

Chief Executive's Report

On Submissions/Observations Received on Proposed Material Alterations to the Draft Athy Local Area Plan 2021 - 2027



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Appendix 1: Submission from Office of the Planning Regulator

Appendix 2: Proposed Material Alterations (No. 1 – No. 46)

1 Introduction

This report relates to submissions and observations received from the public and prescribed bodies following the publication of the Proposed Material Alterations to the Draft Athy Local Area Plan 2021 - 2027.

1.1 Public Consultation

Notice of Proposed Material Alterations to the Draft Athy Local Area Plan 2021-2027 was published on 11th May 2021 in the Kildare Nationalist newspaper.

The Proposed Material Alterations were placed on public display and submissions and observations were invited for a period of 4 weeks from Tuesday 11th May to Wednesday 9th June 2021 inclusive.

Copies were made available for inspection at the public counter of Planning Department in Áras Chill Dara, Devoy Park, Naas. The Proposed Material Alterations (alongside accompanying documents) were also available to view on Kildare County Council's Consultation Portal: <https://consult.kildarecoco.ie/en/browse>

The following documents were published with the Proposed Material Alterations:

- A Strategic Environmental Assessment (SEA) Screening Report, SEA Screening Determination and SEA Environmental Report pursuant to the SEA Directive and Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011.
- An Appropriate Assessment (AA) Natura Impact Report (incorporating information on AA Screening) and an AA Screening Determination pursuant to the EU Habitats Directive (92/43/EEC) and Planning and Development Act 2000 (as amended)
- An addendum to the Strategic Flood Risk Assessment – pursuant to Section 28 of the Planning and Development Act 2000 (as amended).

Copies of the Proposed Material Alterations were also sent to prescribed bodies, including government departments and other agencies, as required by the Planning and Development Act 2000 (as amended).

1.2.1 Submissions and Observations Received

In total 15 submissions/observations were received during the public consultation period, including 11 from prescribed authorities.

The Members are advised that submissions are available for public viewing on the Council's public consultation portal at:

<https://consult.kildarecoco.ie/en/node/2782/submissions>

1.3 Content of the Chief Executive's Report

Under the provisions of Section 20(3)(i) of the Planning and Development Act 2000 (as amended) the Chief Executive's Report must:

- List the persons or bodies who made submissions/observations.
- Summarise the issues raised by the persons or bodies in the submissions/ observations.
- Give the opinion of the Chief Executive in relation to the issues raised, and their recommendations in relation to the Proposed Material Alteration to the Draft Local Area Plan, including any change to the Proposed Material Alteration that they consider appropriate, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

1.4 Next Steps

Within six (6) weeks of receiving the Chief Executive's Report, the Elected Members of the Athy Municipal District must consider the Proposed Material Alterations and the Chief Executive's Report and decide whether to make the LAP with all, some or none of the Material Alterations as published.

A further modification to the Material Alteration may only be made where it is **minor** in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site. A further modification to the Material Alteration may not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures.

In making the LAP, the elected members, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the '*Code of Conduct for Councillors*' (July 2019) prepared under the provisions of the Local Government Act 2001, carry out their duties in a transparent manner, must follow due process and must make their decisions based on relevant considerations.

Section 20(3) of the Planning and Development Acts 2000 (as amended) states that the Members of the Council are restricted to considering:

- The proper planning and sustainable development of the area;
- The statutory obligations of the local authority;
- Any relevant policies or objectives for the time being of the Government or any Minister of the Government.

The statutory obligation of the local authority include:

- The obligation to ensure that the LAP is consistent with the objectives of the County Development Plan;
- The national and regional planning objectives specified in the National Planning Framework (2018) and the Regional Spatial and Economic Strategy 2019 - 2031; and
- Specific Planning Policy Requirements specified in guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended).

2 List of Persons/Bodies Who Made Submissions

During the public consultation period a total of 15 submissions and observations were received. The list of persons, prescribed bodies, groups and stakeholders who made submissions is listed in Table 2.1. below. Kildare County Council would like to take the opportunity to thank those who made written submissions on the Draft Plan.

Table 2.1: Persons/Organisations who made Submissions/Observations

1.	Bepro Developments Ltd.
2.	Environmental Protection Agency (EPA)
3.	Transport Infrastructure Ireland (TII)
4.	Department of Transport (DoT)
5.	Office of Public Works (OPW)
6.	Tesco Ireland Limited
7.	Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (Development Applications Unit)
8.	Irish Water (IW)
9.	An Post
10.	Health Service Executive (HSE) National Office for Environmental Health Services
11.	Meath County Council
12.	Joe, James and Michael Kelly
13.	Office of the Planning Regulator (OPR)
14.	National Transport Authority (NTA)
15.	Department of Education

3 Summary of Submissions/Observations Received and the Chief Executive's Opinion and Recommendations

This section summarises the issues raised in submissions/observations received in respect of the Proposed Material Alterations to the Draft Athy Local Area Plan 2021 – 2027. The Chief Executive's opinion and recommendation is set out under each submission which addresses the main issues raised in the submissions received and any recommended changes to the Proposed Variation as a result.

Recommended deletions to the Draft Local Area Plan and Proposed Material Alterations are shown ~~in strikethrough blue~~ and recommended new text is shown *in italics red*.

3.1 Office of the Planning Regulator ([Sub No. 13](#))

Main Issues Raised

Overview

As outlined in the Office's submission to the draft LAP, the Office concluded that draft LAP was generally consistent with the RSES, current development plan and relevant section 28 guidelines and that no recommendations were warranted. The submission reiterates that integration of the Area Based Transport Assessment (ABTA) and draft LAP was also strongly supported and welcomed, and notes that this approach has been recommended to other planning authorities by the Office as an example of good practice.

In respect of observations 1, 5, 7 and 8 made by the Office to the draft Plan, the Office welcomes the Proposed Material Alterations made in response to these observations. In respect of observations 2, 3 and 4, the Office accepts the clarification and rationale provided for not making material alterations in the Chief Executive's report on submissions. The submission notes that the issue of including modal shift targets as requested in observation 6 is addressed under MA observation 3 below.

The submission advises, however, that a number of the Proposed Material Alterations raise significant policy issues and are inconsistent with national and regional policies for compact and sequential growth, and sustainable transport.

This submission makes **five recommendations** and **three observations**. These are made in response to the following Proposed Material Alterations:

1. Material alteration No. 3 – objective CSO1.3 and amend Land Use Zoning Map
2. Material alterations No. 8 and No. 44 – retail objective UCRO2.4 and rezone land from 'H: Industrial and Warehousing' to 'R: Retail' and consequential changes
3. Material alteration No. 21 – delete a number of Walking and Connectivity Measures from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1
4. Material alteration No. 43 – rezone land at Woodstock North outside the local area plan boundary
5. Material alteration No. 45 – rezone land on Fortbarrington Road for residential and open space
6. Material alteration No. 46 – change Land Use Zoning Matrix regarding nursing home development on land zoned H: Industrial and Warehousing

The submission notes that recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under Section 28 of the Planning and Development Act 2000 (as amended). In this regard, the submission states that the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions. Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

Material Alteration No. 3

The submission notes that this proposes to insert a new objective CSO1.3: *Provide for serviced sites with appropriate infrastructure in accordance with Objective 18(b) of the National Planning Framework (2018)*, as denoted on Map Ref. 6 Land Use Zoning Map, and amend the zoning map affecting land zoned I: Agricultural in the LAP. The submission states that subject land is located in close proximity to the CSO settlement boundary (adjoining Geraldine Road) to the northeast of the town and lies within an extensive area of land zoned I: Agricultural.

With regards to this Proposed Material Alteration, the submission highlights relevant provisions of the draft Plan which it states Proposed Material Alteration No. 3 would undermine, including the following;

- Policy CS1 relating to supporting the development of Athy in accordance with the Kildare County Core Strategy, the provisions of the NPF and the provisions of the RSES.
- Table 6.3: Development of Employment Lands zoned under the Athy TDP 2021 – 2027 which states: *'Lands zoned 'I' in the immediate rural hinterland of the built-up areas should be reserved for agriculture, rural enterprise, horticulture and equine related activities'*;
- Economic development objective EDTO1.17 relating to supporting and protecting the development of agriculture within the agricultural zone in Athy and *'to protect agricultural and equine uses, from encroachment by urban development uses beyond that needed to cater for the orderly expansion of the town'*;
- The SEA Environment Report accompanying the Proposed Material Alterations includes an assessment of this site stating: *'Site 8 is classed as a Tier 2 land. It is a greenfield site which if developed would needlessly extend the built-up area of Athy, undermining the principles of compact growth. It is also noted there is potential fluvial flooding in the corner of the site and the site is not adequately serviced'* and;
- *The Sustainable Rural Housing Guidelines for Planning Authorities (2005)* which *'...recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.'*

MA Recommendation 1 – New objective CSO1.3:

Having regard to

(a) Regional Policy Objective (RPO) 3.2 and RPO 3.3 and objective CSO1.1 and other core strategy objectives of the draft LAP which support compact growth,

(b) objective EDTO1.17 of the draft LAP to support and protect the development of agriculture within the agricultural zone and to protect agricultural uses from encroachment by urban development,

(c) Section 28 Sustainable Rural Housing Guidelines for Planning Authorities (2005),

(d) the Strategic Environmental Assessment Environmental Report for relevant Proposed Material Alterations, The Office considers that the proposed material alteration seeking to zone land for serviced sites at a location removed from services/ infrastructure and within

the agricultural zone in Athy is in conflict with the above Regional Policy Objectives and policy objectives in the draft LAP and has the potential to lead to ribbon development which is recommended against in the Sustainable Rural Housing Guidelines for Planning Authorities (2005).

Proposed Material Alterations No. 8 and No. 44

The submission notes that this proposes to insert a new retail objective UCRO2.4 and rezone land from 'H: Industrial and Warehousing' to 'R: Retail' close to the intersection of Upper William Street and the N78. The submission considers that that the subject land is removed from the town centre of Athy and is in an area primarily zoned for H: Industry and Warehousing and Q: Enterprise and Employment. The submission further notes that having regard to the *Retail Planning Guidelines for Planning Authorities (2012) (RPGs)* and specifically section A 1.6 Types of Location, the Office considers that the location the subject of MA 44 is 'out-of-centre' – 'A location that is clearly separate from a town centre but within the town development boundary, as indicated in a development plan or local area plan.'

The submission notes Section 2.5.2 of the RPGs defines the Sequential Development Approach. 'Sequential development means that:

1. The overall preferred location for new retail development is within city and town centres. Retail development may also be appropriate within District Centres identified in the settlement hierarchy at a scale appropriate to the needs of the area. See Section 3.4 - District Centres; and
2. Subject to the requirements below, only where the applicant can demonstrate, and the planning authority is satisfied, that there are no sites or potential sites within a city, town centre or designated district centre should an edge-of-centre site be considered. In addition, only in exceptional circumstances where it can be demonstrated that there are no sites or potential sites available either within the centre or on the edge of these centres should an out-of-centre site be considered.' (Emphasis added)

The submission further notes that Section 4.4 of the RPGs sets the Sequential Approach to the Location of Retail Development. In respect of the order of priority where out-of-centre comes after town centre and edge-of-centre sites, it states:

'Where retail development on an out-of-centre site is being proposed, only in exceptional circumstances where the applicant can demonstrate and the planning authority is satisfied that there are no sites or potential sites either within the centre of a city, town or designated district centre or on the edge of the city/town/district centre that are (a) suitable (b) available and (c) viable, can that out-of-centre site be considered.'

The submission refers to the draft Plan which states that *'Athy has a number of potential regeneration sites located in edge-of-centre locations that could provide additional retail/commercial provision alongside other cultural, residential and amenity areas. These are outlined in Section 3.4.2 of the Athy Urban Regeneration Framework (Appendix 1).'*

The Submission also notes that Proposed Material Alterations No. 39 and No. 40 propose to rezone the former St. Patrick's National School and adjoining open space zoned land to Town Centre, which provides a further edge-of-centre site close to the traditional town centre. Further notes objectives for retail development contained in the draft Plan namely UCRO2.2, UCRO2.3 and UCRO2.4 direct retail development to the town centre. Having regard to the out-of-centre location of the site the subject of Material Alteration No. 44, and the policy emphasis in the draft Plan on regeneration and directing retail uses to the town centre, the Office of the Planning Regulator considers that the proposed rezoning is inconsistent with the sequential development approach set out in the RPGs and would be inconsistent with objectives promoting sustainable transport contained in Chapter 7 of the draft LAP.

MA Recommendation 2 – Retail zoning objective:

Having regard to the Retail Planning Guidelines for Planning Authorities (2012), the Athy Urban Regeneration Framework and objectives for retail development in the draft LAP, and the out-of-centre location of the site the subject of material alteration no. 44, the planning authority is required to delete the proposed rezoning from I: Industry and Warehousing to Retail affecting land on Upper William St and objective UCRO2.4 and consequential changes to Table 11.3 Land Use Zoning Objectives and Table 11.5 Land Use Zoning Matrix as it is inconsistent with the sequential approach in the Retail Planning Guidelines for Planning Authorities (2012) and would be inconsistent with objectives UCRO2.2, UCRO2.3 and UCRO2.4 of the draft LAP supporting retail development and regeneration in the town centre.

Proposed Material Alteration No. 21

The submission notes that Proposed Material Alteration 21 seeks to delete a number of Walking and Connectivity Measures from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures). Having regard to the strength of national, regional and local policy support for increased permeability and providing more sustainable mobility options for communities, and in particular the excellent work undertaken by the Council to identify key opportunities to link residential areas with local facilities through the ABTA, the Office notes its surprise to see these measures omitted from the draft Plan.

The Office refers to policy CAM 1 and objective CAMO1.1 of the draft plan which provides support for the full implementation of the Kildare County Council Climate Change Adaptation Strategy 2019-2024, or any succeeding document, with regards to its goals, objectives and actions relating to the planning and development of Athy. The Office also notes the provisions of the Vision Statement which states, inter alia: *'...The vision for the Local Area Plan will ensure that growth planned for the town over the life of the Plan and beyond occurs in a sustainable and sequential manner, characterised by a compact, consolidated and permeable pattern of development linked by sustainable modes of transport including a robust network of pedestrian and cycle routes, providing a high level of connectivity; facilitating and enabling the creation of a healthy, safe and age friendly community...'*

With regard to the above, the OPR considers that the removal of these walking and connectivity measures would significantly undermine the sustainable transport strategy informing the Plan which seeks to provide for a more permeable, compact and sustainable settlement and low carbon development.

MA Recommendation 3 – Walking and Mobility:

Having regard to the Kildare County Council Climate Adaptation Strategy (2019 – 2024) and Smarter Travel, the Government's Transport Policy for Ireland (2009- 2020) the planning authority is required to reinstate the proposed deletions from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures) outlined in Material Alteration No. 21 as removal would undermine the vision statement and objectives for walking, cycling and improved connectivity set out in Policy MT1 – Walking, Connectivity and Cycling in the draft Athy Local Area Plan.

Proposed Material Alteration No. 43

The submission notes that the proposal to rezone a site outside the LAP boundary to the west of Athy to Existing Residential. The Office acknowledges that there is planning history on the site and that it is the subject of a current planning application for three houses with private wastewater treatment systems which is the subject of an appeal to An Bord Pleanála (Planning Ref. 21/67).

The submission notes that the SEA Environment Report includes an assessment of this site stating: *'Site 1 is classed as a Tier 2 land and this site was zoned 'New Residential' in the Athy Town Development Plan 2012-2018. It was removed from the study as it is outside of the built area of Athy (as defined by the 2016 CSO) and its development would continue unsustainable ribbon development outside the town...'* The Sustainable Rural Housing Guidelines for Planning Authorities (2005) *'...recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.'*

The Office considers that the proposed rezoning would undermine other objectives in the draft Plan promoting compact growth such as objective CSO1.1. Furthermore, it is

considered that the rezoning may lead to the creation of ribbon development which is recommended against in the Sustainable Rural Housing Guidelines for Planning Authorities (2005). The section 28 Development Plan Guidelines for Planning Authorities (2007) contain factors in determining zoning including the sequential approach where 'zoning should extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. 'leapfrogging' to more remote areas should be avoided)'. In this regard, the submission states that Proposed Material Alteration No. 43 would result in 'leapfrogging' of development to more remote areas outside the Plan boundary.

MA Recommendation 4 – Rezoning at Woodstock North:

Having regard to the Section 28 Sustainable Rural Housing Guidelines for Planning Authorities (2005) and Development Plan Guidelines for Planning Authorities (2007), policies in the draft LAP, the location of the land outside the local area plan boundary, and the Strategic Environmental Assessment Environmental Report for relevant Proposed Material Alterations, the Office considers that the material alteration to rezone the land at Woodstock North for residential development would result in leapfrogging of development to more remote areas removed from services / infrastructure, and would undermine objective CSO1.1 and the overall vision of the draft LAP which supports compact and sequential development. The Office further considers that the material alteration also has the potential to lead to ribbon development which is recommended against in the Sustainable Rural Housing Guidelines for Planning Authorities (2005).

