16 Land Use Zoning

Aim: To ensure the orderly and sustainable development of the town through the setting out of zoning objectives for a variety of uses.

16.1 Background

The Planning and Development Act 2000 as amended, requires that development plans contain objectives for the zoning of land for particular purposes, in the interests of proper planning and sustainable development. The key method of implementing this is through the identification of Land Use Zonings and Objectives for specific areas or sites. This chapter lists the land use activities referred to under each zoning objective and indicates the acceptability or otherwise of specified land uses within each zone. The zonings are identified by colour on Map 16.1 Land Use Zoning Map and the uses identified in Table 16.5, Land Use Zoning Matrix.

Zoning aspires to promote orderly development, to eliminate potential conflicts between incompatible land uses and to establish an economic basis for investment in public infrastructure and facilities. Zoning has regard to the strategic policies underlying the core strategy of this Draft Development Plan. These include the principles of sustainable development, the integration of land use and transportation planning, the promotion of economic development, the concept of creating sustainable communities and the protection of built and natural resources.¹

This chapter should also be read in conjunction with Chapter 15 Development Management Standards.

16.2 Strategy

In accordance with the overall strategy of this Draft Plan, the zoning strategy has regard to:

- The need to promote sustainable development in accordance with national, regional, county and local policy.
- The need to provide sufficient zoned land at appropriate locations throughout the Plan area to facilitate the envisaged land use requirements for the period 2012-2018.
- The sequential development of land.
- The sustainable development and the use/redevelopment of under utilised and brownfield sites.
- The accessibility, availability and location of land for development.
- The location and adequacy of existing social infrastructure (schools, community facilities etc.)
- The character of the town with regard to the scale and pattern of development.
- Physical features and amenities of the town.
- The present and future situation regarding the provision of physical infrastructure including water, wastewater and roads

¹ Section 10 (8) of the Planning and Development Act 2000 states that there shall be no presumption in law that any zoned land in a Development Plan shall remain so zoned in any subsequent Development Plan.

16.2.1 Land Use Zoning Policy

It is the policy of the Council:

- LU 1: To ensure that a logical and sequential approach is adopted for development within the Athy Town Plan area (i.e. prioritising the development from the core area outwards.)
- LU 2: To prohibit the proliferation of any individual use which in the opinion of the Planning Authority does not contribute to the vitality and viability of the town centre.
- LU 3: To encourage a mix of uses where appropriate.

16.2.2 Land Use Zoning Category

Land use zonings are designated in this Development Plan in accordance with Table 16.1. Table 16.2 describes these zonings and the specific land use zoning objectives in greater detail.

Table 16.1 Land Use Zoning Category

Ref.	Land Use Zoning
Α	Town Centre
В	Existing Residential and Infill
С	New Residential
D	Neighbourhood Centre
Е	Community and Educational
F	Open Space and Amenity
G	Light Industrial and Commercial
Н	Industrial and Warehousing
I	Agriculture
J	Transport and Utilities
K	Public Utilities
Q	Employment and Enterprise

Table 16.2 Land Use Zoning Objectives

Ref	Use	Land-Use Zoning				
Α	Town Centre	To protect and enhance the special physical, historical and social character of the existing town centre and to provide for the development and improvement of appropriate town centre facilities and uses including retail, residential, commercial, cultural and civic uses.				
		The purpose of this zone is to protect and enhance the special character of Athy Town Centre and to provide for comprehensive development and allowing for a broad range of compatible and complementary uses which will be encouraged to locate in this area and contribute to a dynamic, vibrant and pedestrian focused town core area. To improve retailing, commercial, office, cultural and other uses appropriate to the Town Centre which complement its unique historic setting. It will be an objective of the Council to encourage the full use of buildings and back lands especially the use of upper floors, preferably for residential purposes. Certain uses are best located away from the principal shopping streets because of their extensive character and their need for large-scale building forms and space requirement. These uses include retail warehousing or industrial uses.				
		A strong urban design approach will be required in all aspects of development in this area. The Council will encourage the appropriate re-use and regeneration of buildings, backlands and derelict/obsolete land.				
		A variety of compatible uses appropriate for daytime and evening use will be promoted in the town centre. Innovative design approaches will be welcomed in the area, particularly with regard to residential development. Warehousing and other industrial uses will not be permitted in the town centre.				
		Chapter 14- Urban Design and Opportunity Areas provides urban design guidance for a number of opportunity areas within the town centre.				
A	Town Centre lands located within the flood lines on land A: Town Centre and shown on Map 16.1 and Map 5.1 shall be accompanied by a site specific Flood Risk Assessment. The development proposal shall:					
		(i) Indicate and quantify the loss of flood storage arising from the development proposal.				

