Authorities (2008)’ The Development Management, Standards and Guidelines refer to the Code of Practice and also specify that the technical guidance document (TGD) 025 & 027.





Quarry Guidelines (January 2012) and supplementary Guidelines (July 2012)	Development Management Standards and Guidelines outlines the issues that shall be addressed in development proposals for quarries.
Quality Housing for Sustainable Communities-Design Guidelines (2007)	The Housing Strategy and Development Management, Standards and Guidelines had regard to the Design Guidelines.
Retail Planning Guidelines for Planning Authorities & Retail Design Manual (2012)	The Economic Strategy sets out the retail policies and objectives of the Plan. It acknowledges the Retail Planning Guidelines (2012).
Section 261A of the Planning & Development Act 2000 Guidelines (2012).	These Guidelines are referred to in Chapter 8 and 13.
Spatial Planning and National Roads - Guidelines for Planning Authorities (2012)	The Infrastructure Strategy references the Guidance on Spatial Planning & National Roads 2012. The Plan acknowledges the publication of the Spatial Planning and National Roads Guidelines in Chapter 7, Section 7.2 and endorses the key issues contained therein. In particular Section 7.2.1 addresses access onto National Roads in Exceptional Circumstances and Developments of National and Regional Strategic Importance. However the Planning Authority has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement these Guidelines in relation to access onto the N69, N70(Tralee/Killorglin), N72 and N86. It is intended to engage further with the National Roads Authority and the Department of Environment, Community and Local Government regarding this in the future which may result in a variation to the County Development Plan.
Strategic Environmental Assessment (SEA) Guidelines (2004)	The preparation of the Plan had regard to the SEA Guidelines. A Strategic Environmental Assessment was carried out as an iterative process throughout the review period of the Plan.
Sustainable Urban Design – Design Standards for New Apartments Guidelines for Planning Authorities (2007)	The Development Management, Standards and Guidelines had regard to the Apartment Guidelines.
Sustainable Residential development in Urban Areas Guidelines for Planning Authorities & Best Practice Urban Design Manual (2008)	The Core Strategy, Settlement Strategy, Infrastructure and Development Management Standards and Guidelines had regard to the Guidelines. The land use zoning objectives also refer to the Guidelines.
Sustainable Rural Housing - Guidelines for Planning Authorities (2005) & Rural Housing Policies and Local Need Criteria in Development Plans - Circular Letter SP/5/08	The Plan sets out the Rural Settlement Strategy. It identifies Rural Area Types in Section 3.3 and includes policies and objectives for rural housing. The Core Strategy (Chapter 2) and Chapter 3 refer to the Rural Housing Guidelines. The Kerry Rural Design Guidelines set out guidance to potential applicants on the design and siting of houses in rural areas.



<p>The Planning System and Flood Risk Management - Guidelines for Planning Authorities &amp; The Planning System and Flood Risk Management - Technical Appendices (2009)</p>	<p>A Strategic Flood Risk Assessment (SFRA) has been carried out for County Kerry having regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009. The SFRA is contained within Volume 4 of the Plan. Policies and objectives in relation to flood risk management are included in the Plan.</p>
<p>The Provision of Schools and the Planning System - Code of Practice for Planning Authorities (2008)</p>	<p>The Social, Community and Recreation Strategy had regard to this Code of Practice document.</p>
<p>Telecommunications Antennae &amp; Support Structures (1996) &amp; Circular letter PL 07/12</p>	<p>Chapter 7 - Infrastructure had regard to the Guidelines and to Circular Letter 07/12 Section 13.14 of the Development Management, Standards and Guidelines also had regard to the Guidelines.</p>
<p>Tree Preservation Guidelines</p>	<p>These Guidelines are referred to in Chapter 10 and Volume 1 Appendix 4.</p>
<p>Wind Energy - Guidelines for Planning Authorities (2006)</p>	<p>The DEHLG is currently revising the National Wind Energy Guidelines. It is the intention of the Planning Authority to review its Renewable Energy Strategy (RES) following the completion of the revised National Wind Energy Guidelines.</p>
<p>LAP Guidelines (June 2013) (and accompanying manual)</p>	<p>The guidelines will form the preparation of future Municipal District Plans.</p>
<p>Environmental Impact Assessment Guidelines (March 2013)</p>	<p>The preparation of the Plan had regard to the EIA guidelines. Environmental assessment was carried out as an iterative process throughout the preparation of the plan.</p>