The planning authority is, therefore, required to remove the proposed rezoning of the land at Woodstock North Athy (Material Alteration No. 43).

Proposed Material Alteration 45

Submission notes the land the subject of Proposed Material Alteration No. 45 is located in the southwest of Athy and that there is established housing to the east and west which is zoned B: Existing / Infill Residential. The Office notes that part of the land proposed for rezoning to for residential overlaps with a small portion of Flood Zone B as indicated in the addendum to the Strategic Flood Risk Assessment.

MA Observation 1 – Flood Risk Management:

Having regard to the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* and the *Strategic Flood Risk Assessment (SFRA) Addendum Report* prepared for the material alterations to the draft LAP, the planning authority is requested to amend the zoning proposed in Proposed Material Alteration No. 45 on Fortbarrington Road to remove the area in Flood Zone B from the proposed Existing / Infill Residential zoning objective.

Proposed Material Alteration No. 46

The submission notes that Proposed Material Alteration No. 46 seeks to change the Land Use Zoning Matrix relating to land zoned for H: Industry and Warehousing at Gallowshill, west of the Dublin Road and N78 roundabout, by including a footnote stating:

'Nursing homes will only be 'Open for Consideration' within the zoning designation 'H: Industrial and Warehousing' on lands located to south/east of the R418 at Dublin Rd/ Gallowshill and denoted by 'H' on Map Ref. 6 Land Use Zoning Map.'*

It is also noted that Table 6.3: Development of Employment Lands zoned of the Draft Plan notes that *'future development will be for lower-density employment of the light industrial and related uses'*.

With regard to the above, the Office considers that introducing the potential of a residential type development at this location could undermine the primary purpose of the zone and other objectives in the draft Plan supporting economic development such as CSO1.5 to *'Focus new enterprise development into lands identified for Industry and Warehousing and Enterprise and Employment uses'*.

MA Recommendation 5 – Zoning Matrix change regarding Nursing Homes:

The planning authority is required to amend the Table 11.5 Land Use Zoning Matrix to remove the changes regarding the land use Nursing Home on the H: Industry and Warehousing zoned lands at Gallowshill and associated footnote. The planning authority is advised that nursing home development would undermine the primary purpose of the H: Industry and Warehousing zone and objectives in the Athy Local Area Plan 2021 – 2027 supporting economic development such as objective CSO1.5.

Other matters

The submission welcomes that Proposed Material Alterations No. 32, No. 33, No. 34 and No. 35 propose changes regarding flood risk management in the draft LAP. However it notes that the new map Ref. 2a which overlays flood zone mapping on the land use zoning map, has been incorrectly labelled in the legend. The green zone should be labelled as Flood Zone A, High Probability, and the blue zone should be labelled as Flood Zone B, Medium Probability.

MA Observation 2 – Mapping:

The planning authority is requested to amend the legend on Map Ref 2a which illustrates Flood Risk Zones and Site Specific Flood Risk Assessment (SSFRA) overlaid on to Map Ref. 6 Land Use Zoning Map. The planning authority is advised that the green zone should be labelled as Flood Zone A – High Probability, and the blue zone should be labelled as Flood Zone B – Medium Probability.

The Office notes the comments set out in the Chief Executive's report in relation to Observation 6 of the draft Plan. Notwithstanding the comments made about challenges to achieving targets, the Office does consider that there is scope to include high level modal shift targets in the draft LAP specifically arising from the recommendations in the ABTA. Indeed, this would assist in setting achievable and realistic targets at a County level.

MA Observation 3 – Modal shift targets:

Having regard to the transport objectives and implementation measures set out in the draft LAP and Area Based Transport Assessment, the planning authority is requested to consider including modal shift targets which will assist in measuring the outcomes of infrastructure measures promoting sustainable transport in the town.

Chief Executive's Opinion

The submission from the Office of the Planning Regulator is acknowledged.

MA Recommendation 1 - New objective CSO1.3

In relation to Proposed Material Alteration No. 3, it should be noted that the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) considered the subject site to be unsuitable for new residential development, given its distant location well removed from access to the services of the town, in particular the town centre, and that zoning this site for such development would be contrary to national and regional objectives to provide for compact growth (NPO3c; NSO1 and RSO2). The Chief Executive therefore agrees with the Office's MA Recommendation 1.

MA Recommendation 2 – Retail zoning objective

With regard to Proposed Material Alterations No. 8 and No. 44, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no specific additional site within the Plan area should be zoned for retail activities within the Plan area. This was for reasons relating to the need to protect the primacy as well as future viability of the designated Core Retail Area of Athy and to protect an already fragile town centre. It was also considered that a such a zoning in this out-of-centre location would fundamentally undermine the aims and long term aims and aspirations of the Urban Regeneration Framework (Appendix 1 of the Draft Plan). Accordingly, the Chief Executive agrees with the Office's MA Recommendation 2.

MA Recommendation 3 – Walking and Mobility

In relation to Proposed Material Alteration No. 21, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no proposed pedestrian and cycling connectivity measures contained in Table 7.1 and Map 1.1 be removed from the draft Plan, as this would have the effect of impeding efforts to create a more integrated and age friendly settlement and provide for a realistic, safe and convenient alternative to the car for short trips within the town. It was further noted in the Chief Executive's Report that such an action would undermine the long term vision for Athy to develop as a low carbon and climate resilient settlement based on the principles of sustainable movement. The Chief Executive therefore agrees with the contents of MA Recommendation 3 of the submission from the OPR.

MA Recommendation 4 – Rezoning at Woodstock North

With regard to Proposed Material Alteration No. 43, it is noted that in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that the zoning of the subject site for residential development was considered to be inappropriate and contrary to national and regional objectives to provide for compact growth (NPO3c; NSO1 and RSO2), given its distance outside the defined settlement boundary of the town

(CSO, 2016) and its remote location well removed from access to the services of the town and, in particular the town centre. Furthermore, it was considered that the new residential zoning of the subject site in the Athy Town Development Plan (2012-2018) constituted part of a legacy of '*significant overzoning*' in the town, a situation which was acknowledged in the Athy Town Development Plan 2012-2018 (pages 49-50). The Chief Executive therefore agrees with the request of the OPR as outlined in MA Recommendation 4.

MA Observation 1 – Flood Risk Management

The request by the Office of the Planning Regulator to amend the zoning proposed Proposed Material Alteration No. 45 on Fortbarrington Road to remove the area in Flood Zone B from the proposed Existing / Infill Residential zoning objective cannot be made as under the provisions of Section 20(3)(q) of the Planning and Development Act 2000 (as amended) it is not possible to provide for an '*increase in the area of land zoned for any purpose*' at this stage of the LAP process. However, to address the issue and for clarity, it is considered appropriate to include a site specific objective on the zoning map to reflect the justification test, i.e. to state: 'The area of land within the 'B' zone that is located within an area identified as a Flood Risk Assessment Zone shall be used for open space purposes only within any permitted residential development as part of the overall landholding'.

MA Recommendation 5 – Zoning Matrix change regarding Nursing Homes

In relation to Proposed Material Alteration No. 46, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that the subject site has been identified for industrial/warehousing uses and was selected based on the key principle underpinning this draft Plan being the pursuit of sustainable economic development opportunities to provide for an increase in the number of jobs based in the town. It was further noted in the Chief Executive's Report that under Table 11.5 nursing homes are 'open for consideration' and 'permitted in principle' on lands zoned 'E- Community and Educational', 'New and Existing Residential/Infill' and 'Town Centre' subject to relevant development management standards. Furthermore, reference was made to OP3 of the Kildare County Development Plan 2017-2023 (as varied) which sets out the policy of the Council to provide for nursing homes and residential care facilities in the county, in accordance with a series of stated site specific considerations. Having regard to the provisions of OP3, it was noted that the subject site was not considered an appropriate location for such a nursing home use. Accordingly, the Chief Executive agrees with the request of the OPR as outlined in MA Recommendation 5.

MA Observation 2 – Mapping

The contents of Observation 2 which have also been raised by the OPW in its submission (see Section 3.6) are noted. In this regard, it is proposed that Map Ref. 2a be updated to indicate the extents of Flood Risk Zone A (1% AEP – high probability) and Flood Risk Zone B (0.1 AEP – medium probability) within the Plan area.

MA Observation 3 – Modal shift targets

The comments in relation to modal shift targets are acknowledged, however, the position outlined in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) remains. It is considered appropriate that the measures included in

the plan to promote active travel (such as permeability and public transport measures) will reduce car dependency in Athy.

Chief Executive's Recommendation

It is recommended, having regard to the proper planning and sustainable development of the area, that a number of Proposed Material Alterations **should not be adopted** by the Elected Members, as follows:

- Proposed Material Alteration No. 3
- Proposed Material Alteration No. 8
- Proposed Material Alteration No. 21
- Proposed Material Alteration No. 43
- Proposed Material Alteration No. 44
- Proposed Material Alteration No. 46

Proposed Material Alteration No. 35

It is recommended that Map 2a is updated to correctly indicate the extents of Flood Risk Zone A (1% AEP – high probability) and Flood Risk Zone B (0.1 AEP – medium probability) within the Plan area.

Proposed Material Alteration No. 45

Update Map Ref. 6 Land Use Zoning Map to include a site-specific objective for the subject site on Fortbarrington Road to state:

'The area of land within the 'B: Existing Residential / Infill' zone that is located within an area identified as a Flood Risk Assessment Zone, adjacent to Fortbarrington Road shall be used for open space purposes only within any permitted residential development as part of the overall landholding.'

The subject site will be denoted by a star on the Land Use Zoning Map.

3.2 Bepro Developments Ltd. (Sub No. 1)

Main Issues Raised

Submission from Bepro Developments Ltd. on behalf of MHL Site Developments Ltd. relates to a landholding on Geraldine Road which is zoned B: Existing Residential/Infill and F: Open Space and Amenity. The submission notes that the request to rezone the area of the landholding which is zoned 'F: Open Space and Amenity' to a residential zoning was not taken on board by the Council and requests that this decision be reconsidered.

Chief Executive's Opinion

The submission from Bepro Developments Ltd is noted, however, the content of the submission does not relate to any Proposed Material Alteration or the environmental reports and therefore it cannot be taken into consideration at this stage of the Local Area Plan (LAP) process in accordance with Section 20(3) of the Planning and Development Act 2000 (as amended).

Chief Executive's Recommendation

No further change recommended.

3.3 Environmental Protection Agency (Sub No. 2)

Main Issues Raised

Proposed SEA determination

The submission notes Kildare County Council's position regarding the need for Strategic Environmental Assessment (SEA) of the Proposed Material Alterations to the Draft Athy LAP. States that for land use plans at a county and local level the EPA's guidance document '*SEA and Local Authority Land-Use Plans – EPA Recommendations and Resources*' should be considered as appropriate and relevant to the proposed alterations.

Other comments

Sustainable development – In proposing the alterations, the submission states that Kildare County Council should ensure that the Plan, as amended, is consistent with the need for proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the Plan.

The submission notes that in considering the alterations the Council should ensure that the plan is consistent with the need for the proper planning and sustainable development of the area. The plan should consider the need to align with national commitments on climate change mitigation/adaptation, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaptation plans. Alterations should also be consistent with key relevant higher-level plans and programmes.

Future Modifications to the Draft Plan – Where further modifications are proposed, these should be screened for likely significant effects in accordance with SEA Regulations. These should be subject to the same method of assessment applied in the '*environmental assessment*' of the Plan.

SEA Statement – 'Information on the Decision' – The submission sets out a summary of what should be contained in the contents of a SEA statement once the Plan has been adopted/made, a copy of which should be sent to any environmental authority consulted during the process.

Environmental Authorities – The submission outlines the bodies that should be consulted under the SEA Regulations.

Chief Executive's Opinion

The contents of the submission by the EPA is noted. It is considered that the Draft Plan complies with relevant Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), the NPF and the RSES for the Eastern and Midlands Region.

It is noted that in accordance with Section 20(3)(f) of the Planning and Development Acts 2000 (as amended), Kildare County Council has screened the Proposed Material Alterations and has determined that a Strategic Environmental Assessment (SEA) was required with respect to certain proposed material alterations of the draft Plan. These assessments have been carried out with respect to the proposed material alterations and a SEA Screening Report, SEA Screening Determination and SEA Environmental Report pursuant to the SEA Directive and Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011 have been prepared. These documents were published alongside the Proposed Material Alterations Report and made available for public inspection.

An SEA statement will be prepared upon the final adoption of the Local Area Plan.

Chief Executive's Recommendation

No further change recommended.

3.4 Transport Infrastructure Ireland (Sub No. 3)

Main Issues Raised

The Authority welcomes the Proposed Material Alterations arising from consideration of the Authority's initial submission on the Draft Plan.

Proposed Material Amendment No. 38

TII notes Proposed Material Alteration No. 38 and welcomes stipulations articulated under sub paragraphs (a) and (b). The authority states that these provisions are critical to contributing towards maintaining the strategic function, capacity and safety of the N78 to accord with the provisions of the Section 28 Ministerial Guidelines '*Spatial Planning and National Roads Guidelines for Planning Authorities*' (DoECLG, 2012).

Proposed Material Alteration No. 44

TII notes with concern that an inconsistent approach has been adopted with respect to Proposed Material Alteration No. 44, especially when it is compared to the specific provisions of Proposed Material Alteration No. 38. In this regard, the submission states that proposed Material Alteration No. 44 does not provide any means to assess traffic impacts associated with the proposed zoning, nor to safeguard the strategic function of the N78, in accordance with the requirements of official policy. It further notes that retail uses create additional traffic impacts over industrial/warehousing uses and therefore the necessity to provide comprehensive transport impact assessments, giving cognisance of the location of the lands proximate to the N78, is even more fundamental.

The submission notes that in the event of Proposed Material Alteration No. 44 being adopted by the Council, the Authority considers it critical that such a zoning alteration for the development proposed, at this location, would be supported by provisions to safeguard the strategic function of the N78, consistent with measures proposed in Material Alteration No. 38.

In addition, TII notes that an adjacent site, which has an expired planning history with a retail use (KCC Plan Ref. 13/300018) may, without prejudice, become active in the future. Should such a situation transpire, TII states that the cumulative impact arising to the adjoining national road of the retail development of the subject sites should be addressed. The submission notes that necessary mitigation should be identified and incorporated into any decisions to grant development as TII will not be responsible for funding improvements to the national road to facilitate private development proposals. Having regard to the foregoing, TII suggests the following provision to accompany Proposed Material Alteration No. 44, as follows:

Suggested text amendment - include additional text to Proposed Material Alteration as follows:

The development of these lands shall be subject to a site-specific transport assessment, to include the cumulative development impact of other adjoining lands, to protect the integrity and carrying capacity of the N78 at this location.

Chief Executive's Opinion

The submission from Transport Infrastructure Ireland (TII) is noted and its welcoming of Proposed Material Alteration No. 38 is acknowledged.

In relation to Proposed Material Alteration No. 44, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (March 2021) that no specific additional site within the Plan area should be zoned for retail activities. This was for reasons relating to the need to protect the primacy as well as future viability of the designated Core Retail Area of Athy (see Sections 3.7, 3.14 and 3.15).

It is considered however, that should Proposed Material Alteration No. 44 be adopted by the Elected Members against the advice of the Chief Executive, sufficient safeguards have been put in place to protect the integrity of the N78 National Secondary Road. In this regard, sub paragraph (b) of Proposed Material Alteration No. 38 provides for the safeguarding of the development and carrying capacity of the national road infrastructure along the existing N78 in accordance with the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). Furthermore, Proposed Material Alteration No. 19 provides that all significant development proposals within the Plan area will require a Transport Impact Assessment (TIA). Given the proposed zoning of the subject site under Proposed Material Alteration No. 44, its proximity to the N78 and the potential for traffic generation arising from such a retail use, it is considered that any application for development on the site will need to be accompanied by a site-specific Transport Impact Assessment.

Chief Executive's Recommendation

It is recommended that Proposed Material Alteration No. 44 **not** be adopted by the Elected Members of the Athy Municipal District.

3.5 Department of Transport (Sub No. 4)

Main Issues Raised

Comments Relating to Chapter 7 Movement and Transport

The submission from the Department notes that since the previous Plan was published there have been important policy developments relating to accessible and integrated public transport. In this regard, the submission requests that such developments should be reflected in the proposed material alteration to the Draft Athy Local Area Plan, as follows:

- 1) The publication of the '*whole of Government*' National Disability Inclusion Strategy (NDIS) 2017-2022, which includes specific actions assigned to Local Authorities. For example, action 108 relates to the 'dishing' of footpaths and action 109 relates to accessible infrastructure, including bus stops., 'Dishing' is where the footpath is sloped for wheelchair access and lack of the same, is often cited as a major concern for wheelchair users.
- 2) The ratification by Ireland in 2018 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD puts obligations on State Parties to ensure access for persons with disabilities to, inter alia, the physical environment and transportation in both urban and rural areas.
- 3) The DMURS Interim Advice Note – Covid-19 Pandemic Response which was published on the DMURS website in 2020. It includes guidance that designers should ensure that measures align with the principles of universal design.
- 4) To make public transport fully accessible to people with disabilities requires a 'whole journey approach' which refers to all elements that constitute a journey from the starting point to destination. Local Authorities are a key stakeholder in this regard in the context of ensuring a universal design approach to the built environment, including footpaths, cycle paths, roads, pedestrian crossing points, town greenways and bus stops/shelters.
- 5) The publication by the National Transport Authority (NTA) of its 'Local Link Rural Transport Programme Strategic Plan 2018 to 2022'. Its mission statement is "*to provide a quality nationwide community based public transport system in rural Ireland which responds to local needs.*" Its key priorities include the reduction of social exclusion and the integration of rural transport services with other public transport services. In addition, one of its key objectives is greater interaction/co-ordination with Local Authorities regarding the assessment of strategic transport needs and in the development of proposed transport plans for local areas.