		(ii) Provide compensatory storage located adjacent to the proposed development.
		(ii) Indicate measures to minimise the risk of flooding on the subject site.
В	Existing Residential and Infill	To protect and enhance the existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.
		This zoning principally covers existing residential areas. The zoning provides for infill development within these residential areas. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered appropriate to the area and to the needs of the population. While infill or re-development proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight and aspect in new proposals.
В	Existing Residential lands located within Flood Zones A & B	These lands are substantially developed. However, proposals for further development of these lands shall be the subject of a site specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. It is recommended that further development of these lands be required to incorporate mitigation measures that: (i) Indicate and quantify loss of floodplain storage arising from the development proposal; (ii) Provide compensatory storage located within or adjacent to the proposed development; (iii) Indicate measures to ensure that water-vulnerable elements of the Development would not be flooded during the 1000 year flood; (iv) Ensure that existing flow paths for flood waters will not be compromised.
С	New Residential	To provide for new residential development, associated residential services and community facilities. The purpose of this zone is to provide new residential development and other services incidental to residential development. While housing is the primary use in this zone, recreation, education, crèche/playschool, community buildings and sheltered housing will also be considered by the Council. Limited local shopping facilities will be considered to serve the local need of the residents.

C6 C21	New Residential	Permission may also be granted for home based economic activity within this zone subject to the preservation of residential amenity and traffic considerations. New residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and the landscaping of open space. New residential development should only take place in conjunction with the provision of necessary physical, social, community and recreational services/facilities. Development proposals for these lands shall be the subject of a site specific Flood Risk Assessment appropriate to the type and
C25		scale of the development being proposed.
C12 C26 C27 C33	New Residential	While a portion of each of these land parcels is located within Flood Zones A and B, in each case the proportion is not sufficient to prevent appropriate development within the overall land parcel. The layout and design of development on these lands should be such that water vulnerable features are located outside of the Flood Zones A and B.
D	Neighbourhood Centre	To provide for a new Neighbourhood Centre and associated facilities. This zoning provides for the development of a new neighbourhood centre to serve the needs of residential areas. A mix of retail, community and recreation development is sought in this zone. Only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered in this zone. This centre is intended to serve the immediate needs of the local working and residential population and complement rather than compete with the established town centre. Medical clinics and professional offices, workshops, a crèche, small convenience stores or café are all envisaged within this zone. No single shop unit shall be greater than 1500sq.m gross floor area. This threshold shall be monitored over the period of this plan. Neighbourhood centres have been identified at the following locations: D1 – Monasterevin Road D2 – Ardrew D3 – Geraldine Road

