

NATURA IMPACT STATEMENT
IN SUPPORT OF THE
APPROPRIATE ASSESSMENT
OF THE
ATHY TOWN DEVELOPMENT PLAN 2012 - 2018

IN ACCORDANCE WITH THE REQUIREMENTS OF
ARTICLE 6(3) OF THE EU HABITATS DIRECTIVE

for: Athy Town Council

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Section 1 Introduction

1.1 Background

This is the Natura Impact Statement for the Athy Town Development Plan in accordance with the requirements of Article 6(3) of the EU Habitats Directive¹. This report is divided into four sections as follows:

- Section 1 Introduction
- Section 2 Stage 1 Screening
- Section 3 Stage 2 Appropriate Assessment
- Section 4 Mitigation Measures

1.2 Legislative Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as "The Habitats Directive", provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. This comprises candidate Special Areas of Conservation (cSACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects with potential to affect Natura 2000 sites.

Article 6(3) establishes the requirement for Appropriate Assessment (AA) as follows:

"Any plan or project not directly connected with or necessary to the management of the (Natura 2000) site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

If, in spite of a negative assessment of the implications for the (Natura 2000) site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

¹ Directive 92/43/EEC

1.3 Stages of Appropriate Assessment

This Natura Impact Statement has been prepared in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.* Department of the Environment, Heritage and Local Government, 2009.
- *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, European Commission Environment DG, 2000.
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*: European Commission, 2000

As set out in these guidance documents, AA comprises up to four stages:

Stage One: Screening

The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

Stage Two: Appropriate Assessment

The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

Stage Three: Assessment of Alternative Solutions

The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. Firstly, the plan should aim to avoid any impacts on Natura 2000 sites by identifying possible effects early in the plan-making process and altering the plan or project in order to avoid such impacts. Secondly, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If significant effects on the site(s) are likely, and no further practicable mitigation is possible, the Plan or project may not proceed unless for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, in which case compensation measures are required for any remaining adverse effect(s). This report documents the first two of these stages.

Section 2 Screening

2.1 Description of the Development Plan

2.1.1 Legislative Context

The Athy Town Development Plan 2012-2018 has been prepared in accordance with the requirements and provisions of the Planning and Development Acts 2000-2010. It relates to the functional area of Athy within the Athy Town Council boundary.

The Plan sets out an overall strategy for the proper planning and sustainable development of the town over the period 2012-2018. It is prepared with reference to the Kildare County Development Plan 2011-2017 which sets out strategies, policies and objectives for the development of County Kildare. Population targets for Athy and the strategy for economic development as outlined in the County Plan have informed the preparation of this plan.

2.1.2 Content and Structure of the Plan

The Development Plan consists of a written statement with accompanying maps. It comprises 14 Chapters as follows:

- Chapters 1 and 2 set out the introduction, strategic context and core strategy for the proper planning and sustainable development of Athy;
- Chapters 3-12 set out detailed policies and objectives under a range of headings which the Town Council will seek to achieve over the six-year life of the Plan e.g. economic development, housing, town centre development, retail, movement and transport, infrastructure, social, community, heritage and the development of opportunity areas;
- Chapter 13 sets out development management objectives and standards to be applied to future development proposals. The purpose of these standards and objectives is to guide and assist the preparation of development proposals and to regulate the impact of development on the environment; and,
- Chapter 14 sets out the land use activities referred to under each zoning objective and indicates the acceptability or otherwise of specified land uses within each zone.

2.2 Natura 2000 Network

2.2.1 SACs and SPAs

The European Union's Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna), in conjunction with the Birds Directive (Council Directive 79/409/EEC on the conservation of wild birds) is the main legal tool of the European Union for nature conservation. The EU Directive on the conservation of wild birds was adopted in 1979 by nine Member States, and was the first EU Directive on nature conservation. Since its adoption it has been a vital legal instrument for the conservation of all birds that occur naturally across the EU, acting in the broadest public interest to conserve Europe's natural heritage for present and future generations.

The EU Habitats Directive was proposed in 1988 and after many significant changes was adopted in July 1992. The stated aim of the Directive is to contribute to the maintenance of biodiversity within the European territory of the Member States through the conservation of natural habitats and of wild fauna and flora of Community interest. The Birds and Habitats Directive together offer useful legal conceptual models and a set of standards and norms in common use.

The Habitat Directive seeks to establish "Natura 2000", a network of protected areas throughout the European Community. It is the responsibility of each member state to designate Special Areas of Conservation (SACs) to protect habitats and species, which, together with the Special Protection Areas (SPAs) designated under the EU Birds Directive, form Natura 2000.

Member States are required to maintain or restore at 'favourable conservation status' the habitats and species of Community Importance listed in Annex I and II of the Directive.

According to the Habitats Directive (Article 1(I)) a Special Area of Conservation (SAC) means a site of Community importance designated by the Member States through a statutory, administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of the species for which the site is designated.

Special Protection Areas (SPAs) are classified under Article 4 of the Birds Directive. These areas are designated in order to protect endangered bird species listed in Annex I or migratory species.

It is general practice, when screening a plan or project for compliance with the Habitats Directive, to identify all Natura 2000 sites within the functional area of the plan itself and within 15 km of the boundaries of the area the plan applies to. This approach is currently recommended in the Department of the Environmental, Heritage and Local Government's document *Guidance for Planning Authorities* and as a precautionary measure, to ensure that all potentially affected Natura 2000 sites are included in the screening process.

Table 2.1: Qualifying Features of Natura 2000 Sites

Site Code	Site Name	Qualifying Feature Annex I Habitats	Qualifying Feature Annex II Species
002162	River Barrow And River Nore SAC	Alluvial wet woodlands Petrifying springs Old oak woodlands, Floating river vegetation, Estuary, Tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, Dry heath Eutrophic tall herbs,	Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, <i>Vertigo moulinsiana</i> Killarney Fern.
002256	Ballyprior Grassland SAC	Orchid-rich calcareous grassland	