Chief Executive's Opinion

The submission from the Department of Transport is acknowledged by the Chief Executive, however, since it does not relate to any specific Proposed Material Alteration it cannot be taken into consideration at this stage of the LAP process.

It should be noted however, that Kildare County Council is fully committed to ensuring universal accessibility across all settlements within the County. With regards to Athy, the draft Plan contains a comprehensive suite of provisions, including objective MTO 1.2, which seeks to ensure that all footpaths within the town are accessible to all members of the community. The draft Plan also incorporates a comprehensive connectivity programme

(Appendix 1: Urban Regeneration Framework) which proposes a series of measures to create an integrated high-quality pedestrian and cycling network in Athy which will link both residential and employment areas with identified key destinations within the town.

Chief Executive's Recommendation

No further change recommended.

3.6 Office of Public Works (Sub No. 5)

Main Issues Raised

General Comments

The Office of Public Works (OPW) welcomes:

- The addition of Section 10.3.2 and the amendment of Objective IO3.2 to require SSFRA and Development Management Justification Tests for development proposals where the zoned lands have passed a Plan Making Justification Test but residual risk remains
- The addition of Objective IO3.5 to ensure that in lands zoned for development following the application of a Justification Test where only a small proportion of the site is at risk of flooding, the sequential approach is applied to ensure no encroachment onto or loss of the floodplain occur.
- The amendment of Objective GI1.7 to expand protection of riparian zones and floodplains, of Objective GI1.10 to support the use of tree planting to enhance surface water management, and of Objective IO2.4 to safeguard capacity and efficiency of national road network drainage regimes

Flood Zone Mapping

Proposed Material Alteration No. 35

The submission welcomes the addition of new Map Ref. 2a where Flood Zone mapping is overlaid on the land use zoning map but notes that the Flood Zones are incorrectly labelled on the map legend. The submission states that the green zone should be labelled as Flood Zone A, High Probability, and the blue zone should be labelled as Flood Zone B, Medium Probability.

Land Use Zoning

Proposed Material Alteration No. 45

The submission notes that Proposed Material Alteration No. 45 has rezoned an area of undeveloped land on Fortbarrington Road, from *Agricultural* to *Existing Residential*. As noted in the SFRA Addendum, this zoning overlaps with a small portion of Flood Zone B. The comment on this alteration in the SFRA Addendum Report states that the area that is located within the Flood Risk Assessment Zone shall be zoned as *Open Space and Amenity*. However, the submission notes that this is not currently indicated in either the proposed alteration, or in the provided mapping.

The OPW recommends that the lands in question be zoned as per the comment in the SSFRA Addendum Report. Alternatively, it is suggested that Justification Test No. 3 for Corran Ard housing development could be updated to incorporate the additional zoned area, and to reflect that a significant portion of the zoned lands are not currently developed.

Chief Executive's Opinion

The submission from the Office of Public Works is acknowledged and the positive comments with respect to certain Proposed Material Alterations in relation to flood risk is noted.

With respect to Proposed Material Alteration No. 35, Map 2a will include the correct labels for flood risk, i.e. Flood Risk Zone A (1% AEP – high probability) and Flood Risk Zone B (0.1% AEP – medium probability) within the Plan area.

The issues raised regarding Proposed Material Alteration No. 45 are noted. Section 20(3)(q) of the Planning and Development Act 2000 (as amended) stipulates that it is not possible to provide for an 'increase in the area of land zoned for any purpose' at this stage of the LAP process. However, to address the issue and for clarity, it is considered appropriate to include a site specific objective on the zoning map to reflect the justification test, i.e. to state: 'The area of land within the 'B' zone that is located within an area identified as a Flood Risk Assessment Zone shall be used for open space purposes only within any permitted residential development as part of the overall landholding'.

Chief Executive's Recommendation

Proposed Material Alteration No. 35

Update Map Ref. 2a to indicate the extents of Flood Risk Zone A (1% AEP – high probability) and Flood Risk Zone B (0.1 AEP – medium probability) within the Plan area.

Proposed Material Alteration No. 45

Update Map Ref. 6 Land Use Zoning Map to include a site specific objective for the subject site on Fortbarrington Road to state:

'The area of land within the 'B: Existing Residential / Infill' zone that is located within an area identified as a Flood Risk Assessment Zone, adjacent to Fortbarrington Road shall be used for open space purposes only within any permitted residential development as part of the overall landholding.'

The subject site will be denoted by a star on the Land Use Zoning Map.

3.7 Tesco Ireland Limited (Sub No. 6)

Main Issues Raised

This submission has been prepared by Avison Young on behalf of Tesco Ireland Limited and states that its purpose is to provide further clarity on certain points of detail raised in the Chief Executive's Report on Submissions Received to the Draft Plan (March 2021), particularly in the context of providing suitable sites for a typical convenience retail anchor such as Tesco.

Provision of Retail Zoned Lands

The submission highlights the issue of a lack of suitable sites for convenience retail operators in the draft Plan and notes the Proposed Material Alterations seek to provide an

opportunity for retail development at a location in the Town that was previously considered acceptable by both the Local Authority and An Bord Pleanála (KCC Reg. Ref. 13300018, ABP Ref. PL 35.243412).

Retail Viability

The submission asserts that the issue of underperformance of Athy Town Centre is a reflection of the town's offer as a whole, whereby people shop and seek experiences elsewhere in locations at which there is a more diverse offer with a greater variety of anchors (retail and otherwise). States that this retail leakage is caused in part due to other locations, (such as Newbridge, Carlow and Portlaoise), providing appropriately and accessibly located convenience shopping facilities. Submits that in order to improve the viability of the Town, a critical mass of retail representation is required and that a recognised anchor store such as Tesco, would contribute to retaining expenditure in Athy. The submission notes that if the store cannot be accessed properly, it does not have sufficient parking, and is not sufficiently sized to cater for customers' in shop demand and associated services, then retail leakage will continue. The submission states that the first step in addressing this issue is to give people a reason to stay and shop in Athy. Notes that this can be achieved by providing new convenience retailers with suitable sites, (in line with the sequential test) providing for the town's retail requirements. Refers to the context and urban morphology of Athy and states that in this regard, suitable sites are inevitably located at edge of centre locations, in accordance with the Retail Planning Guidelines.

The submission notes that the points outlined above have previously been assessed by An Bord Pleanála in their assessment of a previously proposed retail store (c. 3,575 sq. m) at the former Greencore Site (KCC Planning Reg. Ref. 13300018, ABP Ref. PL 35.243412) (to east of the subject site). In this regard, the submission asserts that little has changed in terms of retail development, in the intervening period since ABP granted permission store in November 2014.

The submission notes that the concept of 'experiential retailing' has grown to a point where retailers are now seeking to distinguish themselves by providing a more unique retailing experience for consumers where town centre areas are now increasingly geared towards providing consumers with a broader offer. States that this shift in emphasis is changing the dynamic and focus of town centre sites from a reliance on retail anchors to promoting regeneration, a more varied mix of uses, delivery enhanced public realms and removal vehicular traffic dominance.

Chief Executive's Report on Submissions/Observations

The submission refers to the Chief Executive's Report on Submissions Received to the Draft Plan which states that a suitable site had been identified in the draft Plan site to the rear of Leinster Street which is indicated in the Athy Urban Regeneration Framework (Appendix 1). In this regard the, it asserts that it has reviewed this Framework and can state that from Tesco's perspective, this site does not work for reasons including, *inter alia*, size, store layout, parking and accessibility. The submission notes that, the Indicative Design Framework demonstrates that a large format modern convenience retailer cannot work at this site and consequently there are no suitable sites for convenience retail development in the retail core in the draft Plan.

Submission outlines several concerns regarding the site identified in the Athy Urban Regeneration Framework including issues relating to the following; the lack of adequate accessibility; parking; articulated truck deliveries; store size; store layout (being a corner site); home deliveries/click & collect; road layout (one-way system); site contains irregular shaped plots; potential for overshadowing; noise generation and; loss of amenity to neighbouring dwellings from the proximity to the service yard/traffic movements.

Click and Collect and Grocery Home Shopping

The submission notes that the nature of retailing in general is changing, with a movement towards more online shopping with services such as 'Click and Collect' services and home deliveries increasing. States that 'Click and Collect' facilities have a relatively small spatial requirement and are usually located within dedicated areas of the customer car park. However, the submission states if there are site constraints preventing the facilitation of Click and Collect and Grocery Home Shopping from a Tesco store in Athy, these will need to be serviced from other locations.

Zoning of Retail Lands

Submission notes that as a result of Proposed Material Alteration No. 44, there is now a suitably zoned site that could accommodate a convenience retail anchor store. In addition, it is noted that the approval of the proposed outer ring link road will negate HGV traffic through the town to the site and adjoining industrial lands.

Chief Executive's Opinion

The submission on behalf of Tesco Ireland Ltd. is noted. Notwithstanding the provisions of Proposed Material Alterations No. 8 and No. 44, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no specific additional site within the Plan area should be zoned for retail activities.

With regard to the lands subject to Proposed Material Alteration No. 44, the Chief Executive agrees with the submission of the Office of the Planning Regulator (see Appendix 1) which states that zoning the subject site for '*R – Retail: To provide for retail activities*' is '*inconsistent with the sequential approach in the Retail Planning Guidelines for Planning Authorities (2012) and would be inconsistent with objectives UCRO2.2, UCRO2.3 and UCRO2.4 of the draft LAP supporting retail development and regeneration in the town centre*'. This view is further supported by the submission of the National Transport Authority (see Section 3.15) which notes that '*in the context of the Transport Strategy for the Greater Dublin Area 2016-2035 Principles of Land Use and Transport Integration (Section 7.1.2): reducing the need to travel; promoting walking and cycling; and promoting public transport use; the location of the town centre as the appropriate place for retail provision should be supported*', rather than retail development on the subject site.

Whilst it is acknowledged that there are constraints present in the town relating to the suitability of sites for such retail development, it is considered that the 1.45 hectare '*opportunity site*' to the rear of Leinster Street offers a high level of potential to accommodate both '*an anchor retail tenant*' and associated '*car parking*' at a strategic and

accessible location. Figure 3.15 of Appendix 1 provides an 'Indicative Design Framework', which implies that a certain degree of flexibility can be applied to the overall layout and design of any development proposed, on the basis that the key urban design principles (access and connectivity routes etc.) are retained. In this regard, imaginative proposals for the site would be welcomed. The Planning Department will engage with the key stakeholders involved in order to progress the regeneration of this critical site for the town centre.

It is the Chief Executive's opinion that the adoption of Proposed Material Alterations No. 8 and No. 44 by the Elected Members would not be in accordance with their statutory obligations in accordance with Section 30(3)(r) of the Planning and Development Act for a number of reasons including:

- The Proposed Material Alterations contravene the Draft LAP's policies and objectives in relation to protecting the retail function of the core retail area and would undermine the fundamental aims and objectives of the Athy Urban Regeneration Framework which has informed the Draft LAP.
- The Proposed Material Alterations do not accord with Section 28 Retail Planning Guidelines for Planning Authorities (2012).

Chief Executive's Recommendation

It is recommended that Proposed Material Alteration No. 8 and Proposed Material Alteration No. 44 not be adopted by the Elected Members of the Athy Municipal District.

3.8 Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (Development Applications Unit) (Sub No. 7)

Main Issues Raised

Archaeology

Proposed Material Alteration No. 39

The submission notes that the sites of Proposed Material Alteration No. 39 is within the area of archaeological potential around Athy which is marked on the Record of Monuments and Places for Co. Kildare as Recorded Monument KD035-022 (town).

Proposed Material Alteration No. 40

The submission notes that the sites of Proposed Material Alteration No. 40 is within the area of archaeological potential around Athy which is marked on the Record of Monuments and Places for Co. Kildare as Recorded Monument KD035-022 (town).

Proposed Material Alteration No. 46

The submission states that the site of Proposed Material Alteration No. 46 is proximate to KD035-069 (burial), which is a site with proven archaeological potential, from which human burials were excavated by the National Museum of Ireland in 1978.

The submission further notes that the archaeological significance of these areas should be taken into account in the design of any development proposals for them and that it is critical that any planning applications for development in these areas should be forwarded by the

Planning Authority to the National Monuments Service for consideration, by means of the planning referrals system.

Chief Executive's Opinion

The submission from the Development Applications Unit of Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media is acknowledged. The proximity of the recorded monuments to the sites affected by Proposed Material Alterations No. 39, No. 40 and No. 46 are noted. Should the aforementioned Proposed Material Alterations be adopted, it is considered that the Council has robust procedures in place, as part of the development management process, to safeguard the archaeological integrity of the sites should development be proposed for these lands during the life of the Plan.

Chief Executive's Recommendation

It is recommended that Proposed Material Alteration No. 46 not be adopted by the Elected Members of the Athy Municipal District (for reasons relating to land use and not for reasons raised in this submission).

3.9 Irish Water (Sub No. 8)

Main Issues Raised

Irish Water welcomes the inclusion of Proposed Material Alterations in consideration of their initial submission to the Draft Plan and have no further comments in relation to other Proposed Material Alterations .

Chief Executive's Opinion

The submission from Irish Water is acknowledged.

Chief Executive's Recommendation

No further change recommended.

3.10 An Post (Sub No. 9)

Main Issues Raised

General Comments

This submission has been prepared by Avison Young on behalf of An Post. The submission notes An Post's key public service role and its importance in Irish life and society. In this regard, the submission states that it is important that An Post are given a supportive policy framework for the provision of existing and future provision of postal infrastructure. The submission notes that the company operates a number of post offices and delivery service units in Co. Kildare including the Delivery Services Unit (DSU) within the Athy Business Campus, and the Athy Post Office on Duke Street.

Proposed Material Alteration No. 6

With regard to the above, the submission notes and welcomes the inclusion of Proposed Material Alteration No. 6 incorporating Objective HCO4.6 into Chapter 4: Homes and Communities in the Athy LAP. The submission concludes by requesting that Kildare County

Council consider this submission in the finalisation of the draft Plan for Athy and accommodate future engagement with An Post.

Chief Executive's Opinion

The submission from An Post is acknowledged. For the purposes of clarity, it should be noted that Proposed Material Alteration No. 6 seeks to support the general provision and enhancement of postal infrastructure at suitable locations within the town (subject to planning and design considerations) and does not specifically pertain to any single postal services provider.

Chief Executive's Recommendation

It is recommended that PMA No. 6 be adopted.

3.11 Health Service Executive National Office for Environmental Health Services (Sub No. 10)

Main Issues Raised

Proposed Material Alteration No. 4

In relation to Proposed Material Alteration No. 4 the submission highlights the wording of the proposed objective, specifically referring to the definition of 'adverse' effects. The submission questions how is 'adverse' being defined in this context? The submission also asks what magnitude of impact is considered adversely effects the integrity that it will prevent a project from proceeding and seeks clarity on whether such adverse effects arises either before or after any mitigation? The submission suggests that the following should be considered:

- a) The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated
- b) After mitigation measures.

Proposed Material Alteration No. 19

In relation to Proposed Material Alteration (PMA) No. 19 the submission highlights the wording of the proposed objective, querying the definition of 'significant' development proposal requiring a Transport Impact Assessment (TIA). In this regard, the submission asks what is the threshold for 'significant' in this context that will trigger the requirement for TIA? And questions if there will be guidance for developers? The submission further questions if PMA No. 20 will inform this and if the strategic assessment is done will individual ones then need to be done?

Proposed Material Alteration No. 21

In relation to PMA No. 21 where a number of walking and connectivity routes are proposed to be deleted the submission queries the rationale for deleting these. The submissions goes on to say that the table in the plan is very informative in that it clearly identified where links could be developed and the reason for the development. It further notes that the EHS in its role as a statutory consultee are considering making submissions to other Local Area Plans

along these lines as part of the Healthy Ireland Strategy and would be interested in the reasons for the proposed changes.

Chief Executive's Opinion

The submission from the National Office for Environmental Health Services is noted.