E	Community and	nd To provide for and improve community, educational,									
	Educational	ecclesiastical and recreational facilities.									
		The purpose of this zoning is to provide for and improve									
		community, educational and recreational facilities including,									
		health care, child care, fire station, courthouse, schools,									
		churches, meeting halls and other, community facilities,									
		ancillary neighbourhood uses and services.									
		•									
E	Community and	These lands passed the Justification Test and thus modification									
	Educational	of the lands use classification is not a recommendation of the									
	Landa la satad	SFRA. The land is already substantially developed. However, it									
	Lands located north of the Town	is recommended that further development of these lands be									
	Centre between the	required to incorporate mitigation measures that:									
	River Barrow and	(i) Prevent flooding of the development;									
	the Railway line	(7) The state of the development,									
	,	(ii) Ensure there is not net reduction in the volume of									
		floodplain storage contained within the lands being									
		developed;									
		(iii) Existing flow paths for flood waters will not be									
		compromised.									
E	Community and	Development within the 100year and 1000year Flood Lines shall									
	Educational	incorporate mitigation measures to prevent flooding of the									
		development and to avoid adverse impact on adjoining lands.									
	Lands located										
	immediately north										
	of the Town Centre										
	and adjoining the										
	western bank of the River Barrow										
	the River Barrow										
F	Open Space and	To protect and provide for open spaces, amenity facilities									
	Amenity	and recreational uses.									
		This zone relates to open spaces, dispersed throughout the									
		town, and comprises public and private land. The purpose of									
		this zoning is to provide for open spaces, playgrounds, parks,									
		sports centres, active and passive recreation uses, landscaped									
		areas and walkways. The Council will not normally permit									
		development which results in loss of open space within the town.									
		town.									
G	Light	To provide for and improve light industrial and									
	Industrial and	warehousing development.									
	Commercial										
		The purpose of this zone is to provide for office and light									

		industrial and warehousing development.
Н	Industrial and Warehousing	To provide for and improve industrial and warehousing development.
		The purpose of this zoning is to provide for industrial and warehousing uses. Other uses, ancillary or similar to industry and warehousing will be considered on the merits of the proposed development and may be acceptable in this zone. Where employment is a high generator of traffic, the location of new employment facilities at appropriate scale, density, type and location will be encouraged to reduce demand for travel.
		Residential or retail uses (including retail warehousing) or incinerators/thermal treatment plants will not be acceptable in this zone. Retail warehousing is permitted in principal in lands zoned H2.
		Where any Industrial/Warehousing land adjoins other land uses, particularly residential use, a buffer zone (approximately 10-15 metres) shall be provided for and landscaped accordingly in accordance with the Development Management chapter of this plan.
H1	Industrial and Warehousing	This zone related to the gateway business campus and provides for any future expansion of this campus. Future development will be for low- density employment of the light industrial and industrial office type. This site is a key gateway to the town and therefore high quality design, finish and landscaping of the development be particularly important.
H2	Industrial and Warehousing	To provide for light industrial and industrial office type employment in a high quality campus environment and to provide for retail warehousing in accordance with the retail policy and subject to the provision of necessary physical infrastructure.
		A Master Plan much be prepared for this area and any application must be submitted having regard to this Master Plan. The Master Plan should be prepared by the landowners ideally working together, and in consultation with Kildare County Council and any other service providers.
		Any development on this site must not seriously injure the amenities of adjoining land uses.
I	Agricultural	To retain and protect agricultural uses.
		The purpose of this zoning is to ensure the retention of

J	Transport and Utilities	agricultural uses and protect them from urban sprawl and ribbon development. Uses which are directly associated with agriculture or which would not interfere with this use are open for consideration. This includes limited housing for members of landowners' families or persons who can demonstrate a need to live in the agriculture zone. To provide for the needs of transport and utility uses. The purpose of this zoning is to provide for the needs of public transport and other utility providers. Car parks and commercial development associated with the provision of public transport services are envisaged for this zone.
К	Public Utilities	To protect and improve existing commercial and residential uses and provide for additional compatible uses. The purpose of this zoning is to reflect the established mix of commercial and residential uses which have developed historically in Athy. Any new development in this zone must not prejudice the viability of established land uses within the zone.
Q	Employment and Enterprise	To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high quality campus/park type development. This plan seeks to retain and develop the existing manufacturing industries in these areas while, establishing and expanding new categories of business in Athy and support their development. It is intended that these lands will be uses for enterprise and employment uses in a high quality, well design environment. Development shall be of a high quality architectural design and landscaping. Along the Canal, new or infill development must have regard to the visual amenity of the canal and the established uses in the immediate vicinity. Any development on this site shall require a detailed landscaping scheme at application stage Possible uses for the Enterprise and Employment zone include: Business, Science and Technology units: High tech, research and development facilities, corporate and industrial offices. Office Based Industry: Where the activity is concerned primarily with producing an end-product (e.g. software development, research and development) or provides telephone or web based services (e.g. telemarketing). Only office developments to which the public do not normally have access will be