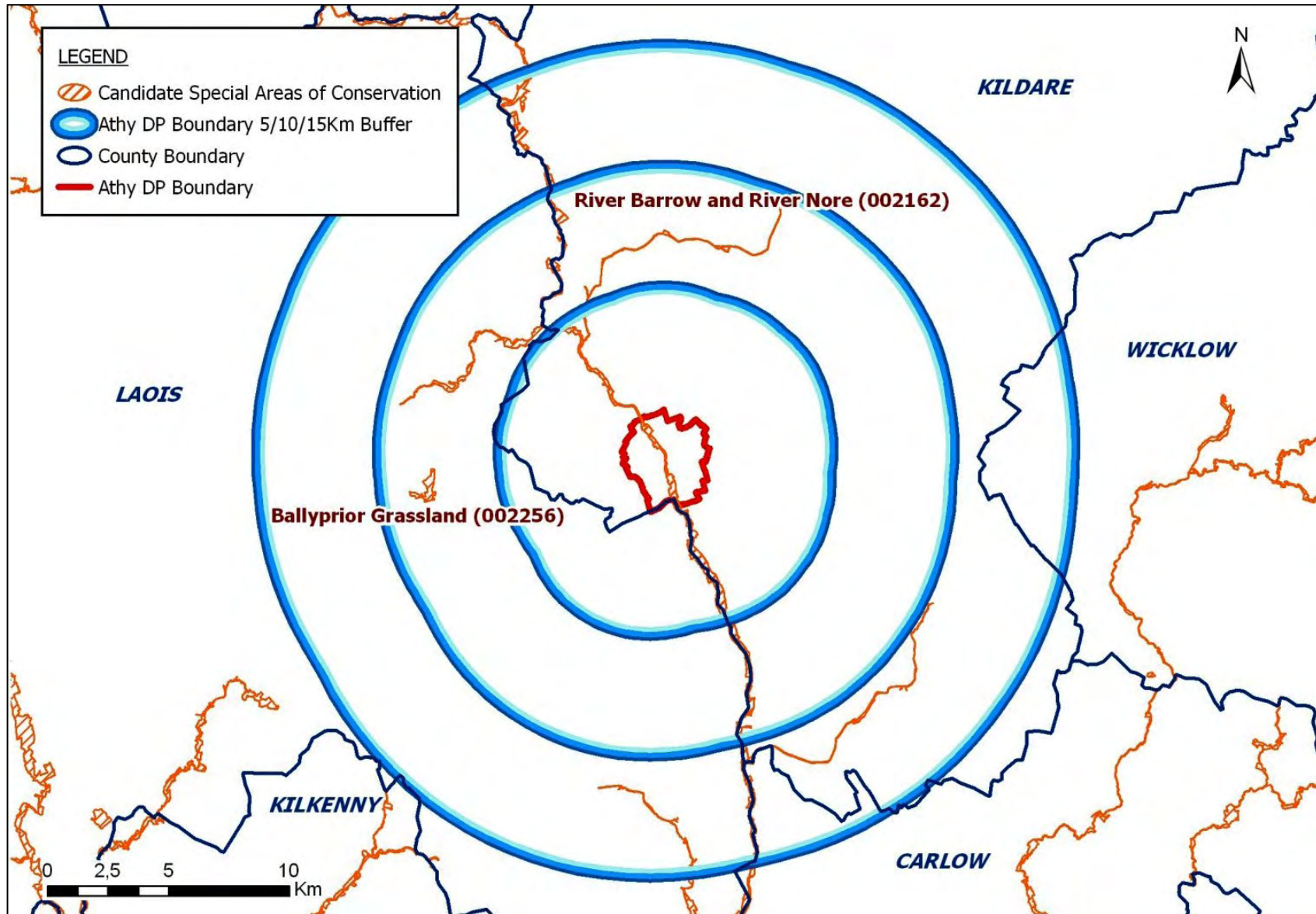


Figure 1 Natura 2000 Sites Within 15km of Plan Area

2.2.2 River Barrow and River Nore SAC

This site consists of the freshwater stretches of the Barrow/Nore River catchments as far upstream as the Slieve Bloom Mountains and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, overgrazing within the woodland areas, and invasion by non-native species, for example Cherry Laurel and Rhododendron (*Rhododendron ponticum*). The water quality of the site remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II species for which the site is designated. Good quality is dependent on controlling fertilisation of the grasslands, particularly along the Nore. It also requires that sewage be properly treated before discharge. Drainage activities in the catchment can lead to flash floods which can damage the many Annex II species present. Capital and maintenance dredging within the lower reaches of the system pose a threat to migrating fish species such as lamprey and shad. Land reclamation also poses a threat to the salt meadows and the populations of legally protected species therein.

Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Pearl Mussel which is limited to a 10 km stretch of the Nore, add further interest to this site.

2.2.3 Ballyprior Grassland SAC

Ballyprior Grassland, 4 km south of the village of Stradbally in Co. Laois, is located at the north end of the Castlecomer Plateau on largely limestone bedrock. The soils of the area are generally thin and well drained, varying from a deeper sandy loam in lower places (10-20 cm depth), to thin or stony soil over local drift (5-10 cm depth) on the elevated plateau. The site contains orchid-rich calcareous grassland, a priority habitat listed on Annex I of the EU Habitats Directive. The old grassland habitat is of high quality and the site is important due to the loss of similar habitat in surrounding areas. The site has an exceptionally rich mycoflora which is a good indication of grassland quality (in terms of continuity, lack of disturbance and low nutrient status).

Ballyprior Grassland was traditionally managed as a commonage for grazing of cattle and horses. But the recent division of the lands into private holdings has led to a drive to improve the agricultural quality and output of these lands. Much of the farmland in surrounding areas is improved. Recent damage has occurred to parts of the site and some damaged habitat has been excluded. Semi-improved grassland has developed from enrichment and fertilising in the west of the site, with persistent Common Sorrel (*Rumex acetosa*) in places. South of the site, recent afforestation has resulted in loss of contiguous grassland habitat.

2.3 Assessment Criteria

2.3.1 Direct, Indirect or Secondary Impacts

In general, any development that may result from implementation of the Plan, such as construction of housing, roads, rail, water and wastewater infrastructure, gas, electricity and telecommunications infrastructure could lead to a number of impacts depending on where development is sited, the scale of development and types and quantities of emissions. In practice and as outlined in the EU document "*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*", and the national guidance document '*Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*', impacts that could potentially occur through the implementation of the plan can be categorised under a number of headings

- Loss/Reduction of habitat area – e.g. as a result of development, transport infrastructure etc
- Disturbance to key species – e.g. as a result of increased public access to protected sites and increased recreational pressure such as development of footpaths and cycleways.
- Habitat or species fragmentation – e.g. through land intensification and urbanisation
- Reduction in species density
- Changes in key indicators of conservation value such as decrease in water quality and quantity – e.g. through inadequate wastewater treatment, runoff of pollutants during construction and operational phases of development.

Table 2.2 identifies any potential impacts on Natura 2000 sites. This table is derived from European Commission Environment DG document *“Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”*.

Table 2.2: Potential Direct, Indirect and Secondary Impacts on SACs within 15km

Site Name	Direct Impacts	Indirect/ Secondary	Resource Requirements (Drinking Water Abstraction Etc.)	Emissions (Disposal to Land, Water or Air)	Excavation Requirements	Transportation Requirements	Duration of Construction, Operation, Decommissioning
River Barrow And River Nore SAC	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	No impacts predicted
Ballyprior Grassland SAC	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted

2.3.2 Likely Changes to the Site

The likely changes that will arise from the plan have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 sites. Those sites for which potential effects and impacts have been identified will ultimately be brought forward to a more detailed assessment.

Table 2.3: Likely Changes to Natura 2000 Sites

Site Name	Reduction of Habitat Area	Disturbance to Key Species	Habitat or Species Fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality Etc.)	Climate Change
River Barrow And River Nore SAC	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	No impacts predicted
Ballyprior Grassland SAC	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted	No impacts predicted

2.3.3 Elements of the Project Likely to Give Rise to Impacts on the Natura 2000 Site

In addition to screening Natura 2000 sites that potentially may be impacted by implementation of the Plan, the policies and objectives contained within the plan have also been screened. The screening process identifies whether these policies and objectives are likely to cause any direct, indirect or secondary impacts (either alone or in combination with other plans or projects) on the Natura 2000 network sites. During this assessment a number of factors were taken into account including the sites’

conservation objectives and known threats. The overall aim of the assessment is to attempt to predict the consequences that can be *reasonably* foreseen by implementation of a policy or objective. Where a policy or objective within the plan has been identified as having the potential to significantly impact on a Natura 2000 site (in this case the River Nore/River Barrow SAC), mitigation measures will be devised to insure that the impact will not affect the integrity of the site or the site's conservation objectives.

2.3.4 In-Combination Effects

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combinations with the plan or project, have the potential to adversely impact upon Natura 2000 sites. Table 2.4 lists the plans or projects that may interact with the WES to cause in-combination effects to Natura 2000 sites. The plans or projects are listed according to a spatial hierarchy of International, National, Regional/Local Projects and Plans.