In relation to Proposed Material Alteration No. 4, 'adverse' impacts are those which would negatively affect the integrity of European sites, taking into account their qualifying interests/special conservation interests and conservation objectives. Accordingly, the objective (CSO1.7) contained in the Proposed Material Alteration seeks to ensure that projects giving rise to adverse effects on integrity cannot proceed unless the conditions outlined in the objective's footnote are satisfied. Mitigation where necessary, is allowed (as part of the Appropriate Assessment [AA] process) in order to ensure impacts on integrity do not occur.

With regards to Proposed Material Alteration No. 19, notwithstanding the provisions of the Proposed Material Alteration which requires Transport Impact Assessments on development proposals within the Town Centre and on all lands zoned C: New Residential, the requirement for a Transport Impact Assessment will be determined by the Council on a case-by-case basis having regard to the scale of the development proposal, the potential for traffic generation and its effect on the local and regional road network. It is further noted that Proposed Material Alteration No. 18 provides for the safeguarding of carrying capacity of the N78 National Secondary Route. Consequentially, the Council will also require a TIA where any proposed development proximate to the N78 is considered to potentially affect its operational performance.

It should be noted that Proposed Material Alteration No. 20 will not determine if individual TIAs will be required for a particular proposed development. The Strategic Transport Assessment for the 'H' zoned lands to the east of the town will be a higher level transport assessment and individual planning applications within these lands (and any other lands within the LAP area) will be examined on a case-by-case basis to determine whether an individual TIA will be required, as described above.

Guidance on Transport Impact Assessments is provided Transport Infrastructure Ireland's '*Traffic and Transport Assessment Guidelines*' (May 2014).

In relation to Proposed Material Alteration No. 21, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no proposed pedestrian and cycling connectivity measures contained in Table 7.1 and Map 1.1 be removed from the draft Plan, as this would have the effect of impeding efforts to create a more integrated and age friendly settlement and provide for a realistic, safe and convenient alternative to the car for short trips within the town. However, the Elected Members of the MD voted in favour of including these as proposed material alterations and consequently these were placed on public display for further consideration.

Chief Executive's Recommendation

It is recommended that Proposed Material Alteration No. 21 not be adopted by the Elected Members of the Athy Municipal District.

3.12 Meath County Council (Sub No. 11)

Main Issues Raised

The submission welcomes the publication of the Proposed Material Alterations to the Draft Athy Local Area Plan and notes that it has no further comments to make on the Plan.

Chief Executive's Opinion

The submission from Meath County Council is noted.

Chief Executive's Recommendation

No further change recommended.

3.13 Joe, James and Michael Kelly (Sub No. 12)

Main Issues Raised

The submission by E.M. Hogan and Associates on behalf of Joe, James and Michael Kelly relates to lands at Woodstock South, Athy.

General Comments

The submission welcomes the re-introduction of the '*R - Retail: To provide for retail activities*' land use zoning objective and states that it represents an important acknowledgement of the continued requirement for the provision of large modern convenience format floorspace to address the ongoing high levels of trade leakage from the town. Further welcomes the rezoning of the lands at Woodstock South to R: Retail and states that the location is in line with previous determinations by both the Local Authority and An Bord Pleanála that a site in Woodstock South is the most appropriate location for such a modern convenience retail use, in terms of the sequential approach. The submission notes however that there are outstanding issues with some of the Proposed Material Alterations relating to the rezoning of the lands which are outlined below.

Proposed Material Alteration No. 8 – Retail Impact Assessment

The submission states the wording of the Proposed Material Alteration is extremely onerous and could in fact restrict retail development on the lands. The submission takes particular issue with the last line of the proposed objective, as follows: '*This shall include, but not be limited to, demonstrating compliance with the County Development Plan and that there will be no material and unacceptable adverse impacts on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites is exhausted*'. The submission states that this provision is extremely onerous and is not in line with the requirements and set out in the Section 28 Retail Planning Guidelines (2012) and therefore requests that this text is removed in its entirety.

With regard to the above request the submission notes that the draft Plan has been produced in accordance with the provisions of the Kildare County Development Plan and

lands zoned for Retail development in the Local Area Plan will be subject to the provisions of the Retail Planning Guidelines (RPR). Submission further notes the provisions of the RPGs including that a retail development proposal on the subject lands would require a Retail Impact Assessment and specifically a Sequential Assessment. The submission details further provisions of the RPGs, noting their statutory nature and stating that the Proposed Material Alteration seeks to add an additional layer of justification in excess of the guidance and criteria set out in the RPGs.

Proposed Material Alteration No. 44 (a, b and c)

The submission notes that the '*R: Retail*' land use zoning objective does not provide for any specific uses to be '*Permitted in Principle*' in Table 11.5: Land Use Zoning Matrix and states that this is an oversight of the Council, as it does not make any sense that retail would not be '*Permitted in Principle*' under the retail zoning. It notes that having a land use zoning with no uses permitted in principle is highly irregular and would appear contrary to the land use zoning designation in the first instance.

With regard to the proposed inclusion of shop (convenience) and shop (comparison) as uses that are '*Open for Consideration*', the submission notes that the provisions of the draft Plan states that uses that are open for consideration are '*uses that are not considered acceptable in principle in all parts of the relevant land use zone...*' The submission states that given that the '*R: Retail*' zoning has been introduced specifically for this site only, the consideration of whether a shop (convenience) or shop (comparison) use has already been determined by the introduction of the zoning objection on the site. In this regard, it is submitted that both shop (convenience) or shop (comparison) use should be permitted in principle.

The submission notes that all other uses in the Land Use Zoning Matrix are listed as '*Not Permitted*' and states that this is also highly irregular to completely eliminate the possibility of any use other than retail without any assessment of their appropriateness. In this regard, it is submitted that other complimentary uses should be '*Open for Consideration*' as these can have an important role in supporting the primary retail use as well as allowing for the efficient and sustainable use of land.

Chief Executive's Opinion

The contents of the submission are noted. Notwithstanding the provisions contained in Proposed Material Alterations No. 8 and No. 44, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no additional site within the Plan area should be zoned for retail activities. However, the Elected Members of the Municipal District voted to place these Proposed Material Alterations on public display.

Should Proposed Material Alteration No. 8 be adopted by the Elected Members against the advice of the Chief Executive, it is noted that the primary purpose of its restrictive provisions is to adhere to objective UCRO2.2 of the draft Plan which seeks to '*protect the primacy of the Core Retail Area of Athy, through the application of a sequential approach to retail development, in accordance with the Retail Planning Guidelines for Planning Authorities, DECLG (2012)*'. Given the sustained weaknesses and underperformance of Athy Town

Centre with a retail vacancy rate of 24.1% (see Appendix 1 of the draft Plan), it is prudent to highlight that the future viability of the town centre as a *Key Service Centre* is at stake. In this regard, it is considered that should any retail development proposal come forward on the subject site, it is an essential requirement to ensure that there *'will be no material and unacceptable adverse impacts on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites is exhausted'* (i.e. the provisions of Proposed Material Alteration No. 8).

Proposed Material Alteration No. 44 is designed to be read and applied in conjunction with Proposed Material Alteration No. 8. It is therefore considered that allowing any retail use, either convenience or comparison, to be 'Permitted in Principle' would be at odds with the constraints attached to any future retail development on the site as outlined in Proposed Material Alteration No. 8. It is further considered that providing for the possibility of other ancillary retail use or service on the site, aside from Shop (Comparison) and Shop (Convenience) would be contrary to the provisions of objective UCRO2.2 (as outlined above) and would also undermine objective UCRO1.2 which seeks to *'promote the town centre as the priority location for commercial, civic, social and cultural development...'*.

It is the Chief Executive's opinion that the adoption of Proposed Material Alterations No. 8 and No. 44 by the Elected Members would not be in accordance with their statutory obligations in accordance with Section 30(3)(r) of the Planning and Development Act for a number of reasons including:

- The Proposed Material Alterations contravene the Draft LAP's policies and objectives in relation to protecting the retail function of the core retail area and would undermine the aims and objectives of the Athy Urban Regeneration Framework.
- The Proposed Material Alterations do not accord with Section 28 Retail Planning Guidelines for Planning Authorities (2012).

Chief Executive's Recommendation

It is recommended that Proposed Material Alteration No. 8 and Proposed Material Alteration No. 44 **should not be adopted** by the Elected Members.

3.15 National Transport Authority (Sub No. 14)

Main Issues Raised

The submission welcomes the opportunity to comment on the Proposed Material Alterations to the Draft Athy Local Area Plan and accompanying Area Based Transport Assessment (ABTA) and has framed its submission on the basis of the Transport Strategy for the Greater Dublin Area 2016-2035 and the National Cycle Manual.

Context: LAP and ABTA

As per its initial submission to the draft Plan, the NTA highlights the current dominance of the private car in Athy, in particular arising from the poorly connected pattern of development within the town. It notes that both the Urban Regeneration Framework

(Appendix 1 of the draft Plan) and the ABTA clearly illustrate the pervasiveness of this problem within the town. The submission notes that the draft LAP illustrates that only *'extremely limited areas of the town are reachable with a 10-minute walking distance of both the school's campus (Monasterevin Road) and the recently opened Athy Primary Care Centre (Dublin Road)'* and that according to the Census 2016, *'only 17% of workers in the town travel to their place of work by sustainable modes (walking, cycling and public transport), and almost half (48%) of the pupils and students travel to school/college by car'*. The NTA further notes that the ABTA states that initiatives such as the Athy Distributor Road, will reduce through traffic in the town by c. 40-50%, thus freeing up space for alternative modes of movement.

Proposed Material Alteration No. 14

The submission welcomes the additional text inserted under Objective MTO1.5 providing particular support for Objective WN6 for a bridge over the River Barrow at Barrack Lane/Woodstock to Stanhope Street/R417.

Proposed Material Alteration No. 21

The submission states its previously expressed support for the ABTA and the Draft LAP's measures (Measures WE1 – WE6, WN3 – WN27, WS1 – WS2) to improve walking and cycling connectivity. However, it is noted that several of the measures in Table 7.1 *Walking and Connectivity Measures* and Map Ref 1.1 are now proposed to be deleted, without a corresponding supporting rationale through the associated ABTA process. On the other hand, it is noted that the LAP includes several roads objectives, for which the details are still to be determined.

With regard to the above, the submission emphasises the importance of such measures in bringing about modal shift in Athy in favour of non-car modes and in achieving the ABTA Objectives (pp 2) as well as Policy CAM 1 (Climate Adaptation and Mitigation) of the LAP. The submission states that the ABTA clearly illustrates the challenges faced in the town and that these challenges need to be addressed through the inclusion of walking and cycling connectivity measures in the LAP.

Proposed Material Alteration No. 44

In relation to Proposed Material Alteration No. 44, the submission questions the requirement for the change of zoning from 'H – Industry' to 'R - Retail/Commercial), at an out of centre site and would concur with the concerns set out in the Chief Executive's Report that it is "inaccurate" that there is "no suitable site" and that there is "an opportunity site to the rear of Leinster Street which has the potential to accommodate both 'an anchor tenant' and associated 'car parking'". The submission states that in the context of the *Transport Strategy for the Greater Dublin Area 2016-2035* Principles of Land Use and Transport Integration (Section 7.1.2): reducing the need to travel; reducing the distance to travel; promoting walking and cycling; and promoting public transport use; the location of the town centre as the appropriate place for retail provision should be supported.

Conclusion

The submission considers that the ABTA process and the iterative approach taken to its development in conjunction with the preparation of the LAP, has positively contributed to

the formulation of the movement objectives in the Draft LAP and the specific measures required to achieve modal shift to sustainable modes. The submission concludes by recommending that the Walking and Connectivity Measures that were identified as part of the ABTA process should be retained in the LAP as they are considered vital pieces of infrastructure to encourage and facilitate modal shift within the town.

Chief Executive's Opinion

The submission by the National Transport Authority (NTA) is acknowledged by the Chief Executive, as is its comments in relation to the overall land use and transportation context of the draft Plan and the Area Based Transport Assessment (ABTA). The welcoming by the NTA of Proposed Material Alteration No. 14 is also acknowledged.

With regards to Proposed Material Alteration No. 21, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no proposed pedestrian and cycling connectivity measures contained in Table 7.1 and Map 1.1 be removed from the draft Plan. It is considered that the removal of any proposed pedestrian/cycling routes is contrary to the overarching vision of the draft Plan which outlines a vision for a more sustainable, integrated and climate resilient settlement. In this regard, the '*Connectivity Programme*' as set out in the draft LAP (and informed by the ABTA), seeks to translate this vision into reality by initiating meaningful change on the ground to make the town a universally accessible place for all of its residents. The delivery of an integrated network such cycling/pedestrian routes is also in keeping with the provisions of Kildare County Council Climate Adaptation Strategy 2019 – 2024 which requires that lands use plans include provisions to promote the transition to a low carbon society. Furthermore, it is considered that connections WN13, WN14 and WN18 along with associated spurs (WN15, WN16, WN17, WN19 and WN20) are critical in providing a safe, practical and convenient walking/cycling off-road option for students living within a large area of Athy north of the town centre who attend schools in both the schools campus and Ard Scoil Na Tríonóide. These routes, if developed, have the potential to substantially reduce the high percentage of Athy pupils and students that travel to school/college by car, as was noted in the NTA's submission.

In relation to Proposed Material Alteration No. 44, it should be noted that it was recommended in the Chief Executive's Report on the Submissions Received to the Draft Plan (dated 19th March 2021) that no specific additional site within the Plan area should be zoned for retail activities. This was for reasons relating to the need to protect the primacy as well as future viability of the designated Core Retail Area of Athy (see Chief Executive's Opinion in Sections 3.4, 3.7, 3.13 and 3.14).

Chief Executive's Recommendation

It is recommended that Proposed Material Alteration No. 21 and Proposed Material Alteration No. 44 **should not be adopted** by the Elected Members.

3.16 Department of Education (Sub No. 15)

Main Issues Raised

The Department acknowledges the proposed material alterations to the Draft Athy Local Area Plan 2021-2027.

Proposed Material Alteration No. 39

With regard to the Proposed Material Alteration No. 39 the submission notes the proposal to amend the zoning designation on Map Ref. 6 Land Use Zoning Map for the site occupied by the former St. Patrick's National School (which is no longer required for school use) on St. John's Lane from 'E: Community and Educational' to 'A: Town Centre'. The Department has no further comment to make at this time.

Chief Executive's Opinion

The submission of the Department on Proposed Material Alteration No. 39 is noted.

Chief Executive's Recommendation

No further change recommended.

4. Overview of Chief Executive’s Recommendations

4.1 Final Recommendations

Taking into consideration the recommendations outlined in Section 3 of this report, and notwithstanding two minor changes to correct mapping errors and the inclusion of a site specific objective, the tables below sets out an overview of the Proposed Material Alterations which the Chief Executive recommends **should** be adopted and which **should not** be adopted by the Elected Members.

Table 3.1: Proposed Material Alterations which the Chief Executive Recommends **should be adopted**

<p>Proposed Material Alteration No. 1 Proposed Material Alteration No. 2 Proposed Material Alteration No. 4 – 7 inclusive Proposed Material Alteration No. 9 – 20 inclusive Proposed Material Alterations No. 23 – 42 inclusive Proposed Material Alteration No. 45</p> <p>It is recommended Proposed Material Alterations No. 35 and No. 45 are updated in response to the submissions from the OPR and OPW</p>

Table 3.2: Proposed Material Alterations which the Chief Executive Recommends **should not be adopted**

<p>Proposed Material Alteration No. 3 Proposed Material Alteration No. 8 Proposed Material Alteration No. 21 Proposed Material Alteration No. 22 Proposed Material Alteration No. 43 Proposed Material Alteration No. 44 Proposed Material Alteration No. 46</p>
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4.2 Conclusion

The Elected Members are advised that approving the Proposed Material Alterations which the Chief Executive has recommended should not be adopted (as outlined in Table 3.2 above) would not be in accordance with the proper planning and sustainable development of the area and their statutory obligations in accordance with Section 20 (3) (r) of the Planning and Development Act 2000 (as amended) for a number of reasons including:

- A Local Area Plan must be consistent with the Core Strategy of the County Development Plan (CDP) and in this regard the zoning of additional residential lands would result in an allocation of residential housing to Athy over and above that provided for in the CDP Core Strategy. It also would not be in keeping with the Core Strategy of the Local Area Plan itself.
- The contravention of the Core Strategy would also constitute non-compliance with the Regional Spatial and Economic Strategy (RSES) or with the National Planning Framework (NPF).

- Proposed Material Alteration No. 43 seeks to apply a residential zoning to lands at a considerable remove from the town would not accord with the sequential approach to planning as mandated by a Ministerial Directive pursuant to Section 29 of the Planning Act.
- Proposed Material Alterations No. 8 and No. 44 to zone lands for retail at this out-of-centre site does not accord with the sequential development approach to retail development, as outlined in the Section 28 Retail Planning Guidelines for Planning Authorities (2012). The Proposed Material Alterations are also inconsistent with a number of objectives the draft Plan including UCRO2.1 and UCRO2.2. It is also considered that the zoning if adopted would undermines the aims and objectives of the Athy Urban Regeneration Framework (Appendix 1 of the draft Plan).
- Proposed Material Alterations which are recommended not to be adopted by the Chief Executive which do not accord with National, Regional or County Development Plan Policy, are likely to (individually or in combination) generate an objection from the Office of the Planning Regulator which if not taken on board could ultimately result in a Ministerial Direction under Section 31 of the Act.

