

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Kenmare Municipal District Local Area Plan 2024-2030**

“Local Area Plan” means the Kenmare Municipal District Local Area Plan 2024-2030.

“Planning Authority” means Kerry County Council.

“RSES” means the Regional Spatial and Economic Strategy for the Southern Region.

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) (“the Act”) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2024 (S.I No. 234 of 2024), and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AP(4) of the Act, hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Kenmare Municipal District Local Area Plan 2024-2030) Direction 2024.
 - (2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:
 - (a) Delete the following material alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan:
 - (i) Material Alteration 35 Site KG-102 – i.e. the subject lands revert to not zoned, from R1 New/Proposed Residential,
 - (ii) Material Alteration 36 Site KG-104 – i.e. the subject lands revert to not zoned, from M1 Mixed Use,
 - (iii) Material Alteration 38 Site KG-103 – i.e. the subject lands revert to not zoned, from R1 New/Proposed Residential,
 - (iv) Material Alteration 18 Site CH-103 – i.e. the subject lands revert to not zoned, from R4 Strategic Residential Reserve,
 - (v) Material Alteration 60 – i.e. the subject lands revert to not zoned, from C2.1 Industrial/Enterprise/Employment,
- and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

STATEMENT OF REASONS

- I. The Local Area Plan as made includes material alterations to the draft Local Area Plan, which zone additional R1 New/Proposed Residential land in Killorglin inconsistent with the core strategy of the Kerry County Development Plan 2022-2028, and additional R4 Strategic Residential Reserve in Cahersiveen. These material alterations are located in peripheral and/or non-sequential locations, and/or unserviced locations, and/or outside the CSO boundary of Cahersiveen. The material alterations would individually and cumulatively encourage a pattern of development in particular locations which is inconsistent with Objective KCDP 4-1 of the Kerry County Development Plan 2022-2028 and RPO 35 of the RSES to implement compact growth, Objective KCDP 3-6 to zone land for residential purposes in accordance with the tiered approach to zoning, and the policy for sequential zoning (section 6.2.3) under the Kerry County Development Plan 2022-2028, and the planning authority has provided no or no adequate reasons for not applying the policy and objective for sequential zoning contained in the Development Plans Guidelines for Planning Authorities (2022) issued by the Minister under section 28 of the Act.
- II. The Local Area Plan as made includes a material alteration to the draft Local Area Plan, which zones an additional M1 Mixed Use / Opportunity Site in Killorglin. This material alteration is located in a peripheral location, remote from the existing town centre of Killorglin and partly outside the CSO boundary. This material alteration would encourage a pattern of development that is inconsistent with the implementation of Objective KCDP 4-61 of the Kerry County Development Plan 2022-2028 to ensure sustainable development by directing new retail opportunities into town centres and consolidating, intensifying, and enhancing existing core retail areas, and RPO 151 of the RSES for the integration of land use and transportation and optimising sustainable travel integration within settlements.
- III. The Local Area Plan as made includes a material alteration to the draft Local Area Plan, which zones additional C2.1 Industrial / Enterprise / Employment land in an unserviced, remote location, outside the CSO boundary and LAP settlement boundary for Killorglin, and on the N70 national road where the maximum speed limit applies, and where the lands are partially located within flood zone A and B. The material alteration would encourage a pattern of development in a location which does not meet the criteria for designating employment zonings under section 9.6.1 of

the of the Kerry County Development Plan 2022-2028 (including NPO 72 of the National Planning Framework), and inconsistent with RPO 151 of the RSES for the integration of land use and transportation and optimising public transport and sustainable travel integration within settlements, Objectives KCDP 9-22, Objective KCDP 14-29, and Objective KCDP 14-30 of the Kerry County Development Plan 2022-2028 to protect the capacity and safety of national roads in compliance with the Spatial Planning and National Roads Guidelines (2012) and does not apply section 2.5 of these guidelines, and RPO 116 of the RSES to avoid inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), and does not apply these guidelines.

- IV. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, recommendations of the Office of the Planning Regulator made under section 31AO of the Act.
- V. In light of the matters set out at I to III above, the Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, which is a requirement of section 19(2) of the Act.
- VI. The Local Area Plan as made is not consistent with the objectives of the RSES contrary to section 19(2) and section 27(1) of the Act.
- VII. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objectives 33 and 57 of the National Planning Framework.
- VIII. The Minister is of the opinion that the Local Area Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- IX. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand



Alan Dillon TD

Minister of State for Local Government and Planning

10th September 2024