Table 2.4 Plans & Projects Likely to Cause In-Combination Effects

International		
Directive	Purpose	In-combination Effects
EU Water Framework Directive (2000/60/EC)	Objectives seek to maintain and enhance the quality of all surface waters in the EU.	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
EU Freshwater Fish Directive (78/659/EEC)	Objectives seek to protect those fresh water bodies identified by Member States as waters suitable for sustaining fish populations. For those waters it sets physical and chemical water quality objectives for salmonid waters and cyprinid waters.	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
EU Groundwater Directive (2006/118/EC)	This directive establishes a regime, which sets underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
EU Floods Directive (2007/60/EC)	The Floods Directive applies to river basins and coastal areas at risk of flooding. With trends such as climate change and increased domestic and economic development in flood risk zones, this poses a threat of flooding in coastal and river basin areas.	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure such as flood walls or flood defences. Avoidance on, or near protected areas should be implemented or where this is not possible, favouring infrastructure that carries a lower risk of damage to protected areas should be emphasised in the plan.
Nitrates Directive (91/676/EEC)	This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution.	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
The Urban Wastewater Treatment Directive (91/271/EEC)	The primary objective is to protect the environment from the adverse effects of discharges of urban wastewater, by the provision of urban wastewater collecting systems (sewerage) and treatment plants for urban centres. The Directive also provides general rules for the sustainable disposal of sludge arising from wastewater treatment.	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
Sewage Sludge Directive (86/278/EEC)	Objective is to encourage the appropriate use of sewage sludge in agriculture and to regulate its use in such a way as to prevent harmful effects on soil, vegetation, animals and man. To this end, it prohibits the use of untreated	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.

	sludge on agricultural land unless it is injected or incorporated into the soil.	
The Integrated Pollution Prevention Control Directive (96/61/EC)	Objective is to achieve a high level of protection of the environment through measures to prevent or, where that is not practicable, to reduce emissions to air, water and land from industrial sources.	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
National		
Plan	Purpose	In-combination Effects
National Development Plan 2007-2013	Objectives of the NDP are to promote more balanced spatial and economic development.	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure.
National Spatial Strategy 2002-2020	Objectives of the NSS are to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning.	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure.
Regional		
Regional Planning Guidelines 2010-2022	Policy document which aims to direct the future growth of the Greater Dublin Area over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS)	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure.
Transport Strategy for the Greater Dublin Area	The Dublin Transportation Office (DTO) 'A Platform for Change 2000-2016' seeks the development of an efficient and high quality system of public transport connections within the Greater Dublin Area.	No in-combination impacts will arise as no infrastructure under this strategy will affect the River Barrow/River Nore SAC
Kildare County Development Plan 2011-2017	The Kildare County Development Plan 2011-2017 due for adoption in April 2011 has been prepared having regard to the NSS, the RPGs and various Government guidelines. It sets out the context for future development in County Kildare and includes a core strategy, development objectives, a settlement hierarchy, and policies for the protection of the environment.	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure.
Athy Integrated Framework Plan for Landuse and Transportation	In 2004 Kildare County Council and Athy Town Council, in conjunction with the Dublin Transportation Office, prepared an Integrated Framework Plan for Land Use and Transportation for Athy (IFPLUT Study). The purpose of this Integrated Framework Plan is to integrate the strategic and coordinated planning of land use and transport up to 2016 and beyond. It sets down the principles for future development, guiding the level, scale and location of development within the wider area of Athy, to provide for a quality living environment	The Athy IFPLUT Study comprise objectives for the consolidation of Athy Town Centre and the construction of the Athy Southern Distributor Road, which crosses

2.4 Conclusion

The likely impacts that will arise from the implementation of the Athy TDP have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 network. On the basis of the findings of this Screening for Appropriate Assessment, it is concluded that the Plan:

- (i) is not directly connected with or necessary to the management of a Natura 2000 site and
- (ii) may have significant impacts on the River Barrow and River Nore SAC.

Therefore, applying the Precautionary Principle and in accordance with Article 6(3) of the Habitats Directive, a Stage 2 Appropriate Assessment is required. That stage is set out in Section 3 of this report.

Section 3 Appropriate Assessment

3.1 Introduction

This Stage 2 Appropriate Assessment is to determine if the plan will adversely affect the integrity of the Natura 2000 site i.e. River Barrow/River Nore SAC. This involves the identification of potentially affected sites and their location in relation to Natura 2000 sites. It involves the identification of the habitats and species within the site, and an assessment of the significance of impacts on their conservation status. An assessment of impacts is carried out, and mitigation measures proposed for potential impacts. Any negative impacts on the integrity of these sites will require the implementation of avoidance or mitigation measures to avoid progression to Stages 3 and 4 of the Appropriate Assessment process.

3.2 Qualifying Features and Sensitivities

The importance of a site designated under the Habitats Directive is defined by its qualifying feature or interest. Qualifying interests for any Natura 2000 site are listed on a pro forma, called the Natura 2000 standard data form and forms the basis of the rationale behind designation, and informs the Conservation Management Plan for targeted management and monitoring of key species and habitats.

Qualifying interests for the River Barrow/River Nore SAC are given in Tables 3.1 and 3.2, along with the specific sensitivities/ main threats relevant to each feature. The environmental sensitivities for each site have been derived from the baseline assessments of conservation status carried out by National Parks and Wildlife Service (NPWS) as part of the report to the EU commission on The Status of EU Protected Habitats and Species in Ireland, submitted in 2007.

Table 3.1: Annex I habitats and Environmental Sensitivities associated with River Barrow/River Nore SAC

Natura 2000 code	Annex I Habitats	Environmental Sensitivity/ Main Threats
91E0	Alluvial wet woodlands	<ul style="list-style-type: none"> • Surface and ground water dependent • Highly sensitive to hydrological changes • Changes in management
7220	Petrifying springs	<ul style="list-style-type: none"> • Ground water dependent • Highly sensitive to hydrological changes • Changes in nutrient or base status
91A0	Old oak woodlands	<ul style="list-style-type: none"> • Changes in management • Changes in nutrient or base status
3260	Floating river Vegetation	<ul style="list-style-type: none"> • Surface water dependent • Highly sensitive to hydrological changes • Medium sensitivity to pollution • Spread of invasive species
1130	Estuary	<ul style="list-style-type: none"> • Surface and marine water dependent • Medium sensitivity to hydrological change • Changes to salinity and tidal regime • Medium sensitivity to pollution • Coastal development
1140	Tidal mudflats	<ul style="list-style-type: none"> • Marine water dependent • Medium sensitivity to hydrological change • Changes to salinity and tidal regime • Aquaculture, coastal protection and land reclamation
1310	Salicornia mudflats	<ul style="list-style-type: none"> • Marine water dependent • Medium sensitivity to hydrological change • Changes in salinity and tidal regime • Infilling, reclamation, invasive species
1320	Spartina Swards	<ul style="list-style-type: none"> • Medium sensitivity to hydrological change • Coastal development and reclamation

Natura 2000 code	Annex I Habitats	Environmental Sensitivity/ Main Threats
		<ul style="list-style-type: none"> Erosion
1330	Atlantic salt meadows,	<ul style="list-style-type: none"> Medium sensitivity to hydrological change Changes in salinity and tidal regime Overgrazing, erosion and accretion
1410	Mediterranean salt meadows	<ul style="list-style-type: none"> Medium sensitivity to hydrological change Changes in salinity and tidal regime Coastal development and reclamation
4030	Dry heath	<ul style="list-style-type: none"> Onset of inundation or waterlogging Inappropriate management
6430	Hydrophilous tallherb	<ul style="list-style-type: none"> Highly sensitive to hydrological changes Spread of invasive species Management of aquatic and bank vegetation for drainage purposes

Table 3.2: Annex II Species and Environmental Sensitivities associated with River Barrow/River Nore SAC

Qualifying Feature Annex II Species	Environmental Sensitivity/ Main Threats
Sea Lamprey River Lamprey Brook Lamprey	<ul style="list-style-type: none"> Surface Water Dependent Highly sensitive to hydrological change
Freshwater Pearl Mussel Nore Freshwater Pearl Mussel	<ul style="list-style-type: none"> Surface water dependent Highly sensitive to hydrological change Very highly sensitive to pollution
Crayfish	<ul style="list-style-type: none"> Surface water dependent Highly sensitive to hydrological change
Twaite Shad	<ul style="list-style-type: none"> Surface water dependent Highly sensitive to hydrological change
Atlantic Salmon	<ul style="list-style-type: none"> Surface water dependent Highly sensitive to hydrological change
Otter	<ul style="list-style-type: none"> Surface water dependent Moderately sensitive to hydrological change
<i>Vertigo moulinsiana</i>	<ul style="list-style-type: none"> Groundwater dependant Highly sensitive to hydrological change
Killarney Fern	<ul style="list-style-type: none"> Sensitive to hydrological changes Sensitive to pollution Greatest threat is from human activities – habitat loss, collecting, disturbance in localities used for recreational purposes.