With regard to the above, it is considered that the common good is served by an adherence to Statutory requirements including, inter alia, s.19(2), s.20(3)(r), s.28 and s.31 of the 2000 Planning and Development Act, 2000 (as amended) ('the Act'). (*McCarthy Meats v The Minister for Housing Planning & Local Government*).

Specifically, it should be noted that Section 20(3)(r) of the Act states that in performing their functions at this stage of the Local Area Plan process, *'the members of the planning authority shall be restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.'*

As per the provisions of Section 20(5) of the Act *'statutory obligations' include, 'in relation to a local authority, the obligation to ensure that the local area plan is consistent with —*

- (a) the objectives of the development plan,*
- (b) the national and regional development objectives specified in—*
 - (i) the National Planning Framework, and*
 - (ii) the regional spatial and economic strategy,*
- and*
- (c) specific planning policy requirements specified in guidelines under subsection (1) of section 28.'*

Accordingly, should the Members decide not to accept the Chief Executive's recommendation in relation to any proposed material alteration, the Members must give their reasons for each decision in writing, having regard to the provisions of Section 20(4)(r) and Section 20(5) of the Act.

Appendix 1: Submission of the Office of the Planning Regulator (OPR) on the Proposed Material Alterations to the Draft Athy Local Area Plan 2021 -2027 (overleaf)



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

9th June 2021

Senior Executive Officer,
Planning Department,
Kildare County Council,
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare.

Re: Material Alterations to Draft Athy Local Area Plan 2021-2027

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations to the Draft Athy Local Area Plan 2021-2027 (the draft LAP).

As your authority is aware, a core function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act), and within the context of the Office's earlier observations.

The Office's evaluation and assessment of the proposed material alterations has had regard to the current county development plan, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, relevant section 28 guidelines and *Smarter Travel*, the Government's Transport Policy for Ireland (2009-2020).



Overview

As outlined in the Office's submission to the draft LAP, the Office concluded that draft LAP was generally consistent with the RSES, current development plan and relevant section 28 guidelines and that no recommendations were warranted. The Office considered that the draft LAP provided an evidence-based and focused approach to guide development in Athy over the plan period, with particular emphasis on creating high quality spaces within the town and improved permeability to allow people to access facilities and services on foot and by bicycle. The integration of the Area Based Transport Assessment and draft LAP was also strongly supported and welcomed, and indeed has been recommended to other planning authorities by the Office as an example of good practice.

In respect of observations 1, 5, 7 and 8 made by the Office to the draft LAP, the Office welcomes the proposed material alterations made in response to these observations. In respect of observations 2, 3 and 4, the Office accepts the clarification and rationale provided for not making material alterations in the Chief Executive's report on submissions. The issue of including modal shift targets as requested in observation 6 is addressed under MA observation 3 below.

The planning authority is advised, however, that a number of the material alterations raise significant policy issues and are inconsistent with national and regional policies for compact and sequential growth, and sustainable transport. In this regard, it is considered that the material alterations supporting ribbon development and out-of-centre retail development are inconsistent with the *Section 28 Retail Planning Guidelines for Planning Authorities (2012)* and *The Sustainable Rural Housing Guidelines for Planning Authorities (2005)* and would undermine other objectives in the LAP promoting compact growth and retail development and regeneration in the town centre.

This submission makes five recommendations and three observations. These are made in response to the following proposed material amendments:

1. Material alteration no. 3 – objective CSO1.3 and amend Land Use Zoning Map



2. Material alterations no. 8 and 44 – retail objective UCRO2.4 and rezone land from ‘H: Industrial and Warehousing’ to ‘R: Retail’ and consequential changes
3. Material alteration no. 21 – delete a number of Walking and Connectivity Measures from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1
4. Material alteration no. 43 – rezone land at Woodstock North outside the local area plan boundary
5. Material alteration no. 45 – rezone land on Fortbarrington Road for residential and open space
6. Material alteration no. 46 – change Land Use Zoning Matrix regarding nursing home development on land zoned H: Industrial and Warehousing

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission can also include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

1. Material Alteration no. 3

This proposes to insert a new objective CSO1.3: *Provide for serviced sites with appropriate infrastructure in accordance with Objective 18(b) of the National*

Planning Framework (2018), as denoted on Map Ref. 6 Land Use Zoning Map, and amend the zoning map affecting land zoned I: Agricultural in the LAP.

The subject land is located in close proximity to the CSO settlement boundary (adjoining Geraldine Road) to the northeast of the town and lies within an extensive area of land zoned I: Agricultural.

Policy CS1 – Core Strategy states that *‘it is the policy of the Council to support the sustainable long term growth of Athy in accordance with the Core Strategy of the Kildare County Development Plan 2017-2023 (or any succeeding plan), the provisions of the National Planning Framework and the Regional Spatial and Economic Strategy 2019-2031’*, and includes a number of specific objectives to achieve the policy.

In respect of lands zoned I: Agricultural, Table 6.3: Development of Employment Lands zoned under the Athy TDP 2021 – 2027 states:

‘Lands zoned ‘I’ in the immediate rural hinterland of the built-up areas should be reserved for agriculture, rural enterprise, horticulture and equine related activities.’

Economic development objective EDTO1.17 of the draft LAP states:

‘Support and protect the development of agriculture within the agricultural zone in Athy and to protect agricultural and equine uses, from encroachment by urban development uses beyond that needed to cater for the orderly expansion of the town.’

The Strategic Environmental Assessment (SEA) Environment Report accompanying the material alterations includes an assessment of this site stating:

‘Site 8 is classed as a Tier 2 land. It is a greenfield site which if developed would needlessly extend the built-up area of Athy, undermining the principles of compact growth. It is also noted there is potential fluvial flooding in the corner of the site and the site is not adequately serviced...’

The Sustainable Rural Housing Guidelines for Planning Authorities (2005)

‘...recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.’

The Office is of the view, therefore, that objective CSO1.3 would undermine other objectives in the LAP which promote compact and sequential growth, and would conflict with objective EDTO1.17 to support and protect the development of agriculture within the agricultural zone and to protect agricultural uses from encroachment by urban development. The objective also may also lead to the creation of ribbon development which is recommended against in the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

MA Recommendation 1 - New objective CSO1.3

Having regard to

- (a) Regional Policy Objective (RPO) 3.2 and RPO 3.3 and objective CSO1.1 and other core strategy objectives of the draft LAP which support compact growth,
- (b) objective EDTO1.17 of the draft LAP to support and protect the development of agriculture within the agricultural zone and to protect agricultural uses from encroachment by urban development,
- (c) *Section 28 Sustainable Rural Housing Guidelines for Planning Authorities (2005)*,
- (d) the *Strategic Environmental Assessment Environmental Report* for relevant Proposed Material Alterations,

The Office considers that the proposed material alteration seeking to zone land for serviced sites at a location removed from services/ infrastructure and within the agricultural zone in Athy is in conflict with the above Regional Policy Objectives and policy objectives in the draft LAP, and has the potential to lead to ribbon development which is recommended against in the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.



The planning authority is, therefore, required to remove objective CSO1.3 and consequential mapping changes from the draft LAP.

2. Material Alterations 8 and 43

This proposes to insert a new retail objective UCRO2.4 and rezone land from 'H: Industrial and Warehousing' to 'R: Retail' close to the intersection of Upper William Street and the N78.

The subject land is removed from the town centre of Athy and is in an area primarily zoned for H: Industry and Warehousing and Q: Enterprise and Employment.

Having regard to the *Retail Planning Guidelines for Planning Authorities* (2012) (RPGs) and specifically section A 1.6 Types of Location, it is considered that the location the subject of MA 44 is 'out-of-centre' – 'A location that is clearly separate from a town centre but within the town development boundary, as indicated in a development plan or local area plan.'

Section 2.5.2 of the RPGs defines the Sequential Development Approach.

'Sequential development means that:

- 1. The overall preferred location for new retail development is within city and town centres. Retail development may also be appropriate within District Centres identified in the settlement hierarchy at a scale appropriate to the needs of the area. See Section 3.4 - District Centres; and*
- 2. Subject to the requirements below, only where the applicant can demonstrate, and the planning authority is satisfied, that there are no sites or potential sites within a city, town centre or designated district centre should an edge-of-centre site be considered. In addition, only in exceptional circumstances where it can be demonstrated that there are no sites or potential sites available either within the centre or on the edge of these centres should an out-of-centre site be considered.' (Emphasis added)*



Section 4.4 of the RPGs sets the Sequential Approach to the Location of Retail Development. In respect of the order of priority where out-of-centre comes after town centre and edge-of-centre sites, it states:

‘Where retail development on an out-of-centre site is being proposed, only in exceptional circumstances where the applicant can demonstrate and the planning authority is satisfied that there are no sites or potential sites either within the centre of a city, town or designated district centre or on the edge of the city/town/district centre that are (a) suitable (b) available and (c) viable, can that out-of-centre site be considered.’

The draft LAP states that *‘Athy has a number of potential regeneration sites located in edge-of-centre locations that could provide additional retail/commercial provision alongside other cultural, residential and amenity areas. These are outlined in Section 3.4.2 of the Athy Urban Regeneration Framework (Appendix 1).’*

The Office also notes that material alterations 39 and 40 propose to rezone the former St. Patrick’s National School and adjoining open space zoned land to Town Centre, which provides a further edge-of-centre site close to the traditional town centre.

The objectives for retail development in the draft LAP namely UCRO2.2, UCRO2.3 and UCRO2.4 direct retail development to the town centre.

Having regard to the out-of-centre location of the site the subject of material alteration no. 44, and the policy emphasis in the draft LAP on regeneration and directing retail uses to the town centre, it is considered that the proposed rezoning is inconsistent with the sequential development approach set out in the RPGs and would be inconsistent with objectives promoting sustainable transport contained in Chapter 7 of the draft LAP.



MA Recommendation 2 – Retail zoning objective

Having regard to the *Retail Planning Guidelines for Planning Authorities* (2012), the Athy Urban Regeneration Framework and objectives for retail development in the draft LAP, and the out-of-centre location of the site the subject of material alteration no. 44, the planning authority is required to delete the proposed rezoning from I: Industry and Warehousing to Retail affecting land on Upper William St and objective UCRO2.4 and consequential changes to Table 11.3 Land Use Zoning Objectives and Table 11.5 Land Use Zoning Matrix as it is inconsistent with the sequential approach in the *Retail Planning Guidelines for Planning Authorities* (2012) and would be inconsistent with objectives UCRO2.2, UCRO2.3 and UCRO2.4 of the draft LAP supporting retail development and regeneration in the town centre.

3. Material Alteration 21

Material Alteration 21 proposes to delete a number of Walking and Connectivity Measures from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures). Having regard to the strength of national, regional and local policy support for increased permeability and providing more sustainable mobility options for communities, and in particular the excellent work undertaken by your authority to identify key opportunities to link residential areas with local facilities through its Area Based Transport Assessment, the Office was somewhat surprised to see these measures omitted from the draft LAP.

Policy CAM 1 – Climate Adaptation and Mitigation contains objective CAMO1.1 in particular states:

‘It is an objective of the Council to:

CAMO1.1 Support the full implementation of the Kildare County Council Climate Change Adaptation Strategy 2019-2024, or any succeeding document, with regards to its goals, objectives and actions relating to the planning and development of Athy.’

The Vision Statement in the draft LAP also states, inter alia:

‘...The vision for the Local Area Plan will ensure that growth planned for the town over the life of the Plan and beyond occurs in a sustainable and sequential manner, characterised by a compact, consolidated and permeable pattern of development linked by sustainable modes of transport including a robust network of pedestrian and cycle routes, providing a high level of connectivity; facilitating and enabling the creation of a healthy, safe and age-friendly community...’

The Office considers that the removal of these walking and connectivity measures would significantly undermine the sustainable transport strategy informing the local area plan which seeks to provide for a more permeable, compact and sustainable settlement and low carbon development.

MA Recommendation 3 – Walking and Mobility Measures

Having regard to the *Kildare County Council Climate Adaptation Strategy (2019 – 2024)* and *Smarter Travel*, the Government’s Transport Policy for Ireland (2009-2020) the planning authority is required to reinstate the proposed deletions from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures) outlined in Material Alteration No. 21 as removal would undermine the vision statement and objectives for walking, cycling and improved connectivity set out in Policy MT1 – Walking, Connectivity and Cycling in the draft Athy Local Area Plan.

4. Material Alteration 43

This proposes to rezone a site outside the local area plan boundary to the west of Athy to Existing Residential. The Office acknowledges that there is planning history on the site and that it is the subject of a current planning application for three houses with private wastewater treatment systems which is the subject of an appeal to An Bord Pleanála (Planning Ref. 21/67).

The SEA Environment Report includes an assessment of this site stating:



‘Site 1 is classed as a Tier 2 land. This site was zoned ‘New Residential’ in the Athy Town Development Plan 2012-2018. It was removed from the study as it is outside of the built area of Athy (as defined by the 2016 CSO) and its development would continue unsustainable ribbon development outside the town...’

The Sustainable Rural Housing Guidelines for Planning Authorities (2005)

‘...recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.’

It is considered that the proposed rezoning would undermine other objectives in the local area plan promoting compact growth such as objective CSO1.1. Further, it is considered that the rezoning may lead to the creation of ribbon development which is recommended against in the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

The section 28 *Development Plan Guidelines for Planning Authorities (2007)* contain factors in determining zoning including the sequential approach where ‘zoning should extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. ‘leapfrogging’ to more remote areas should be avoided)’. In this regard, it is considered that material alteration no. 43 would result in ‘leapfrogging’ of development to more remote areas outside the LAP boundary.

MA Recommendation 4 – Rezoning at Woodstock North

Having regard to the Section 28 *Sustainable Rural Housing Guidelines for Planning Authorities (2005)* and *Development Plan Guidelines for Planning Authorities (2007)*, policies in the draft LAP, the location of the land outside the local area plan boundary, and the Strategic Environmental Assessment Environmental Report for relevant Proposed Material Alterations, the Office considers that the material alteration to rezone the land at Woodstock North for



residential development would result in leapfrogging of development to more remote areas removed from services / infrastructure, and would undermine objective CSO1.1 and the overall vision of the draft LAP which supports compact and sequential development. The Office further considers that the material alteration also has the potential to lead to ribbon development which is recommended against in the Sustainable Rural Housing Guidelines for Planning Authorities (2005).

The planning authority is, therefore, required to remove the proposed rezoning of the land at Woodstock North Athy (Material Alteration No. 43).

5. Material Alteration 45

The land the subject material alteration no. 45 is located in the southwest of Athy. There is established housing to the east and west which is zoned B: Existing / Infill Residential. The Office notes that part of the land proposed for rezoning to for residential overlaps with a small portion of Flood Zone B as indicated in the addendum to the Strategic Flood Risk Assessment.

MA Observation 1 – Flood Risk Management

Having regard to the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) and the *Strategic Flood Risk Assessment (SFRA) Addendum Report* prepared for the material alterations to the draft LAP, the planning authority is requested to amend the zoning proposed in Material Alteration no. 45 on Fortbarrington Road to remove the area in Flood Zone B from the proposed Existing / Infill Residential zoning objective.

6. Material Alteration 46

Material Alteration 46 proposes to change the Land Use Zoning Matrix relating to land zoned for H: Industry and Warehousing at Gallowshill, west of the Dublin Road and N78 roundabout, by including a footnote stating:

‘Nursing homes will only be ‘Open for Consideration’ within the zoning designation ‘H: Industrial and Warehousing’ on lands located to south/east of

the R418 at Dublin Rd/ Gallowshill and denoted by 'H' on Map Ref. 6 Land Use Zoning Map.'*

Table 6.3: Development of Employment Lands zoned under the Athy TDP 2021 – 2027 states the following regarding the employment land at Gallowshill:

'The lands zoned H: Industry and Warehousing are located at the eastern entrance to the town and sited prominently on key routes such as the Kilcullen, Dublin, Castledermot and N78 (Motorway link) roads. Accordingly, a high standard of quality in terms of design, layout and finish along with hard and soft landscaping will be required in order allow such development to announce the entry to the town.

Future development will be for lower-density employment of the light industrial and related uses.'

The Office considers that introducing the potential of a residential type development at this location could undermine the primary purpose of the zone and other objectives in the draft local area plan supporting economic development such as CSO1.5 to 'Focus new enterprise development into lands identified for Industry and Warehousing and Enterprise and Employment uses'.

MA Recommendation 5 – Zoning Matrix change regarding Nursing Homes

The planning authority is required to amend the Table 11.5 Land Use Zoning Matrix to remove the changes regarding the land use Nursing Home on the H: Industry and Warehousing zoned lands at Gallowshill and associated footnote. The planning authority is advised that nursing home development would undermine the primary purpose of the H: Industry and Warehousing zone and objectives in the Athy Local Area Plan 2021 – 2027 supporting economic development such as objective CSO1.5.