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		permitted within the zone.
		Enterprise and Incubator units: Small and mixed sized workspace units suitable for small businesses and start up companies. Limited light industrial development will be considered in the context of the overall campus type development.
		Institutional Use: Includes medical facilities and educational and knowledge based research facilities.
		Support facilities: Without compromising the policy of resisting inappropriately located retail and leisure development, provision is made for small scale, "walk to" facilities (i.e. restaurant, sandwich shop and specialist services such as crèches), which are integrated with employment units and re of a nature and scale to serve the needs of employees within this employment area.
Q	Enterprise and Employment Lands adjoining the western back	These lands are substantially developed. However, proposals for further development of these lands shall be the subject of a site specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. It is recommended that further development of these lands be required to incorporate mitigation measures that:
	of the Grand Canal	(i) Indicate and quantify loss of floodplain storage arising from the development proposal;(ii) Provide compensatory storage located within or adjacent to the proposed development;
		(iii) Indicate measures to ensure that water-vulnerable elements of the Development would not be flooded during the 1000 year flood; (iv) Ensure that existing flow paths for flood waters will not be compromised.

Table 16.3 Quantum of Zoned Land

Ref.	Specific Zoning Objective	Approx. Area (Ha)
Α	Town Centre	38.7
В	Existing & Infill Residential	216
С	New Residential	185
D	Neighbourhood Centre	2.9
E	Community & Educational	36.7
F	Open Space & Amenity	47.2
G	Light Industry & Commercial	8.7
Н	Industry & Warehousing	52.3
I	Agriculture	480.2
J	Transport and Utilities	7.7
K	Public Utilities	5.2
Q	Enterprise and Employment	40

Table 16.4 Quantum of Residential Land (C-New residential currently undeveloped)

Objective No.	Approx. Area (Ha)						
C2	4.2	C12	4.1	C23	1.5	C32	8.1
C3	2.8	C13	8.7	C24	14.3	C33	8.0
C4	1.1	C15	4.0	C25	4.6	C34	2.4
C5	4.7	C16	1.7	C26	6.9	C35	0.34
C6	9.1	C17	1.7	C27	1.6	C36	4.0
C7	4.7	C19	1.0	C28	3.4	C37	0.7
C8	1.7	C20	0.4	C29	48.4		
C 9	0.7	C21	7.2	C30	10.0		
C11	4.9	C22	0.4	C31	7.7		
						TOTAL	185.04

16.3 Zoning Matrix

16.3.1 Application of Zoning Matrix

Uses other than the primary use for which an area is zoned may be permitted provided they are not in conflict with the primary use-zoning objective. The Zoning Matrix (Table 16.5) illustrates the acceptability or unacceptability of various uses for each of the zoning objectives. The land use-zoning matrix is intended to provide guidance to potential developers. An indication that a proposal would be 'permitted in principle' from the matrix should not be taken to imply a granting of permission, or indeed that a planning application may be necessarily successful. The matrix relates to land use only and important factors such as density, building height, design standards, traffic generation, etc., are also relevant in establishing whether or not a development proposal would be acceptable in a particular location.

Y= Permitted in Principle

A use which the Local Authority accepts in principle in the relevant zone subject to the normal planning process including policies and objectives outlined in the Plan.