3.3 Conservation Objectives

The Conservation Objectives for the River Barrow/River Nore SAC are as follows:

- To maintain Annex I habitats (Alluvial wet woodlands, Petrifying springs, Old oak woodlands, Floating river Vegetation, Estuary, Tidal mudflats, Salicornia mudflats, Spartina Swards, Atlantic salt meadows, Mediterranean salt meadows, Dry heath and Hydrophilous tallherb) which the cSAC has been selected at favourable conservation status*
- To maintain Annex II species (Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Vertigo moulinsiana and Killarney Fern) for which the cSAC has been selected at favourable conservation status.*
- To maintain the extent species richness and biodiversity of the entire site.*
- To establish effective liaison and co-operation with landowners, legal users and relevant authorities.*

Favourable conservation status of a species can be described as being achieved when: “population data on the species concerned indicate that it is maintaining itself, and the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.”²

Favourable conservation status of a habitat can be described as being achieved when: ‘its natural range, and area it covers within that range, is stable or increasing, and the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable’³

3.4 Impact Assessment

Appendix 1 of this NIS examines the individual policies and objectives contained within the Athy Town Plan 2012 – 2018. It examines the potential impacts that may occur in relation to the qualifying features of the River Barrow/ River Nore SAC. Where it was identified that there is a risk of adverse effects on the integrity of the River Barrow/River Nore SAC from an individual policy, an appropriate mitigation measure was suggested. These measures are further outlined in Section 3.6.

3.5 Integrity of Site Checklist

Generally as part of a Stage 2 Appropriate Assessment a checklist of site integrity is carried out. This aids in determining whether a plan will have a significant adverse effect on a Natura 2000 site. This checklist is taken from “*Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*”.

Table 3.2: Integrity of site checklist

Conservation objectives	
Does the project or plan have the potential to:	Yes/No
Cause delays in progress towards achieving the conservation objectives of the site?	Yes
Interrupt progress towards achieving the conservation objectives of the site?	Yes
Disrupt those factors that help to maintain the favourable conditions of the site?	Yes
Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?	Yes
Other indicators - Does the project or plan have the potential to:	
Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	Yes
Change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?	Yes
Interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?	Yes
Reduce the area of key habitats?	Yes
Reduce the population of key species?	Yes

² Habitats Directive 92/43/EEC

³ ditto

Change the balance between key species?	Yes
Reduce diversity of the site?	Yes
Result in disturbance that could affect population size or density or the balance between key species?	Yes
Result in fragmentation?	Yes
Result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc ?	Yes

3.6 Mitigation Measures

Initial reviews of the policies and objectives included in the Athy TDP indicated that there was a risk of adverse effects on the integrity of the River Barrow/River Nore SAC unless appropriate mitigation was undertaken. Mitigation measures in the form of specific objectives and policies designed to protect the environment have been provided to ensure compliance with the Habitats Directive Article 6 requirements by integrating measures for the protection of Natura 2000 sites into all policy areas covered by the proposed plan. Mitigating policies clearly indicate that where any physical development, such as housing, commercial development, roads, service infrastructure or any other form of development, has the potential to significantly impact on a Natura 2000 site, it will be subject to an individual HDA process, as defined by Article 6(3) and (4) of the Habitats Directive.

In particular the plan includes the following policies:

- NH 2: To facilitate the conservation, protection and enhancement of the Grand Canal pNHA, and the River Barrow cSAC, including the adjacent wetlands and associated habitats and to ensure that development does not significantly adversely affect conservation values.
- NH 6: To ensure that any project with the potential to impact upon a Natura 2000 site(s) i.e. the River Barrow shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive.
- NH 7: To ensure that no project which gives rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites 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 be permitted on the basis of this Plan (either individually or in combination with other plans or projects)⁴
- NH 9: To ensure that development does not have a significant adverse impact on plant species, animals and birds listed in the Flora Protection Order, Wildlife Act 1976-2000, those listed in Annex IV of the Habitats Directive and those listed in Annex I of the Birds Directive.
- NHO 1: To conserve and protect national/EU designated sites and to ensure that any new development proposal in the vicinity of, or affecting a designated site, provides sufficient information to show how its proposals will impact on the habitat of the site, and appropriate amelioration, and the Council will consult with the DOEHLG in this regard.
- GT 15: To require roads and other infrastructure crossing a Natura 2000 site to comply with the following requirements:
 - Demonstrate the need for the project in light of a “do nothing” context.
 - Develop and evaluate a comprehensive series of plausible alternative routes and design strategies.

⁴ Except as provided for in Section 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.

- Demonstrate how each route has taken due account of, and accommodated ecological considerations and legislative requirements, including the Precautionary Principle.
- Demonstrate that the chosen route will not cause any significant adverse effects on the integrity of the Natura 2000 site.

These objectives reiterate the commitment to ensure that all development that arises through implementation of this Plan and which would potentially have a negative impact on the Natura 2000 network, will be subject to assessment under the Habitats Directive.

In addition to the above mentioned objectives, other policies/objectives, which will serve to ensure compliance with the Habitats Directive and the protection of the Natura 2000 network, have also been included in the Plan. These policies include the following:

- SW3: To ensure that all new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the Greater Dublin Strategic Drainage Study (GSDSDS)
- SW6: To ensure that all structures adjacent to watercourses (including hard landscaping) adjacent to watercourses is set back from the edge of the watercourse to allow access for channel clearing/ maintenance. A set back of 10 metres will generally be required depending on channel width and location.
- WQ2: To ensure, through the implementation of the River Basin Management Plans and their associated Programmes of Measures and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.
- NH 8: A suitable buffer zone will be maintained between the Grand Canal and the River Barrow and any proposed development. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat.
- CS 14: To protect and conserve nationally important and EU designated sites.
- NHO 7: To request National Parks and Wildlife Service to prioritise the preparation of a Management Plan for the River Barrow Natura 2000 Site and to have regard to the objectives and management practices proposed in the Management Plan as appropriate.

The following table outlines the policies and objectives that have the potential to impact negatively on the integrity of the Natura 2000 and the measure required to ensure impacts are avoided.