7. Other matters

As outlined above, material alterations 32, 33, 34 and 35 propose changes regarding flood risk management in the draft LAP. While the changes are welcome, it is noted



that the new map - reference 2a which overlays flood zone mapping on the land use zoning map, has been incorrectly labelled in the legend. The green zone should be labelled as Flood Zone A, High Probability, and the blue zone should be labelled as Flood Zone B, Medium Probability.

MA Observation 2 - Mapping

The planning authority is requested to amend the legend on Map Ref 2a which illustrates Flood Risk Zones and Site Specific Flood Risk Assessment (SSFRA) overlaid on to Map Ref. 6 Land Use Zoning Map. The planning authority is advised that the green zone should be labelled as Flood Zone A – High Probability, and the blue zone should be labelled as Flood Zone B – Medium Probability.

The Office notes the comments set out in the Chief Executive's report in relation to Observation 6 of the draft Plan. Notwithstanding the comments made about challenges to achieving targets, the Office does consider that there is scope to include high level modal shift targets in the draft LAP specifically arising from the recommendations in the ABTA. Indeed this would assist in setting achievable and realistic targets at a County level.

MA Observation 3 – Modal shift targets

Having regard to the transport objectives and implementation measures set out in the draft LAP and Area Based Transport Assessment, the planning authority is requested to consider including modal shift targets which will assist in measuring the outcomes of infrastructure measures promoting sustainable transport in the town.

In summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the chief executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

Appendix 2: Proposed Material Alterations (No. 1 – No. 46)

The proposed Material Alterations to the Draft Athy Local Area Plan 2021 – 2027 are set out hereunder. Proposed text deletions are shown in ~~strikethrough blue~~ and proposed new text is highlighted in *italics red*.

Draft Athy Local Area Plan 2021-2027: General LAP

Proposed Material Alteration No. 1

Amend all reference from ~~Tegral~~ to *Etex Ireland* throughout the Draft Athy Local Area Plan 2021 - 2027.

Chapter 2. Spatial Context and Vision for Athy

Proposed Material Alteration No. 2.

Amend the third paragraph of **Section 2.1.2 Regional Spatial and Economic Strategy** by deleting the text '~~Hinterland Areas~~' and replacing it with '*Core Region*'.

Proposed Material Alteration to include any consequential amendments to the Plan, including the replacement of Figure 2.3 with an updated map.

Chapter 3. Compliance with the Kildare County Core Strategy

Proposed Material Alteration No. 3

Insert the following new objective after objective CSO1.2 and renumber subsequent objectives accordingly:

CSO1.3 *Provide for serviced sites with appropriate infrastructure in accordance with Objective 18(b) of the National Planning Framework (2018), as denoted on Map Ref. 6 Land Use Zoning Map.*

Note: **Map Ref. 6: Land Use Zoning Map** will be amended to denote objective CSO1.3 (see PMA Map 11 at end of this report).

Proposed Material Alteration No. 4

Insert the following additional objective after objective CSO1.7:

CSO1.8 *Ensure that projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan¹.*

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available, (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.

Chapter 4. Homes and Communities

Proposed Material Alteration No. 5

Amend text of objective HCO4.1, as follows:

HCO4.1 Support and facilitate the provision of *both indoor and outdoor* multi-functional community facilities to meet the needs of the population of Athy.

Proposed Material Alteration No. 6

Include the following new objective after objective HCO4.5:

HCO4.6 *To support the provision of new postal facilities and the enhancement of existing facilities, including for operational requirements in Athy, and to facilitate the provision of postal infrastructure at suitable locations within the town, subject to planning and design considerations.*

Chapter 5. Urban Centre and Retailing

Proposed Material Alteration No. 7

Insert an additional sub objective under objective UCRO1.10, as follows:

UCRO1.10 Commence the preparation of a Public Realm Strategy for Athy within twelve months of the adoption of this plan. The strategy should be developed in accordance with the provisions of the Athy Urban Regeneration Framework and implemented on a phased basis over the lifetime of the Plan and beyond. The Strategy should also address the following issues:

- (i) Ensure that the town centre is accessible to all members of the community, including people with disabilities, the elderly and people with young children.
- (ii) Support and facilitate the delivery of age friendly seating, bus stops and other public realm initiatives identified in the Athy Public Realm Strategy.
- (iii) Develop a comprehensive car parking plan for the town which will balance the needs of vehicular access to the town centre without compromising the overall quality and visitor experience of the public realm.
- (iv) Seek to reduce the use of line marking, signage and overhead wiring in the town centre of Athy.
- (v) Investigate the feasibility of the development/redevelopment of the backlands of the town centre area of Athy in conjunction with the formulation of the Public Realm Strategy.*

Proposed Material Alteration No. 8

Insert the following new objective after objective UCRO2.3 and renumber subsequent objectives accordingly:

UCRO2.4 *Any proposal on the land zoned 'R: Retail' shall be subject to a Retail Impact Assessment, which shall be prepared in accordance with the Retail Planning Guidelines, pursuant to Section 28 of the Planning and Development Act 2000 (as amended). This shall include, but not be limited to, demonstrating*

compliance with the County Development Plan and that there will be no material and unacceptable adverse impacts on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites is exhausted.

Chapter 6. Economic Development, Enterprise and Tourism

Proposed Material Alteration No. 9

Amend the third paragraph of **Section 6.5.1** of the draft Plan, as follows:

~~It is considered that a longstanding obstacle to achieving improved utilisation of the waterways in the town is the deficit in safe and convenient mooring facilities. Boats and barges are being restricted in their ability to moor in Athy and this is a major disincentive to considering the town as a stopover location.~~ *Athy has witnessed substantial growth in boating tourism in recent years. This regularly results in over demand for berths on all town centre mooring facilities. To accommodate this demand, and the predicted future growth, a major upgrade of the current in-place facilities is needed. In addition, investment to dramatically expand the number of berths and moorings available is essential.* The development of a marina, or at least the expansion of the existing mooring facilities is *considered* an essential *requirement* ~~piece of infrastructure that is required~~ in order to maximise the possibilities presented by the increase of tourism activities based around Athy's waterways with the completion of the Barrow Blueway.

Proposed Material Alteration No. 10

Insert the following new objective after objective EDTO3.3 and renumber subsequent objectives accordingly:

EDTO3.4 *Support and facilitate the development of angling activities and supporting infrastructure, including the provision of wheelchair friendly stands in Athy, subject to appropriate environmental assessments.*

Proposed Material Alteration No. 11

Amend **Section 6.5.4** of the draft Plan, as follows:

This Plan has identified a number of projects and proposals which, if realised, over the life of the Plan and beyond have the potential to have a transformative effect in the improvement of Athy's tourist offer in the town and the promotion of the town as a *Blueway tourism* ~~key visitor~~ destination *town*.

The Plan, through its various policies, objectives and actions supports and promotes the following tourism development projects/proposals:

- The development of the Barrow Blueway, subject to the appropriate environmental considerations and assessment.
- *The development of new waterways amenities infrastructure including pontoons, kayak friendly jetties, triathlon/swim entry/exit points and other waterways amenities infrastructure, subject to the appropriate environmental considerations and assessment.*
- The rejuvenation of Athy's public realm as part of an overall Urban Regeneration Framework (see Appendix 1)

- The delivery of the masterplan proposals for the Dominican Square and Blueway Sports Hub / Education Centre.
- The enhancement of the walking routes and trails in the town including Athy Slí Na Sláinte route and the creation of other dedicated Tourist Trail(s).
- The redevelopment and expansion of Athy Heritage Centre – Shackleton Museum

Proposed Material Alteration No. 12

Amend objective EDTO3.2, as follows:

EDTO3.2 Support and facilitate the development of Athy as *a Blueway destination town and* an 'activity hub' for water-based sports and associated recreational activities including the development of a Blueway Sports Hub / Education Centre within the Dominican lands, subject to the required environmental assessments.

Proposed Material Alteration No. 13

Amend objective EDTO3.3, as follows:

EDTO3.3 *Acknowledge the importance and potential of Athy's waterways and its water sports clubs by supporting* ~~Support~~ the development of the necessary infrastructure to service the expansion of water-based activities in the town, including safe and convenient mooring facilities, subject to the required environmental assessments.

Chapter 7. Movement and Transport

Proposed Material Alteration No. 14

Amend text in objective MTO1.5, as follows:

MTO1.5 Support the creation of new pedestrian and cycle links across the River Barrow that enhance connectivity in the area and link residential areas, the town centre, community facilities and public spaces/amenities as proposed under the Athy Area Based Transport Assessment. *In particular, WN6 (as outlined in Table 7.1 and Map 1.1), which provides for a bridge over the River Barrow at Barrack Lane/Woodstock to Stanhope Street/R417, should be prioritised for delivery.* The final design details *of all new links across the River Barrow* shall be subject to the appropriate environmental assessment and public consultation.

Proposed Material Alteration No. 15

Insert the following new objective after objective MTO 1.8:

MTO1.9 *Protect, maintain and upgrade the existing pedestrian connection between St John's Lane and Greenhills (WE6 and CL19) as identified on Map 1.1 and 1.2. Where redevelopment of the lands is proposed, priority shall be given in the overall design to the maintenance and upgrade of this route with maximum passive supervision, including lighting as appropriate, addressing its full length.*

Proposed Material Alteration No. 16

Insert the following text as a final paragraph under Section 7.8 Roads and Streets Network:

“The Plan will seek to safeguard the development and carrying capacity of the national road infrastructure along the existing N78 corridor. New development along this route will be required to accord with policies of the County Development Plan and official policy, which seeks to safeguard these routes from development, which would compromise the safety, integrity or capacity of these routes.”

Proposed Material Alteration No. 17

Insert the following new section after Section 7.8.1:

7.8.2 Employment Lands to the East of the Town

With regard to the employment lands zoned ‘H: Industrial and Warehousing’ to the east of the town (identified as Gallowshill in Table 6.3), it is considered that their strategic location, adjacent to the N78 (motorway link) and straddling the Athy Distributor Road, necessitates the preparation of a Strategic Transport Assessment (STA) of the subject lands to be carried out prior to their development. This assessment should demonstrate the quantum of development that can be facilitated at the location complementary to safeguarding the strategic function and safety of the national road network, in accordance with the provisions of official policy outlined in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012). Such an assessment will also need to identify an Access Strategy and any improvements required to the local transport network to accommodate the extent of development proposed. The STA should undertake relevant stakeholder consultation including with TII, the NTA and landowners and shall be considered in the context of any development proposals for this location.

Proposed Material Alteration No. 18

Amend text of objective MTO4.1, as follows:

- MTO4.1** (a) Maintain and improve, as required, the local road network to ensure a high standard of road quality and safety in accordance with the requirements of the relevant legislation.
- (b) Safeguard the development and carrying capacity of the national road infrastructure along the existing N78 in accordance with the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012).”*

Proposed Material Alteration No. 19

Amend text of objective MTO4.6, as follows:

- MTO4.6** Ensure that development proposals within Athy Town Centre are subject to a **Traffic Transport** Impact Assessment (TIA), to be carried out in accordance with the Traffic and Transport Assessment Guidelines (2014). ~~The requirement for all other developments will be determined on a case-by-case basis.~~ *Transport Impact Assessments will also be required in the following cases:*
- (a) Development on all lands zoned C: New Residential and;*
- (b) All other lands for which significant development is proposed within the Local Area Plan boundary.*

Proposed Material Alteration No. 20

Insert the following new objective after objective MTO4.9 (along with any consequential amendments):

MTO4.10 *To carry out a Strategic Transport Assessment (STA) and to produce an Access Strategy for lands zoned ‘H: Industrial and Warehousing’ situated to the east of Athy in consultation with relevant stakeholders including TII and the NTA, as well as landowners. This will identify the quantum of development that can be facilitated at the location complementary to safeguarding the strategic function and safety of the national road network, in accordance with the provisions of official policy outlined in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012). The STA will also identify any improvements required to the local transport network to accommodate the extent of development proposed.*

Proposed Material Alteration No. 21

Delete the following Walking and Connectivity Measures from **Table 7.1 Walking and Connectivity Measures** and **Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures)**:

Extract of Table 7.1: Walking and Connectivity Measures (for illustrative purposes only)

B: Walking / Connecting Options – New Infrastructure			
Option	Description	Type	Timeframe
WN8	Coney Green – Glebelands	New Link	MT
WN9	Chanterlands – New residential lands. As part of new development	New Residential Lands Link	Timeline dependent on when lands are developed
WN10	Kingsgrove – New residential lands and link to ADR via section of Aughaboura Rd. As part of new development	New Residential Lands Link	Timeline dependent on when lands are developed
WN11	Mansfield Grove – Athy Distributor Road footpath/cycleway	New Link	MT
WN12	New residential lands site at Ardrew, including links to: <i>Athy Distributor Road</i> <i>Fortbarrington Rd (incl. new footpath on west side of road)</i> <i>Ardrew Meadows</i> <i>Corán Ard x2 – via perimeter of new pitches</i>	New Residential Lands Link	Timeline dependent on when lands are developed
WN13	Moneen Lane – New residential lands. Along Moneen River and via rail underpass	New Link	MT

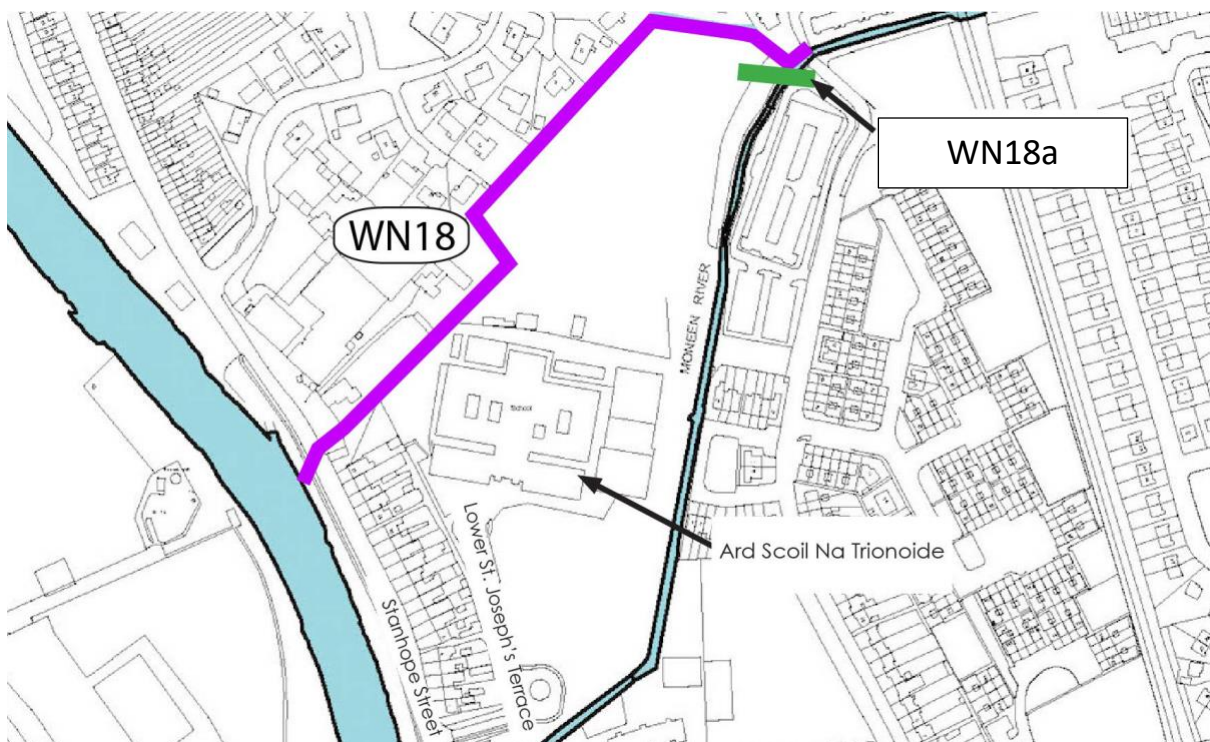
WN14	New residential lands—Geraldine Road. As part of new development	New Residential Lands Link	Timeline dependent on when lands are developed
WN15	New residential lands—Hollands Close, as part of new development	New Residential Lands Link	Timeline dependent on when lands are developed
WN16	Rheban Avenue and Moneen View—Moneen River. Connects to WN15	New Link	MT
WN17	Hollands Park—Moneen View (currently an informal path)	New Link	ST
WN18	Moneen Lane—Stanhope Street, with offshoot into school. Links to bridge (WN6)	New Link	MT
WN19	WN20—Ard Bhearú and White Castle Lawn. Connectivity links within new residential area. As part of new development.	New Residential Lands Link	Timeline dependent on when lands are developed
WN20	Links into Schools Campus from residential estate to the south	New Link	MT

Proposed Material Alteration No. 22

Replace Walking and Connectivity Measures WN18 with proposed connectivity measure WN18a in **Table 7.1 Walking and Connectivity Measures** and **Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures)**, as follows:

B: Walking / Connecting Options – New Infrastructure			
Option	Description	Type	Timeframe
WN18a	<i>Link to provide for an additional access point to Ardscoil na Trionoide.</i>	<i>New Link</i>	<i>MT</i>

PMA Map 1: Proposed Material Alteration No. 22 (illustrating route of WN18a)



Chapter 8. Built Heritage and Archaeology

Proposed Material Alteration No. 23

Insert the following new objective after BH1.8:

BH1.9 *Explore the feasibility of restoring the dry dock in Athy, in consultation with Waterways Ireland.*

Proposed Material Alteration No. 24 (a and b)

(a) Include a new View/Prospect in Figure 8.1 and Table 8.2, along with consequential amendments to the Athy Architectural Conservation Area (ACA) Statement of Character, as follows:

View H: View towards Horse Bridge and River Barrow Sluice Gate

- (b) Include a new View/Prospect in Figure 8.1 and Table 8.2, along with consequential amendments to the Athy Architectural Character Conservation Area (ACA) Statement of Character, as follows:

View I: View from the Canal lock at William Street down the Canal Side towards the Dominican Lands.