O= Open for Consideration

A use which is "Open for Consideration" means that the use is generally acceptable except where indicated otherwise and where specific considerations associated with a given proposal (e.g. scale) would be unacceptable or where the development would be contrary to the proper planning and sustainable development of the area.

N= Not Permitted

A land use which is indicated as "Not Permitted" in the Land Use Zoning Matrix are not considered to be appropriate except in exceptional circumstances. This may be due to its perceived effect on existing and permitted uses, its incompatibility with the policies and objectives contained in this Plan or the fact that it may be inconsistent with the proper planning and sustainable development of the area.

16.3.2 Other Uses

Proposed land uses not listed in the matrix will be considered on the merits of the individual planning application, with reference to the most appropriate use of a similar nature indicated in the table and in relation to the general policies and zoning objectives for the area.

16.3.3 Non-Conforming Uses

Throughout the town there are uses that do not conform to the zoning objectives for that area. These are uses which:

- 1. Were in existence on 1st October 1964,
- 2. Have valid permissions or,
- Have no permission and which may or may not be the subject of enforcement proceedings.

Extensions to and improvement of premises referred to in categories 1 and 2 above may be permitted. This would apply where proposed development would not be seriously injurious to the amenities of the area and would not

prejudice the proper planning and sustainable development of the area.

16.3.4 Material Contravention

The Council has a statutory obligation to take such steps as may be necessary to secure the objectives of the Development Plan. In appropriate circumstances the Council may permit a material contravention of the Development Plan. The granting of a planning permission that materially contravenes the Development Plan is a reserved function of the Elected Members of the Council, exercisable following a public consultation process.

16.3.5 Transitional Areas

While the zoning objectives indicate the different uses permitted in each zone it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity.

In zones abutting residential areas, particular attention will be paid to the uses, scale, density and appearance of development proposals and to landscaping and screening proposals required to protect the amenities of residential areas.

Development abutting amenity and open space should generally facilitate the passive supervision of that space, where possible by fronting onto it.

Land Use	A: Town Centre	B: Existing Residential & Infill	C: New Residential	D: Neighbourhood Centre	E: Community & Education	F: Open Space & Amenity	G: Light Industry & Commercial	H: Industry & Warehousing	H1: Industry & Warehousing	H2: Industry & Warehousing	l: Agricultural	J: Transport & Utilities	K: Public Utilities	Q: Enterprise & Employment
Amusement Arcade	0	N	N	0	N	N	Ν	N	N	N	N	N	N	N
Broiler House	N	N	N	N	N	N	N	N	N	N	Υ	N	N	N
Car Parks	Υ	N	N	0	0	N	0	Υ	Υ	Υ	N	Υ	0	0
Cattleshed Slatted Unit	N	Z	N	N	N	N	Z	N	N	Ζ	Y	N	N	N
Cemetery	Ζ	Z	N	N	0	0	Z	N	N	Z	Υ	N	N	N
Cinema/ Dancehall/Disco	Y	Z	Ν	N	N	N	Z	Ν	Ν	Z	Z	N	N	N
Community Hall	Υ	0	0	0	Υ	0	Υ	N	N	Z	Ζ	0	N	0
Childcare/ Crèche/ Playschool	Y	0	Y	0	Y	0	0	0	0	0	0	0	N	0
Cultural Uses/ Library	Y	0	0	0	Y	0	N	N	N	N	N	N	N	0
Dwelling Unit	Y	Υ	Υ	Y	N	N	Ν	N	N	Ν	0	N	N	N
Funeral Homes	Y	N	N	0	Y	N	Υ	N	N	N	N	N	N	0
Garages/ Car Repairs	N	N	N	N	N	N	Y	0	0	0	N	Y	N	N
Guest House/ Hostel	Y	0	0	0	0	N	Ν	N	N	Ν	0	N	N	0
Hotel	Y	N	0	0	N	N	N	N	N	N	N	N	N	N
Halting Site	N	0	0	N	0	0	0	N	N	N	0	N	N	N
Health Centre/ Clinic	Y	0	0	Y	Y	N	Y	0	0	0	N	0	N	Y