Chapter 2: Core Strategy

Objectives and Policies	Mitigation Measure
<p>Core Strategy Aim</p> <p>To respond in a coherent sustainable spatial manner to the development of Athy providing a more focused approach to planning for future development. The core strategy seeks to promote a more consolidated and compact urban form; to create and promote new employment opportunities; to create sustainable and integrated communities while balancing the protection of the natural and built heritage with sustainable and appropriate development</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>Core Strategy Aims and Objectives</p> <p>The aims and objectives of the core strategy are to:</p> <p>(i) Recognise and promote the role of Athy as a Moderate Sustainable Growth Town having an interacting and supporting role servicing the rural hinterland area of south Kildare.</p> <p>(ii) Facilitate future population growth of Athy in line with the RPGs and the Kildare County Development Plan 2011-2017, through the consolidation of the town centre and adjoining residential areas.</p> <p>(iii) Support the development of Athy as a secondary economic growth centre providing an important role in developing economic growth and sectoral interests.</p> <p>(iv) Encourage and support the delivery of key infrastructural projects to ensure that future development needs are met in a sustainable and coordinated manner.</p> <p>(v) Promote and encourage major enhancement and expansion of the retail offer and town centre retail functions of Athy in line with its designation as a Sub County Town Centre in south Kildare.</p> <p>(vi) Develop a compact urban form with particular emphasis on the orderly redevelopment and regeneration of key areas within the town centre.</p> <p>(vii) Protect local assets by preserving the quality of the landscape, open space, architectural, archaeological and cultural heritage and material assets of the county.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>Policies</p> <p>CS 1: To facilitate sustainable levels of housing growth at appropriate locations within the town in tandem with the delivery of physical, social / community infrastructure and local services adequate to</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p>

Objectives and Policies	Mitigation Measure
<p>meet the needs of the population of the town and surrounding rural area.</p> <p>CS 2: To facilitate greater co-ordination of residential and employment provision with the delivery of public infrastructure, amenities, community facilities, schools, public transport etc.</p> <p>CS 3: To encourage and facilitate new employment opportunities within the town and to seek to attract higher order knowledge based enterprise and economic development.</p> <p>CS 4: To focus sectoral opportunities on the development of high value added manufacturing, SMEs, agri-business, agriculture and tourism.</p> <p>CS 5: To address commuting patterns by building up the local economy to a more sustainable level.</p> <p>CS 6: To support, protect and reinforce the role of the town centre as the central retailing and service area of Athy through the intensification, consolidation and appropriate redevelopment of the town centre.</p> <p>CS 7: To facilitate the provision of high level and broad ranging uses, and to enhance and develop the urban fabric of the town centre.</p> <p>CS 8: To promote the appropriate use and re-use of town centre backland and under-utilised sites to promote the regeneration of areas in need of renewal.</p> <p>CS 9: To promote and facilitate the development sustainable communities through land use planning, by providing for appropriate land uses capable of accommodating employment, community, leisure, recreational and cultural facilities, accessible to and meeting the needs of all individuals and local community groups, in tandem with the delivery of residential and physical infrastructure to create quality environments in which to live.</p> <p>CS 10: To ensure that developments are appropriate and accessible to meet the needs of all individuals and local community groups.</p> <p>CS 11: To seek the delivery of adequate and appropriate physical and community infrastructure in conjunction with high quality residential development to create quality living environments.</p> <p>CS 12: To protect and conserve buildings, areas, structures, sites and features of special architectural, historic, archaeological, artistic, cultural, scientific, social or technical interest and to protect features of natural heritage, including the Canal, watercourses and habitats.</p> <p>CS 13: To protect and conserve the natural environment.</p> <p>CS 14: To protect and conserve nationally important and EU designated sites.</p> <p>CS 15: To promote and enhance biodiversity.</p> <p>CS 16: To monitor carefully the scale, rate and location of newly permitted development and apply appropriate development management measures to ensure compliance with the core strategy including population target for the town; and to achieve the delivery of strategic plan led and co-ordinate balanced development throughout the planning area.</p> <p>CS 17: To prepare a report as part of the Mid Term Review of this Plan (to be carried out in accordance with Section 15(2) of the Planning and Development Act 2000 (as amended)). This report</p>	<p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.

Objectives and Policies	Mitigation Measure
shall include detailed consideration of compliance with the Core Strategy and if necessary indicate measures to be taken (e.g. Variation of the Athy Development Plan 2012-2018) to affect the aims of Section 2.5.1 and to ensure compliance with the Core Strategy, the CDP and the RPGs.	

Chapter 3: Economic

Objectives and Policies	Mitigation Measure
To provide for the future well being of the residents of Athy by facilitating and promoting economic development and the growth of employment opportunities in all sectors in accordance with the principles of sustainable development; to achieve a reduction in the levels of commuting from the town by ensuring that lands are appropriately zoned and a framework is in place to attract greater employment opportunities and manufacturing industries by fostering competitiveness and innovation within a high quality physical environment; to provide a greater focus on community building and the quality of life of the residents of Athy.	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
ED3: To promote economic development on appropriately zoned land throughout the town, especially at or in close proximity to transport nodes.	Mitigation measures as for previous policy will apply
ED6: To actively encourage the appropriate redevelopment of brownfield sites and re-use of disused buildings for enterprise and employment creation, when such development is in compliance with the policies and objectives of this Plan.	Mitigation measures as for previous policy will apply
ED8: To encourage and facilitate at appropriate locations, small indigenous industries in recognition of their increasing importance in providing local employment and helping to stimulate economic activity.	Mitigation measures as for previous policy will apply
ED9: To encourage and facilitate the development of 'green' industries, including those relating to renewable energy and energy-efficient technologies	Mitigation measures as for previous policy will apply
ED 10: To encourage the development of existing manufacturing industries in the town while establishing and expanding new categories of business in Athy and support their development in a	Mitigation measures as for previous policy will apply

Objectives and Policies	Mitigation Measure
phased and sustainable manner.	
ED11: To facilitate the sustainable development of knowledge-intensive and technology based companies in Athy and to encourage the provision of Research and Development/ Innovation facilities and SMEs to support enterprise and employment.	Mitigation measures as for previous policy will apply
RO2: To facilitate and encourage office based industry primarily in enterprise and employment zones and to encourage smaller scale office development in the town centre.	Mitigation measures as for previous policy will apply
RO3: To locate commercial developments providing goods / services to significant numbers of visiting members of the public, within or in close proximity to the existing town centre.	Mitigation measures as for previous policy will apply
EH 2: To support and co-operate with promoters or operators of public and private health care facilities by facilitating and encouraging the provision of improved health care facilities in appropriate locations in the town.	Mitigation measures as for previous policy will apply
EDO 1: To encourage economic development and employment development in the Moderate Sustainable Growth Town of Athy in accordance with national and regional policies and objectives and in accordance with the overall development strategy of this Plan.	Mitigation measures as for previous policy will apply
EDO 4: To co-operate with and seek to facilitate local community based development groups in developing employment clusters including incubator/start up units as appropriate.	Mitigation measures as for previous policy will apply
EDO 6: To acquire suitable land, subject to the availability of funding, to stimulate and support creative and innovative entrepreneurial initiatives.	Mitigation measures as for previous policy will apply
EDO 7: To support IDA Ireland in the attraction of high value added manufacturing sectors and internationally traded sectors of Athy.	Mitigation measures as for previous policy will apply
TS 2: To recognise and improve the existing tourism potential of Athy such as the Grand Canal and River Barrow waterside amenity activities such as walking, fishing boating and to facilitate further enhancement through specific objectives of this Plan.	Mitigation Measures as previously outlined will apply
TS 3: To implement the recommendations of the River Barrow Valley Study currently being carried out by Waterways Ireland in conjunction with Fáilte Ireland and other local authorities.	Mitigation Measures as previously outlined will apply
TS4: To identify opportunities to improve the tourist product in Athy and to co-operate with the appropriate statutory agencies, the private tourism sector and community groups.	Mitigation Measures as previously outlined will apply
TS 5: To encourage tourism related uses along the Grand Canal and River Barrow including the investigation of the feasibility of developing a marina within the town boundary (in accordance with Policy R 9) and associated boating uses and activities in co-operation with the relevant statutory agencies, voluntary bodies and private property owners to develop the infrastructure and amenity of both water bodies.	<p>The original wording of this policy was changed to ensure compliance with the Habitats Directive. The original wording was as follows:</p> <p>TS 5: To encourage tourism related uses along the Grand Canal and River Barrow including the future development of a marina within the town boundary and associated boating uses and activities in co-operation with the relevant statutory agencies, voluntary bodies and private property owners to develop the infrastructure and amenity of both water bodies</p>
TS 7: To work with the relevant agencies and bodies in the development and improvement of	Mitigation Measures as previously outlined will apply