Proposed Material Alteration No. 25

Amend text of objective BH2.5, as follows:

- BH2.5** Review all applications for demolition, modifications or extensions to existing buildings with regard to ~~its~~ *their* relative importance to the appreciation of the character of the ACA as identified in the ~~Building Inventory of the~~ Statement of Character.

Chapter 9. Natural Heritage, Green Infrastructure and Strategic Open Space

Proposed Material Alteration No. 26

Insert the following objective following objective NH1.6:

- NH1.7** *Ensure that any proposals for the lighting/flood lighting of waterways infrastructure, buildings or pedestrian/cycling routes along waterways within the Plan area incorporate bat friendly lighting schemes as set out in 'Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers' (Bat Conservation Ireland, December 2010).*

Proposed Material Alteration No. 27

Amend text of objective GI1.7, as follows:

- GI1.7** (a) Maintain a biodiversity protection zone of 60 metres from the top bank of the River Barrow (*including all areas covered by the River Barrow and River Nore SAC*), 20 metres from the canal and not less than 10 metres from the top bank of smaller watercourses, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.
- (b) *Ensure that any development on the lands zoned 'H: Industrial and Warehousing' located adjacent to the River Barrow at Townparks incorporates an appropriately landscaped riparian zone to seamlessly integrate with the lands to the south and east, which are subject to the development of a masterplan under objective OS1.8.*

Proposed Material Alteration to include any consequential amendments to the Plan, including the denotation of objective GI1.7(B) on **Map Ref. 5 Strategic Open Space Map**.

Proposed Material Alteration No. 28

Amend the text of objective GI1.10, as follows:

- GI1.10** Promote appropriate tree planting *and pollinator friendly planting, in accordance with the recommendations of the All Ireland Pollinator Plan throughout Athy and in open spaces within new developments in order to*

enhance local biodiversity, visual amenity and surface water management. within the public realm with a particular focus on strategic open spaces as well as along transport networks.

Proposed Material Alteration No. 29

Amend the first paragraph of Section 10.1.1 as follows:

~~Census 2016 records that 92.5% of all households in the settlement of Athy are connected to the public mains network. The average water demand in the town is 3 million litres per day, as of Summer 2020. Since 2013 Athy has been served by the Srowland Water Treatment Plant located the north of the town. This plant replaced all four previous sources and has the capacity to serve 11,000 population equivalent (PE). While there are no specific constraints on the water supply network Irish Water (IW) advises that there is limited capacity at the treatment works and new connections will be on a first come/first served basis. It is noted that capacity will have to be expanded to accommodate the envisaged growth in the town over the life of the Plan.~~

Census 2016 records that 92.5% of all households in the settlement of Athy are connected to the public mains network. The average water demand in the town is 3 million litres per day, as of Summer 2020. Since 2013, Athy has been served by the Srowland Water Treatment Plant, located to the north of the town.

While Athy is supplied from Srowland WTP, it also forms part of the overall Greater Dublin Area Water Resource Zone. Supply in this Water Resource Zone is constrained, therefore new connections will be prioritised for housing and domestic sanitation purposes. Connections for Non-Domestic supplies will be accommodated on a first come first served basis. To protect current supplies, applicants for non-domestic demand may be asked to review their demand requirements. Irish Water are developing the National Water Resource Plan which will identify solutions to improve supply over the life of this plan.

Proposed Material Alteration No. 30

Amend the second paragraph of Section 10.1.2 as follows:

~~Figures from 2019 show the loading recorded as 12,898PE leaving a treatment capacity of 2,102PE. It is noted that there are no major infrastructural constraints on the foul sewer network within the town. However, it is anticipated that it will be necessary to extend the plant to beyond 15,000PE before 2027 to meet the envisaged additional domestic and non-domestic demand within the town.~~

*Following some recent modelling of the sewer network, some issues are appearing in a few areas that will require new systems to be implemented with the growth of the catchment. Where there are constraints, applications for developments would be on a first come, first served basis. If no project is associated with a constrained area, then any infrastructure improvements or upgrades will be developer led. Irish Water can work with developers to form the best solution for a particular site. This would be through the Connections and Developer Services section of Irish Water's website:
<https://www.water.ie/connections/developer-services/>*

There should be sufficient headroom at Athy wastewater treatment plant to provide for the majority of the projected domestic population. However, as above, this will be on a first come, first served basis.

Proposed Material Alteration No. 31

Insert the following new objective after objective IO2.3 and renumber subsequent objectives accordingly:

IO2.4 *Ensure that the capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes.*

Proposed Material Alteration No. 32

Insert the following new section after Section 10.3.1

Section 10.3.2 Site Specific Flood Risk Assessment

*All development proposals taking place in areas that KCC have applied a Justification Test, where a residual flood risk remains, should be supported by an appropriately detailed Site-Specific Flood Risk Assessment (SSFRA). The level of detail within the FRA will depend on the risks identified and the land use proposed. Applications should apply the use of the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal must demonstrate that appropriate mitigation and management measures are put in place. The development should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site. For any development in flood risk areas that meet the Development Plan Justification Test, a Development Management Justification Test must then be applied. Development must satisfy all of the criteria of the Development Management Justification Test as per **Box 5-1 of the Flood Risk Management Guidelines**. This chapter provides a broad overview of the requirements of FRAs which should accompany planning applications.*

Proposed Material Alteration No. 33

Amend the following objective:

IO3.2 Ensure development proposals within the areas *where Kildare County Council have applied a Justification Test and where residual flood risk remains as* outlined on the Flood Risk Map (*Map Ref. 2*) are the subject of a Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development proposed.

Proposed Material Alteration No. 34

Insert the following new objective after objective IO3.4:

IO3.5 *Ensure that all development proposals apply the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal shall demonstrate that appropriate mitigation and management measures are put in place. The development proposals should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site.*

Proposed Material Alteration No. 35

Insert new Map Ref. 2a which illustrates Flood Risk Zones and SSFRA overlaid on the LAP Land Use Zoning Map (Map Ref. 6 Land Use Zoning Map). See PMA Map 12 at end of report.

Proposed Material Alteration No. 36

Remove the woodland/scrub designation from the triangular wooded area (as outlined in red on map below) on **Map Ref. 4 Green Infrastructure Map**.

PMA Map 2: Proposed Material Alteration No. 36



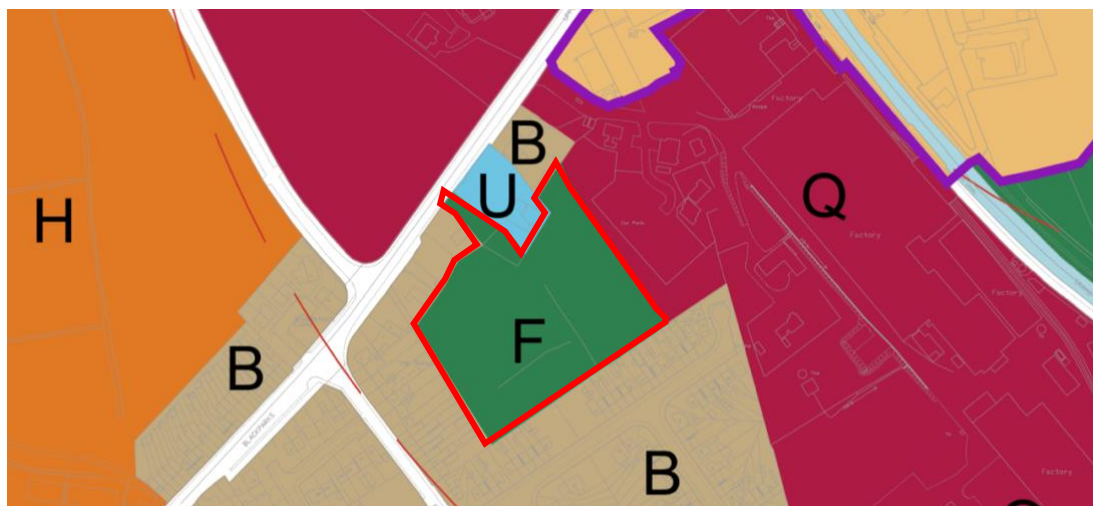
Proposed Material Alteration No. 37

Amend **Map Ref. 6 Land Use Zoning Map** to change the zoning designation of Etex lands from 'Q: Employment and Enterprise' to 'H: Industrial and Warehousing' (see Map 11 at end of report for Proposed Material Alteration No. 37). Proposed Material Alteration to include any consequential amendments to the Plan.

Proposed Material Alteration No. 38

Amend **Map Ref. 6 Land Use Zoning Map** to include lands (as outlined in red on map below) to the west of the Etex Ireland campus as 'H: Industrial and Warehousing'. Proposed Material Alteration to include any consequential amendments to the Plan.

PMA Map 3: Proposed Material Alteration No. 38



Insert new specific development objective a) and b) in **Table 11.3**, as follows:

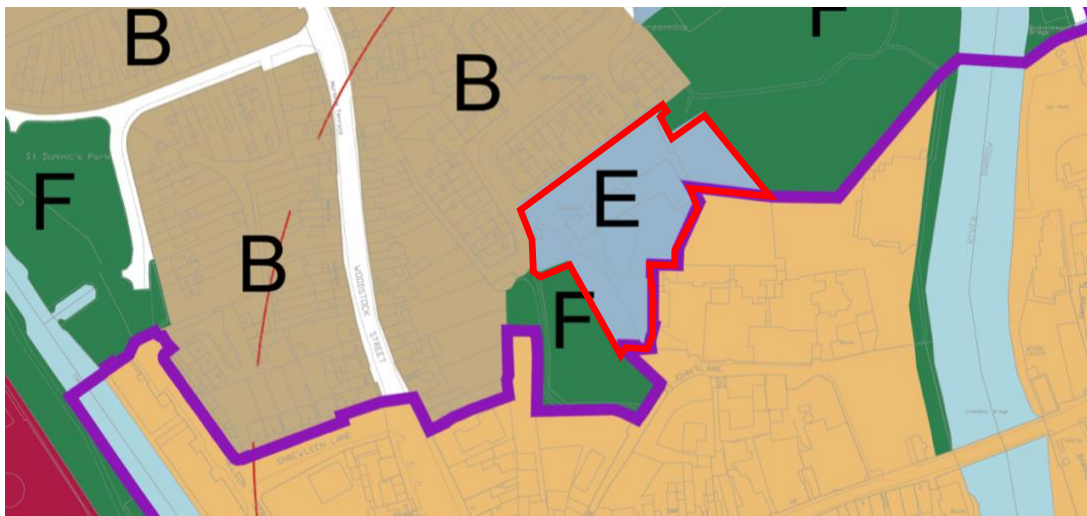
H lands – Athy West (Bennetsbridge Road)

- a) Access to these lands shall be via the existing industrial lands to the immediate east. No further access shall be permitted on to the N78 national primary route.*
- b) The development of these lands shall be subject to a site-specific transport assessment to protect the integrity and carrying capacity of the N78 at this location.*

Proposed Material Alteration No. 39

Amend the zoning designation on **Map Ref. 6 Land Use Zoning Map** for the site occupied by the former St. Patrick's National School (as outlined in red on the map below) on St. John's Lane from 'E: Community and Educational' to 'A: Town Centre'.

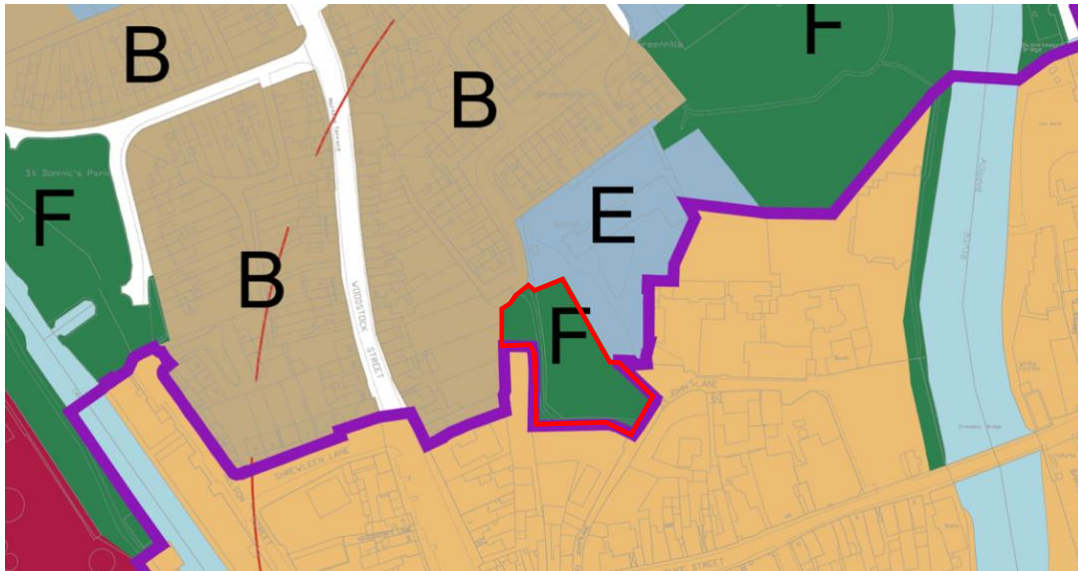
PMA Map 4: Proposed Material Alteration No. 39



Proposed Material Alteration No. 40

Amend the zoning designation on **Map Ref. 6 Land Use Zoning Map** on the lands (as outlined in red on PMA Map 5 below) from 'F: Open Space and Amenity' to 'A: Town Centre'. Proposed Material Alteration to include any consequential amendments to the Plan.

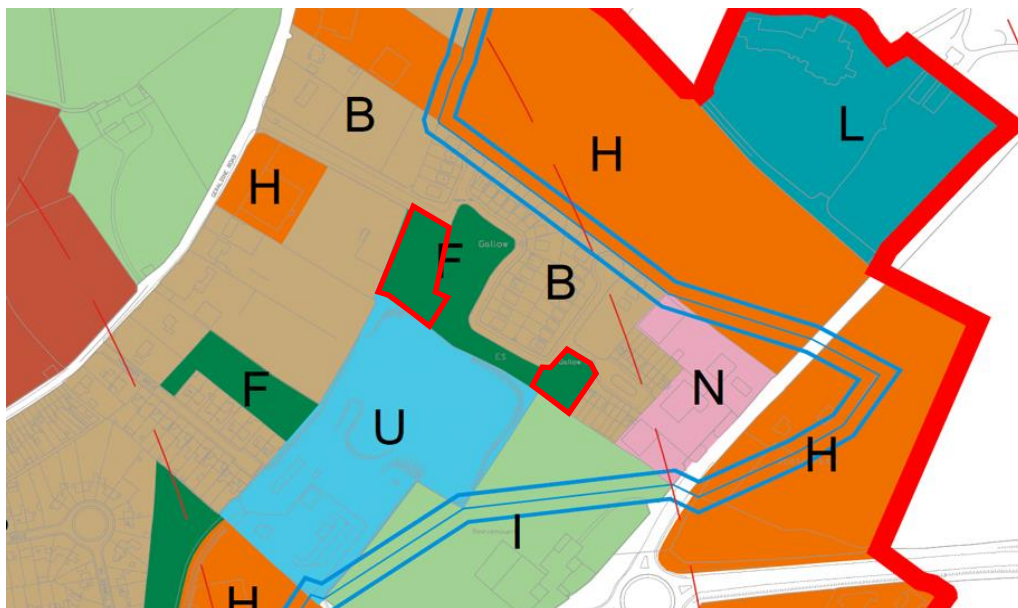
PMA Map 5: Proposed Material Alteration No. 40



Proposed Material Alteration No. 41

Amend the zoning designation on **Map Ref. 6 Land Use Zoning Map** for the sites (as outlined in red on PMA Map 6 below) from 'F: Open Space and Amenity' to 'B: Existing Residential/Infill' as per KCC Plan Ref. 15/1144. Proposed Material Alteration to include any consequential amendments to the Plan.