Land Use	A: Town Centre	B: Existing Residential & Infill	C: New Residential	D: Neighbourhood Centre	E: Community & Education	F. Open Space & Amenity	G: Light Industry & Commercial	H: Industry & Warehousing	H1: Industry & Warehousing	H2: Industry & Warehousing	l: Agricultural	J. Transport & Utilities	K. Public Utilities	Q: Enterprise & Employment
Heavy Commercial Vehicle Parks	N	N	Ν	N	N	N	Y	Y	Y	Y	N	Y	Ν	N
Take- Away	0	N	Z	0	N	N	0	N	N	Z	N	N	Ζ	0
Industry	N	N	N	N	N	N	Υ	Υ	Υ	Υ	N	0	N	0
Industry (Light)	0	N	N	N	N	N	Υ	Υ	Υ	Y	N	0	N	0
Medical and related consultancy	Y	0	0	Y	Y	N	0	0	0	0	N	0	N	Ο
Motor Sales	Y	N	Ν	N	N	N	Υ	0	0	0	N	Y	Ν	0
Nursing Home	Y	0	0	0	Υ	N	Υ	N	N	N	0	N	N	N
Offices	Υ	0	N	0	0	N	0	0	0	0	N	0	N	Υ
Park/Playgroun d	Y	Y	Y	Y	Y	Y	0	0	0	0	0	N	N	0
Petrol Station	0	N	N	0	N	N	Υ	0	0	0	N	Υ	N	Υ
Place of Worship	Y	0	0	0	Y	0	N	N	N	N	N	N	N	0
Playing Fields	0	Υ	Υ	N	Υ	Υ	0	N	N	N	Υ	N	N	0
Pub	Υ	0	0	0	N	N	N	N	N	N	N	N	N	0
Recreational Buildings	Y	0	0	0	Y	Y	0	0	0	0	0	0	N	0
Repository/ Store/Depot	0	N	N	N	0	N	Y	Y	Y	Y	N	0	N	0

Land Use	A: Town Centre	B: Existing Residential & Infill	C: New Residential	D: Neighbourhood Centre	E: Community & Education	F: Open Space & Amenity	G: Light Industry & Commercial	H: Industry & Warehousing	H1: Industry & Warehousing	H2: Industry & Warehousing	l: Agricultural	J. Transport & Utilities	K: Public Utilities	Q: Enterprise & Employment
Restaurant	Υ	0	0	Υ	0	N	0	0	0	0	N	0	N	0
Residential Development	Y	Y	Y	0	N	N	Z	N	N	Z	N	N	N	N
Retail Warehouse	0	N	N	N	N	N	N	N	N	Υ	N	N	N	N
School	Υ	0	0	N	Υ	0	N	N	N	N	0	N	N	0
Shop (Comparison)	Υ	N	N	0	N	N	N	N	N	N	N	N	N	N
Shop (Convenience)	Y	0	0	Υ	N	N	0	0	0	0	N	0	N	0
Stable Yard	N	N	N	N	N	N	0	N	N	N	Υ	N	N	N
Sport/Leisure Complex	Υ	0	0	0	Υ	0	0	N	N	N	N	N	N	0
Tourist camping site/caravan park	N	N	0	N	0	N	N	N	N	N	0	N	N	0
Utility Structures	Y	0	0	0	0	0	Y	Y	Y	Y	Y	Y	Y	0
Warehouse (Wholesale)	0	N	N	N	N	N	Y	Υ	Υ	Υ	N	N	N	0
Waste Incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Workshop	0	N	N	N	0	N	Υ	Υ	Υ	Υ	0	Υ	0	0

Y= Permitted in Principle

O= Open for Consideration

N=Not permitted