Objectives and Policies	Mitigation Measure
tourism related infrastructure and facilities activities in Athy.	
TS 9: To support the sustainable development of appropriate new tourist facilities or upgrading / extension of existing tourist facilities, including hotels, guesthouses and B&B's, in accordance with the proper planning and sustainable development of the area.	Mitigation Measures as previously outlined will apply
TSO3: To support the protection of recreational areas such as the People's Park and encourage the further development of amenity areas such as the area surrounding Woodstock Castle, Lords Island and the adjoining gardens of White Castle.	This proposal shall be subject to an Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NH 9, NHO 1)
TSO4: To support the development of the tourism industry by the upgrading of existing amenities in co-operation with the appropriate statutory agencies, private tourism sector and community groups.	Mitigation Measures as previously outlined will apply
TSO10: To encourage the sustainable development of tourism activities such as waterways activities, agri-tourism, green/eco-tourism, niche retailing, food markets, local and other craft type activities so as to diversify the tourism product in Athy.	Mitigation Measures as previously outlined will apply

Chapter 4: Housing

Objectives and Policies	Mitigation Measure
<p>To ensure that there is adequate land in appropriately zoned locations for residential development; to protect and improve residential amenity in existing residential area; to encourage a quality standard of residential development and public spaces; to provide an appropriate mix of house sizes, types and tenures in order to meet different household needs and to promote balanced and integrated communities.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>HP1: To ensure that sufficient and suitably located land is zoned to satisfy housing development needs within the period of the Plan and in accordance with population targets for Athy.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>HP15: To encourage infill housing developments on appropriate sites.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>HP22: To facilitate and co-operate in the provision of services for the community including, in particular, schools, crèches and other education and childcare facilities in tandem with residential development.</p>	<p>Mitigation measures as for previous policy will apply</p>

Chapter 5: Town Centre

Objectives and Policies	Mitigation Measure
<p>To develop a compact urban form and to improve the vitality and viability of the town centre area of Athy through the provision of a high level and broad range of uses for residents, workers and visitors to the town; to provide greater opportunities for town centre living; to facilitate high quality urban design and through the provision of high quality public realm to promote the town centre as an attractive place for all to enjoy.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>UR 1: To encourage a greater usage of backland areas and to promote the re-development of brownfield sites in the town centre area where new development will positively contribute to the commercial vitality of the town centre.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>UR 2: To encourage and promote the re-utilisation and revitalisation of derelict or obsolete structures or land in the town centre and encourage the renewal/repair and maintenance of structures on the Council's Derelict Sites Register. The Council will use its statutory powers, where appropriate and consider such sites for inclusion on the Register of Derelict Sites.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>PR 1: To provide pedestrian links from the nearby schools on the east and west of the River Barrow to recreational facilities and residential areas through the development of safe pedestrian routes and a pedestrian footbridge over the River Barrow.</p>	<p>This proposed pedestrian crossing will be subject to route selection and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NH 9, NHO 1) In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT 15)</p>
<p>PR 3: To work towards improving the overall visual appearance of Athy by encouraging the following:</p> <p>(a) The removal of overhead cables and wires placing them underground within the town centre in conjunction with the various utility companies.</p> <p>(b) The control of advertising, including the removal of existing signage which is visually obtrusive or out of character, in particular neon and poor quality plastic signage will be prohibited.</p>	<p>Where cable and wires are to be placed underground adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>TC0 5: To construct a pedestrian crossing over the River Barrow as appropriate to link schools, parks, playing fields and residential areas on both sides of the river</p>	<p>This proposed pedestrian crossing will be subject to route selection and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1) In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT15)</p>

Chapter 6: Retail

Objectives and Policies	Mitigation Measure
<p>To promote and encourage major enhancement and expansion of the retail floorspace and town centre functions of Athy, to further develop its competitiveness with nearby towns such as Carlow and Portlaoise, and to further recognise its importance as a Sub County Town Centre in County Kildare and the wider Greater Dublin Area.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>SR 1: To promote the role of Athy as a key town serving the large rural hinterland of South Kildare seeking to create a critical mass within the urban core so that the retail opportunities in the town centre are developed to create a viable, attractive local destination for convenience and comparison shopping and thus reduce market leakage from this area.</p>	<p>Mitigation measures as previously outlined will apply</p>
<p>SR 2: To promote and encourage major enhancement and expansion of the retail offer and town centre functions of Athy, Clane and Kildare Town to sustain and enhance their importance as Sub County Town Centres within the Central and South Sub Areas of the County.</p>	<p>Mitigation measures as previously outlined will apply</p>
<p>SR 3: To work with Athy Town Council in delivering the policy objectives of the County Retail Strategy in order that it delivers its vision and potential as the mechanism for redressing high shopping expenditure leakage from its catchment area and the south of the County as a whole.</p>	<p>Mitigation measures as previously outlined will apply</p>
<p>RS1: To guide major retail development in accordance with the framework provided by the County Retail Hierarchy to enable an efficient, equitable and sustainable distribution of floorspace throughout the town.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>RS2: To promote the Core Retail Area (refer to Map 6.1) and town centre as the primary focus and preferred location for new retail development.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>RP1: To promote and encourage major enhancement and expansion of the retail offer and town centre retail functions of Athy and to develop its importance as a Sub County Town Centre within the south of the County whilst ensuring high quality design in all retail proposals.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>RP4: To improve the shopping experience in Athy Town by promoting the potential of Athy Town for a range of additional convenience and comparison floorspace at appropriate locations.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>RP6: To facilitate retail warehousing to the southeast of the town on zoned H2 Industrial & Warehousing lands in order to meet, more sustainably the needs in this sector of the market in the</p>	<p>Mitigation measures as for previous policy will apply</p>

Objectives and Policies	Mitigation Measure
south of the County.	
RP12: To encourage and facilitate the development of appropriately located retail centres to meet the needs of existing and growing areas of the town in accordance with the sequential approach.	Mitigation measures as for previous policy will apply
RP13: To identify appropriate locations for new retail centres within established residential areas and where large scale residential development is planned over the period of the timescale of the Development Plan while having regard to the possible impact on Athy Town Centre.	Mitigation measures as for previous policy will apply
RP19: To encourage and facilitate the re-use and regeneration of land and buildings for retail and other town centre uses.	Mitigation measures as for previous policy will apply
RP22: To encourage and facilitate the delivery of tourism related retail developments and initiatives in and around Athy Town Centre and waterfront.	Mitigation measures as for previous policy will apply
GR3: To reinforce the heart of the town centre as the priority location for new retail development, with quality of design and integration/linkage being fundamental prerequisites.	Mitigation measures as for previous policy will apply
GR5: To encourage and facilitate the re-use and regeneration of derelict and underutilised land and buildings in the town centre for retail and other town centre uses, having regard to the Sequential Approach outlined in this Plan.	Mitigation measures as for previous policy will apply

Chapter 7: Movement and Transport

Objectives and Policies	Mitigation Measure
<p>To promote ease of movement within and access to Athy, by integrating sustainable land use planning with a high quality, integrated transport system; to support improvements to the road, rail and public transport network, together with cycleway and pedestrian facilities and to provide for new and improved transport facilities within Athy in a manner which is consistent with proper planning and sustainable development.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>GT 1: To co-operate with other agencies to promote and facilitate the implementation of a sustainable transportation strategy for Athy having regard to Transport 21 (2006- 2015), Department of Transport's Smarter Travel – A Sustainable Transport Future 2009-2020 and the Dublin Transportation Office's strategic document Platform for Change 2000-2016"and the forthcoming strategy to be published by the National Transport Authority.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>GT 2: To support sustainable modes of transport that ensure that land use planning and zoning are fully integrated with the provision and development of high quality transportation systems.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>GT 3: To promote and encourage the development and growth of Athy in line with the principles of sustainable development and to continue to support the policies and recommendations as outlined in the Athy Integrated Framework Plan for Land - Use and Transportation and the Athy Traffic Management Plan.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>GT 5: To ensure that Athy is well-connected to both the national road network and local centres of population.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>GT 6: To progressively improve all urban roads and footpaths and maintain these to the highest possible standards, having regard to the availability of finance and amenity and townscape requirements.</p>	<p>Mitigation measures as for previous policy will apply</p>
<p>WC5: To realise the potential of cycling and walking routes along the Grand Canal and River Barrow. (Refer to Recreation and Amenity Chapter 11)</p>	<p>Any proposed cycling or walking routes along the Grand Canal and River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1, A7)</p>
<p>DR 1: To ensure that new distributor/relief roads are designed and constructed in a manner that will enable them to fulfil their functions.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1, A7)</p>
<p>DR 3: To continue the development of proposed distributor/relief roads namely the Northern</p>	<p>Any development that occurs through the implementation of this policy shall be subject to</p>