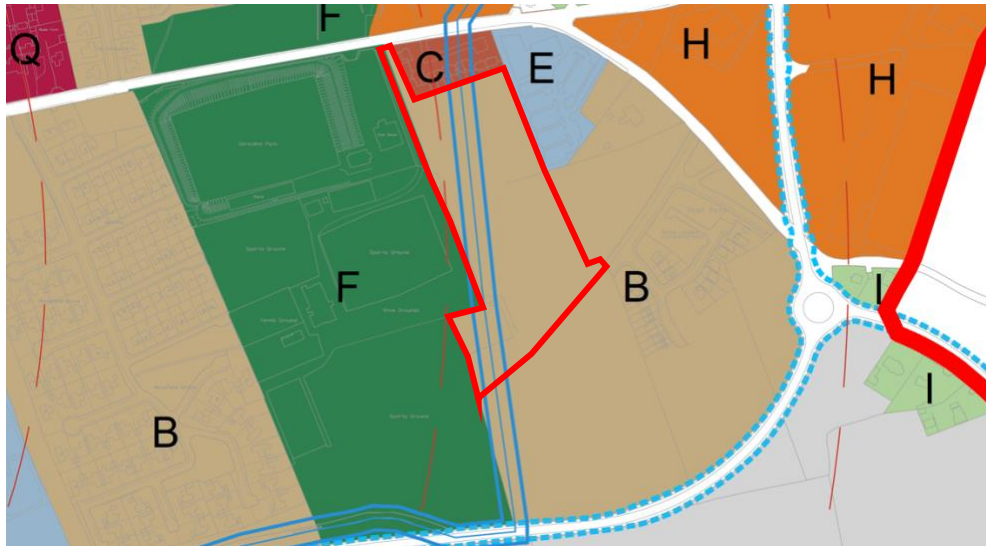
PMA Map 6: Proposed Material Alteration No. 41



Proposed Material Alteration No. 42

Amend **Map Ref. 6: Land Use Zoning Map** by amending the land use zoning objective on the extent of lands as outlined in KCC Plan Ref. 18/184 from 'B: Existing Infill/Residential' to 'F: Open Space and Amenity' (as outlined in red on map below). This amendment shall also include the lands included in folio KE1140 that are not already zoned 'F: Open Space and Amenity'. Proposed Material Alteration to include any consequential amendments to the Plan.

PMA Map 7: Proposed Material Alteration No. 42



Proposed Material Alteration No. 43

Amend **Map Ref. 6: Land Use Zoning Map** by zoning the area identified by Submission No. 43 in the Chief Executive's Report on the Submissions Received to the Draft Athy Local Area Plan 2021 – 2027 (dated 19th March 2021) as existing residential zoning (as outlined in red on PMA Map 8 below). Proposed Material Alteration to include any consequential amendments to the Plan.

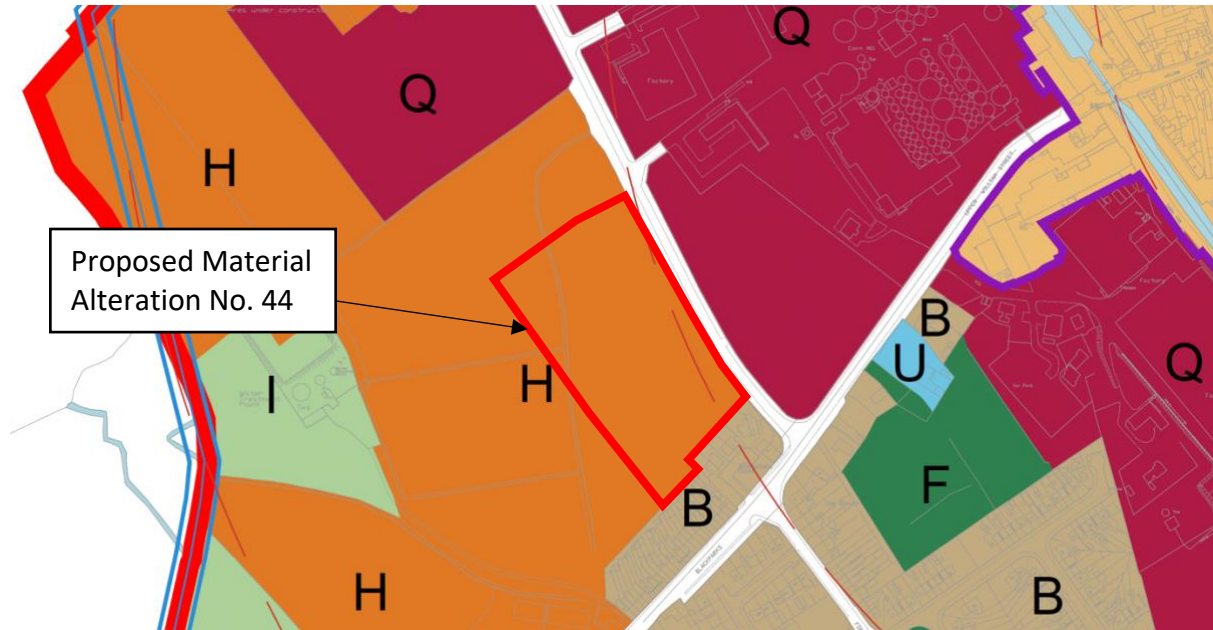
PMA Map 8: Proposed Material Alteration No. 43



Proposed Material Alteration No. 44 (a, b and c) [see also Proposed Material Alteration No. 8]

(a) Amend Map Ref. 6: Land Use Zoning Map by changing the proposed 'H: Industrial and Warehousing' land use zoning designation to 'R: Retail' on the land identified by Submission No. 55 in the Chief Executive's Report on the Submissions Received to the Draft Athy Local Area Plan 2021 – 2027 (dated 19th March 2021) (as outlined in red on PMA Map 9 below). Proposed Material Alteration to include any consequential amendments to the Plan.

PMA Map 9: Proposed Material Alteration No. 44



(b) Amend Table 11.3 Land Use Zoning Objectives by inserting the land use zoning objective 'R: Retail' Land Use Zoning Objective as follows:

Ref	Use	Land Use Zoning Objectives
<i>R</i>	<i>Retail</i>	<i>To provide for retail activities.</i>

(c) Amend Table 11.5 Land Use Zoning Matrix as follows:

Land Use	A – Town Centre	B - Existing Residential/Infill	C – New Residential	E – Community and Educational	F – Open Space and Amenity	N – Neighbourhood Centre	H - Industrial and Warehousing	I - Agriculture	Q – Enterprise & Employment	L – Leisure and Amenity	U – Transport and Utilities	<i>R – Retail</i>
Amusement Arcade	O	N	N	N	N	N	N	N	N	N	N	<i>N</i>
Agricultural Buildings	N	N	N	N	N	N	O	Y	N	N	N	<i>N</i>
Car Park (other than ancillary)	Y	N	N	O	N	O	O	N	O	O	O	<i>N</i>

<i>Land Use</i>	A – Town Centre	B - Existing Residential/Infill	C – New Residential	E – Community and Educational	F – Open Space and Amenity	N – Neighbourhood Centre	H - Industrial and Warehousing	I - Agriculture	Q – Enterprise & Employment	L – Leisure and Amenity	U – Transport and Utilities	R – Retail
Betting Office	O	N	N	N	N	O	N	N	N	N	N	N
Cemetery	N	N	N	Y	N	N	N	O	N	N	N	N
Cinema	O	N	N	N	N	N	N	N	N	N	N	N
Community / Recreational / Sports buildings	Y	O	O	Y	Y	O	N	O	N	Y	N	N
Crèche / Playschool	Y	O	Y	Y	N	O	N	N	O	O	N	N
Cultural Uses / Library	Y	O	O	Y	O	O	N	N	N	O	N	N
Dancehall / Disco	O	N	N	N	N	N	N	N	N	O	N	N
Dwelling	Y	Y	Y	O ²	N	O	N	O ³	N	N	N	N
Emergency Residential Accommodation	Y	O	O	Y	N	Y	N	N	N	O	N	N
Funeral Homes	Y	N	N	O	N	O	N	N	N	N	N	N
Garage / Car Repairs	N	N	N	N	N	N	Y	N	N	N	N	N
Group/Special Accommodation Needs ⁴	Y	Y	Y	O	N	O	N	O	N	N	N	N
Guest House/Hotel/ Hostel	Y	O	O	N	N	O	N	O	N	Y	N	N
Heavy Commercial... ...Vehicle Park	N	N	N	N	N	N	Y	N	N	N	O	N
Hot Food take away	O	N	N	N	N	O	N	N	N	N	N	N
Industry (Light)	O	N	N	N	N	N	Y	N	O	N	N	N

² Ancillary to health/community use, and/or to meet special accommodation needs.

³ Subject to Rural Housing Policy as outlined in the Kildare County Development Plan.

⁴ For further information on group/special accommodation needs refer to Section 4.4.1 of this Plan.

<i>Land Use</i>	A – Town Centre	B - Existing Residential/Infill	C – New Residential	E – Community and Educational	F – Open Space and Amenity	N – Neighbourhood Centre	H - Industrial and Warehousing	I - Agriculture	Q – Enterprise & Employment	L – Leisure and Amenity	U – Transport and Utilities	R – Retail
Industry (General)	N	N	N	N	N	N	Y	N	N	N	O	N
Medical Consultant / Health Centre	Y	O	O	Y	O ⁵	Y	N	N	O	O	N	N
Motor Sales	O	N	N	N	N	N	Y	N	N	N	N	N
Nursing Home	Y	Y	Y	O	N	N	N	O	N	N	N	N
Offices	Y	O ⁶	O ⁵	N	N	O	O	N	O	N	N	N
Park/ Playground	Y	Y	Y	Y	Y	O	N	O	N	Y	N	N
Petrol Station	N	N	O	N	N	O	Y	N	O	N	O	N
Place of Worship	Y	O	O	Y	N	O	N	N	N	O	N	N
Playing Fields	O	O	O	Y	Y	N	N	O	O	Y	N	N
Pub	Y	N	O	N	N	O	N	N	N	O	N	N
Restaurant	Y	O	O	N	N	O	N	N	O	O	N	N
School	Y	O	O	Y	O	N	N	N	N	N	N	N
Shop (Comparison)	Y	N	N	N	N	N	N	N	N	N	N	O
Shop (Convenience)	Y	O ⁷	O ⁶	N	N	O ⁸	N	N	O ⁷	N	N	O
Stable Yard	N	N	N	N	O	N	N	Y	N	N	N	N
Tourist Related Facilities	Y	O	O	O	O	O	N	O	N	O	N	N
Utility Structures	O	O	O	O	O	O	O	O	O	O	Y	N
Warehouse (Wholesale) / Store / Depot	O	N	N	N	N	N	Y	N	N	N	N	N

⁵ Only where the existing Open Space and Amenity can be offset to a suitable alternative site.

⁶ Proposals of this nature shall be restricted to circa 100m².

⁷ No single unit shall exceed 100 m² of the net retail space.

⁸ No single unit shall exceed 200 m² of the net retail space to a maximum number of three units. The total net retail space shall not exceed 300 m².

Proposed Material Alteration No. 45

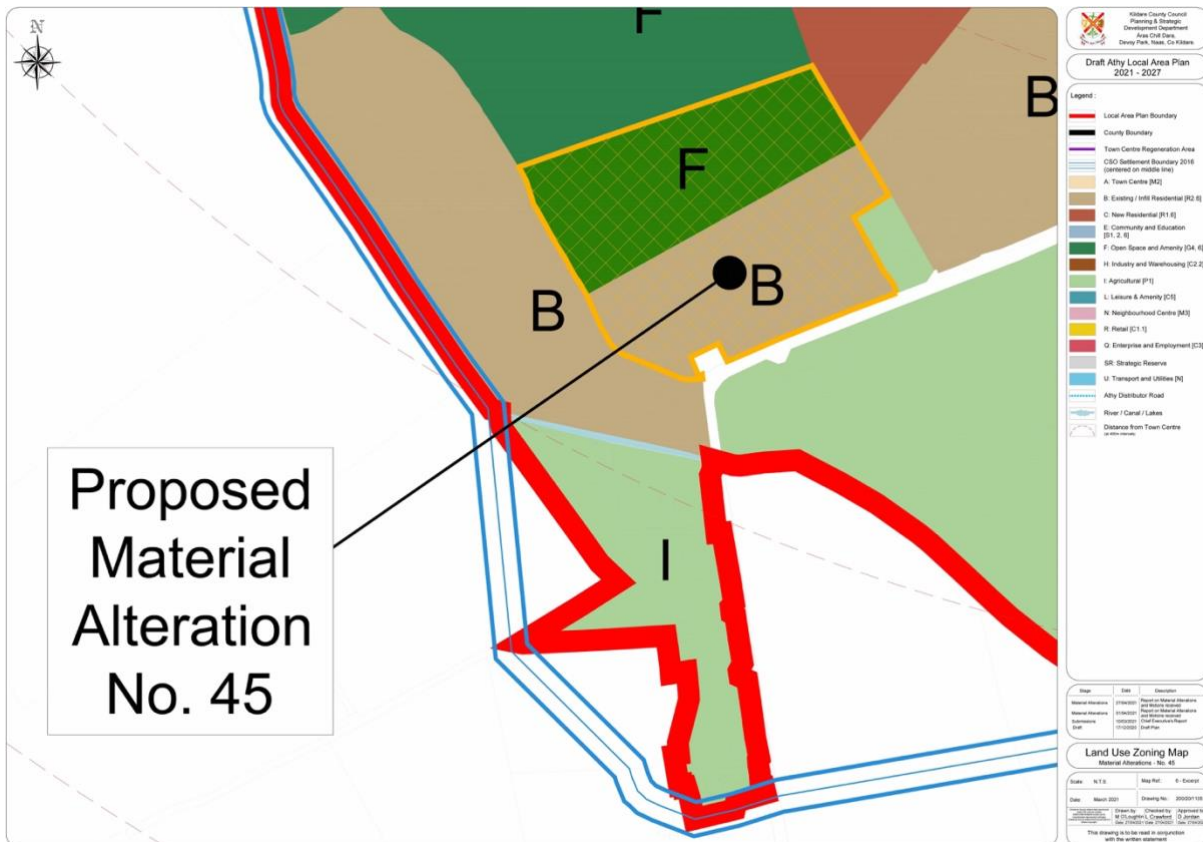
Amend **Map Ref. 6: Land Use Zoning Map** by zoning the area identified by Submission Nos. 42, 50 and 54 in the Chief Executive's Report on the Submissions Received to the Draft Athy Local Area Plan 2021 – 2027 (dated 19th March 2021) to provide for 50% of the area to be retained as existing residential lands ('B: Existing Residential / Infill') and the remaining 50% of the lands adjacent to the Ardrew Key Development Area to the north, be designated as 'F: Open Space and Amenity' (see lands outlined in yellow in PMA Map 10 below).

Proposed Material Alteration to incorporate any consequential amendments to the Plan including updating Map Ref. 6 Land Use Zoning Map to provide for a site specific objective for the subject site on Fortbarrington Road to state:

The area of land within the 'B: Existing Residential / Infill' zone that is located within an area identified as a Flood Risk Assessment Zone, adjacent to Fortbarrington Road shall be used for open space purposes only within any permitted residential development as part of the overall landholding.

The subject site will be denoted by a star on the Land Use Zoning Map.

PMA Map 10: Proposed Material Alterations No. 45 (the area outlined in yellow where the northern 50% is proposed to be amended to have an 'F: Open Space and Amenity Zoning and the Southern 50% is to proposed to be retained as 'B: Existing Residential/Infill)



Proposed Material Alteration No. 46

Amend **Table 11.5 Land Use Zoning Matrix** to include a specific objective under land use zoning objective 'H: Industrial and Warehousing' to provide that 'Nursing Home' uses will be amended from 'N' (Not Permitted) to 'O' (Open for Consideration) on lands located to south/east of the R418 (formerly) identified as 'H3' in the Athy Development Plan 2012-2018 at Dublin Road/ Gallowshill.

Extract of Table 11.5: Land Use Zoning Matrix (for illustrative purposes only, PMA No. 46 refers to 'Nursing Home' category only)

<i>Land Use</i>	A – Town Centre	B - Existing Residential/Infill	C – New Residential	E – Community and Educational	F – Open Space and Amenity	N – Neighbourhood Centre	H - Industrial and Warehousing	I - Agriculture	Q – Enterprise & Employment	L – Leisure and Amenity	U – Transport and Utilities
Nursing Home	Y	Y	Y	O	N	N	N O ¹	O	N	N	N

¹ Nursing homes will only be 'Open for Consideration' within the zoning designation 'H; Industrial and Warehousing' on lands located to south/east of the R418 at Dublin Rd/ Gallowshill and denoted by 'H*' on Map Ref. 6 Land Use Zoning Map.

PMA Map 11: Proposed Material Alterations to Map Ref. 6 Land Use Zoning Map (for illustrative purposes only)



PMA Map 12 : Proposed Material Alteration 35 - Map Ref. 2a (illustrates Flood Risk Zones and SSFRA overlaid onto Map Ref. 6 Land Use Zoning Map)