Objectives and Policies	Mitigation Measure
and Southern roads.	<p>Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT 15)</p>
<p>GO 8: To consider the development of multi-storey car parks and/basement car parks in the town.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>STO 6: To construct a pedestrian bridge over the River Barrow as appropriate to link schools, parks, playing fields and residential areas on both sides of the river, thereby providing safer routes to school. This bridge will be constructed to the specifications of all statutory bodies.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT 15)</p>
<p>STO 7: To upgrade and construct continuous walkways and cycle ways along both sides of the River Barrow and Grand Canal, to provide attractive leisure routes and alternative routes to the town centre.</p>	<p>Any proposed cycling or walking routes along the Grand Canal and River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (A7)</p>
<p>RP 1: To construct a Southern distributor road including a proposed link from this route to the town centre via the train station and to preserve these routes free from development. This is a priority objective of this plan. (Refer to Land Use Zoning Map 16.1)</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT 15)</p>
<p>RP 2: To support the construction of a Northern Distributor Road and until such time as construction commences to preserve the route free from development.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT 15)</p>
<p>RP 3: That following completion of the Detailed Design and Appropriate Assessment for the Northern Distributor Road (NDR), the proposed land take, indicated on Map No 16.1 be amended to coincide with the proposed land take for the NDR.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p>

Objectives and Policies	Mitigation Measure
	<p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>RP 4: To support the construction of the New Town Centre Street and to co-operate with Kildare County Council in acquiring land to facilitate its construction. The design of the proposed New Town Centre Street and bridge crossing shall have regard to the potential impact on Emily Square and adjoining lands.</p>	<p>This proposed bridge will be subject to route selection and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>In addition the mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site, as outlined in Section 3.5.1 will apply (GT15)</p>

Chapter 8: Water, Drainage and Environmental Services

Objectives and Policies	Mitigation Measure
WS2: To secure priorities outlined in the Water Services Investment Programme - Assessment of Needs 2010 to 2012 including the network upgrade of the Athy Sewerage Scheme and the Barrow Abstraction Scheme	Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)
WS4: To provide water, sufficient in quantity and quality to serve the needs of existing and future population.	Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)
WS 12: To provide a clean water supply which meets the requirements of the European Communities (Drinking Water) (No 2) Regulations 2007 and any subsequent amendments to the regulations during the period of this Plan.	Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NHO 1, NH9)
WDO10: To carry out a programme of dredging surface water drains and to continue to ensure that the drains are regularly maintained to minimise the risk of flooding.	Any works that occur through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)
WM1: To have regard to the County Kildare Waste Management Plan in the implementation, operation and management of schemes and services for the disposal of waste.	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
ENO 2: To investigate the possibility of the further provision of recycling facilities in Athy.	Mitigation measures as for previous policy will apply

Chapter 9: Energy and Communications

Objectives and Policies	Mitigation Measure
<p>NR 3: To implement a programme to place all existing overhead cables underground throughout the town centre during the lifetime of the plan, subject to available funding.</p>	<p>Where cable and wires are to be placed underground adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>NR 5: To encourage the extension of the existing gas infrastructure network in Athy and its environs in consultation with Natural Gas providers.</p>	<p>Where gas infrastructure is to be installed adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>EC2: To implement on a phased basis a programme of placing all existing and proposed overhead cables underground throughout the town centre and to seek DoECLG financial support to undertake such works. Future capacity should be taken into account and appropriate ducting should also be put in place when the cables are placed underground.</p>	<p>Where cable and wires are to be placed underground adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.

Chapter 10: Social Community and Cultural Development

Objectives and Policies	Mitigation Measure
<p>CF 8: To work with Kildare Leader Partnership to develop Social and Community Projects within the town.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NHO 1, NH 9)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) <p>Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to</p>
<p>AC 7: To facilitate the development of a cinema at an appropriate location within the Town Centre area of Athy.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NHO 1, NH9)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) <p>Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.</p>
<p>ED 1: To facilitate the provision of new education and other community facilities, and appropriate extensions to such facilities, within the town through the reservation / zoning of land for such uses.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the</p>

Objectives and Policies	Mitigation Measure
	Barrow the following measures will apply <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
CF 2: To facilitate and encourage the provision of childcare facilities, including community crèche facilities, of an appropriate type and scale, at appropriate locations in the town.	Mitigation measures as for previous policy will apply
HS 1: To support and co-operate with promoters or operators of public and private health care facilities by facilitating and encouraging the provision of improved health care facilities in appropriate locations in the town	Mitigation measures as for previous policy will apply
BG 2: To provide or assist in the provision of burial grounds at appropriate locations in the town.	Mitigation measures as for previous policy will apply
SCO 5: To provide or assist in the provision of burial grounds by reservation of land at suitable locations and provision of local authority burial grounds, where feasible.	Mitigation measures as for previous policy will apply

Chapter 11: Recreation and Amenity

Objectives and Policies	Mitigation Measure
R 8: To promote active amenity sports along the River Barrow and the Canal.	Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1, A7)
R 9: A study will be carried out to explore the feasibility of developing a marina within the town area. This study will examine the need for the marina in light of a “do nothing” context, a range of sizes, locations and adjoining uses. Any development proposed in light of this study will be subject to EIA and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive.	This policy was changed to ensure compliance with the Habitats Directive. The original wording of the policy was: To encourage the development of a marina within the town area of approximately 50 berths and appropriate adjoining uses”. This proposed development of a marina would need to be the subject of an AA and SEA and a separate study to determine the optimum and most appropriate location of the development
A1: To continue the development of riverside and canalside walking routes with the creation of a linear park along the River Barrow and canal in conjunction with the relevant statutory bodies.	Any proposed walking routes along the Grand Canal and River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NH 9, NHO 1, A7)
A 3: To maintain and develop the amenity potential of the canal for recreation.	Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NHO 1) All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3) Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
A4: To ensure that any future development along the Canal and the River provides walking routes and does not disproportionately affect their amenity value.	Any proposed cycling or walking routes along the Grand Canal and the River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NH 9, NHO 1 A7)
A7: To facilitate, where practicable, the provision of cycle-ways or walkways along the extent of the canal, in co-operation with landowners, Waterways Ireland and DoEHLG. Any proposed cycling or walking routes along the Grand Canal and River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive.	The wording of this policy was changed to ensure compliance with Article 6(3) of the Habitats Directive The original wording of this policy is as follows To facilitate, where practicable, the provision of cycle-ways or walkways along the extent of the canal, in co-operation with landowners, Waterways Ireland and DoEHLG.

Objectives and Policies	Mitigation Measure
RAO 4: To investigate developing Lord's Island as a Wildlife amenity area open to all members of the community.	This proposal shall be subject to an Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NH 9, NHO 1)
RAO 5: To support the development of a linear walkway along the banks of the Canal and River Barrow.	Any proposed walking routes along the Grand Canal and River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NH 9, NHO 1 A7)
RAO 8: To provide and develop walking and cycling routes throughout the Town, particularly ones linking various areas of public open spaces and amenity in accordance with Map 11.1	Any proposed cycling or walking routes along the Grand Canal and River Barrow will be subject to a feasibility study and Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive(ref. NH 2, NH6, NH 7, NHO 1, A7)

Chapter 14 Urban Design and Opportunity Areas

Objectives and Policies	Mitigation Measures
<p>UDG 4: To improve the quality of the public open spaces along the banks of the river and develop the amenities provided by the town's unique location adjacent to the waterways.</p>	<p>Any development that occurs through the implementation of this policy shall be subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive (ref. NH 2, NH6, NH 7, NH 9, NHO 1)</p> <p>All new developments shall incorporate SuDS facilities to restrict surface water runoff in accordance with the principles of the GSDS (SW3)</p> <p>Where Development occurs adjacent to the River Barrow or any watercourse that drains into the Barrow the following measures will apply</p> <ul style="list-style-type: none"> • a setback of 10 metres will be required (SW6) • A suitable buffer zone will be maintained. The extent and composition of this undisturbed riparian buffer zone should be determined in consultation with a qualified ecologist. In all instances however a buffer of 2.5 metres of vegetation shall be retained along the canal bank to mitigate against pollution risks, reduce flooding potential and maintain habitat. (NH8) • Measures outlined in section 3.5.2 to prevent pollution during construction will be adhered to.
<p>Urban Design Framework Policies</p>	
<p>UDF 1: To consolidate the existing town centre through an integrated approach that consolidates the town centres activities in a sustainable manner.</p>	<p>Mitigation Measures as previously outlined will apply</p>
<p>UDF 7: To allow for the intensification of the town centre by utilising undeveloped, backland and brownfield land within or adjacent to the town centre area.</p>	<p>Mitigation Measures as previously outlined will apply</p>

3.6.1 Mitigation measures for Roads and other linear infrastructure crossing a Natura 2000 site

The following mitigation measures will be applied

- Demonstrate the need for the project in light of a “do nothing” context.
- Develop and evaluate a comprehensive series of plausible alternative routes and design strategies.
- Demonstrate how each route has taken due account of, and accommodated ecological considerations and legislative requirements.
- Demonstrate that the chosen route will not cause any significant adverse effects on the integrity of the Natura 2000 site.

3.6.2 Mitigation of impacts during construction

Temporary impacts are likely to arise during any construction activities associated with development provided for under the Athy TDP. The following mitigation is proposed to mitigate any impacts on the River Nore/River Barrow SAC.

3.6.2.1 Reduction and prevention of suspended solids pollution

Release of suspended solids to surface waters should be kept to a minimum. The key factors in erosion and sediment control are to intercept and manage off- and on-site runoff. This limits the potential for soils to be eroded and enter the stream in runoff. Sediment ponds and grit/oil interceptors should be placed at the end of drainage channels. However, runoff and surface erosion control is more effective and less expensive than sediment control with sediment control ponds only.

The following general guidelines are recommended:

- Schedule development to minimise risk of potential erosion by, where possible, planning construction activities during drier months, halting construction during periods of heavy precipitation and run-off to minimise soil disturbance, and restrict vehicular and equipment access or provide working surfaces/pads.
- Retain existing vegetation where possible and physically mark clearing boundaries on the construction site.
- Revegetate denuded areas, particularly cut and fill slopes and disturbed slopes as soon as possible. Use mulches or other organic stabilisers to minimise erosion until vegetation is established on sensitive soils.
- Cover temporary fills or stockpiles which are likely to erode into nearby watercourses with polyethylene sheeting.
- Divert runoff away from denuded areas.
- Minimise the length and steepness of slopes where possible.
- Minimise runoff velocities and erosive energy by maximising the lengths of flow paths for precipitation runoff, constructing interceptor ditches and channels with low gradients to minimise secondary erosion and transport, and lining unavoidably steep interceptors or conveyance ditches with filter fabric, rock or polyethylene lining to prevent channel erosion.
- Retain eroded sediments on site with erosion and sediment control structures such as sediment traps, silt fences and sediment control ponds. Sediment control ponds should be designed for a minimum retention time of 15 hours.
- Access roads should be constructed or topped with a suitable coarse granular material/non-woven geotextile, and if possible organic topsoil should be stripped prior to access road construction.

- If significant alterations to the existing stream/river bank, or instream works are to be carried out, the works area should be isolated from the river/stream by coffer dams or other suitable containment methods. Water within the contained area contaminated with suspended solids or other potential pollutants should never be released directly to the stream/river, but should be pumped to a land site to allow sediment removal before it re-enters the river.
- Temporary stream diversions should be excavated in isolation of stream flow, starting from the bottom end of the diversion channel and working upstream to minimise sediment production. The temporary channel should be constructed in such a way as to minimise suspended solids released when the river is re-routed. Upon completion the bank should be stabilised around the temporary diversion.
- Permanent stream diversions should be completed as far in advance as possible. The channel should be constructed in such a way as to minimise suspended solids released when the river is re-routed. Use of loose fine grained materials in the new channel construction should be strictly limited.

3.6.2.2 Reduction of pollution with other substances associated with the construction process

- Raw or uncured waste concrete should be disposed of by removal from the site.
- Wash down water from exposed aggregate surfaces, cast-in-place concrete and from concrete trucks should be trapped on-site to allow sediment to settle out and reach neutral pH before clarified water is released to surface waters or allowed to percolate into the ground.
- Fuels, lubricants and hydraulic fluids for equipment used on the construction site, as well as any solvents, oils, and paints should be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to codes of practice.
- Fuelling and lubrication of equipment should not be carried out close to watercourses.
- Any spillage of fuels, lubricants or hydraulic oils should be immediately contained and the contaminated soil removed from the site and properly disposed of.
- Waste oils and hydraulic fluids should be collected in leak-proof containers and removed from the site for disposal or re-cycling.
- Foul drainage from site offices etc. should be removed to a suitable treatment facility or charged to a septic tank system constructed in accordance with EPA guidelines.
- Sites for use as storage areas, machinery depots, site offices, temporary access roads or the disposal of spoil should be located least 50m from the nearest watercourse may be chosen. Disposal of spoil or storage of soils should not be carried out in any location where runoff can occur into watercourses.

3.6.2.3 Mitigation for direct impacts on watercourses

The following measures will apply to any construction activities affecting the River Barrow

- Where construction is to take place close to rivers/streams, a 5m wide riparian leave strip should be clearly marked on either side of the stream and its significance explained to machinery operators.
- If either stream is to be rerouted, permanent diversions should be completed as far in advance as possible.
- Any new stream channel should be bio-engineered to ensure no net loss of habitat value for aquatic flora and fauna, by maximising flow and substrate diversity and natural bankside cover. The channel should follow a sinuous course and incorporate a natural sequence of riffle, glide and pool habitat.

- The construction of new channel should be carried out as far as possible in advance of the actual diversion of flow, and bankside vegetation of native streamside tree and bush species should be well established.
- Culverts should be designed and constructed in such a way as to ensure that the stream remains passable for aquatic fauna.

Section 4 Conclusions

A Stage 2 Appropriate Assessment of the Athy Development Plan has been carried out. A number of policies and objectives within the Plan were identified which could lead to impacts on the River Barrow/River Nore SAC. In particular, provisions for transport infrastructure (i.e. The Southern and Northern Distributor Roads) and a marina have the potential to significantly impact on the SAC.

The risks to the safeguarding and integrity of the qualifying interests and conservation objectives of the Natura site have been largely addressed by the inclusion of a number of objectives to ensure that developments arising through the implementation of the plan are subject to Appropriate Assessment at a more appropriate level and when further details of design and location are available. Infrastructure such as the marina and distributor roads will be subject to feasibility studies and route/site selection where appropriate.

Having incorporated mitigation measures, it is considered that the Athy Town Development Plan will not have a significant adverse effect on the River Barrow/River Nore SAC, and that the integrity of that site will not be adversely affected.