



**Kildare County Council  
Planning and Development Act 2000  
(as amended)**

**CHIEF EXECUTIVE'S REPORT ON  
SUBMISSIONS/OBSERVATIONS RECEIVED ON  
PROPOSED VARIATION NO. 2 OF THE ATHY TOWN  
DEVELOPMENT PLAN 2012 - 2018**

Planning Department  
Kildare County Council  
Áras Chill Dara  
Devoy Park  
Naas  
Co. Kildare

**13<sup>th</sup> February 2018**

## **Section 1 Introduction**

### **1.1 Content of Report**

This report relates to submissions and observations received following the publication of the Proposed Variation No. 2 of the Athy Town Development Plan 2012 - 2018.

The proposed variation comprises of the following:

- Amend land use zoning of 3.4 hectares of land in Woodstock South, Athy from 'R' Retail and Commercial (To provide for and improve retail and commercial activities on the site) to 'Q' Enterprise and Employment (To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high quality campus/park type development); and
- Amend Map 3.1 (Main Employment Zones), Map 16.1a (Zoning Map), Table 16.1 (Land Use Zoning Category) Table 16.2 (Land Use Zoning Objectives), Table 16.3 (Quantum of Zoned Land) and Table 16.5 (Land Use Zoning Matrix) of the Development Plan to reflect the proposed change in zoning.

The variation is proposed in order to provide for the appropriate sequential expansion of existing industrial facilities and to strengthen the employment base of Athy town, which are in the interests of the proper planning and sustainable development of the area.

The purpose of land use zoning objective "R" is 'to provide for and improve retail and commercial activities on the site'. The proposed variation to amend this zoning to provide for "Q"- 'To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high quality campus/park type development' is to provide clarity in relation to the land uses that are permitted in principle on the subject lands. This will enable the Planning Authority to consider any future planning application for the appropriate expansion of the existing industrial facilities in the town or the development of new employment/enterprise uses.

### **1.2 Legislative Requirements**

Under the Planning and Development Act 2000 (as amended), the Chief Executive is required to prepare a report on the submissions and observations received in respect of the Proposed Variation and to make recommendations in relation to the same, taking into account the proper planning and sustainable development of the area, the statutory obligations of the local authority and relevant policies or objectives of the Government or of any Minister of the Government.

### **1.3 Public Consultation**

Proposed Variation No. 2 of the Athy Town Development Plan was placed on public display from the 15<sup>th</sup> of January 2017 to 12<sup>th</sup> of February 2018. Copies were made available for inspection at

- Kildare County Council Offices, Áras Chill Dara, Naas, Co. Kildare;
- Athy Municipal District Office, Rathstewart, Monasterevin Road, Athy and
- Athy Town Branch Library, Emily Square, Athy, Co. Kildare during their usual opening hours.

The proposed variation and all related documents were also available to view on Kildare County Council's website.

Copies of Proposed Variation No. 2 of the Athy Town Development Plan 2012 – 2018 and associated documents were issued to the prescribed bodies in accordance with the Planning and Development Act 2000 (as amended).

In total 9 submissions were received on the proposed variation during the statutory period. All written submissions are summarised, later in this report and the response and recommendation of the Chief Executive is given to the issues raised.

#### **1.4 Content of Chief Executive Report**

The Planning & Development Act, 2000 (as amended) requires that the Chief Executive's Report must:

1. List the persons or bodies who made submissions.
2. Summarise the issues raised by the Minister, the National Transport Authority and the relevant Regional Assembly and any issues raised by other persons or bodies.
3. Give the response of the Chief Executive's to the issues raised. In this regard the Chief Executive's response must take into account:
  - (i) The proper planning and sustainable development of the area;
  - (ii) The statutory obligations of any local authority in the area;
  - (iii) Any relevant policies or objectives of the Government or of any Minister of the Government.

#### **1.5 Next Steps**

Following consideration of the proposed variation and the Chief Executive's report the Elected Members may, as they consider appropriate, by resolution, make the variation, with or without further modification or they may refuse to make it. If the Members decide to materially amend the proposed variation, a further period of public consultation will be required.

A Screening Report for Strategic Environmental Assessment and Appropriate Assessment accompanied Proposed Variation No. 2 of the Athy Town Development Plan 2012 - 2018. The screening report for SEA determined that the Proposed Variation would have no significant impact on the environment. The screening report for AA determined that there would be no likely significant effects on any Natura 2000 sites as a result of the Proposed Variation.

Should the Planning Authority engage in a further round of public consultation for proposed material amendments to Proposed Variation No. 2 of the Athy Town Development Plan, the planning authority must screen any proposed material alterations to determine if an SEA or AA or both are required of any of the material alterations and must indicate what period is necessary for the carrying out of any SEA or AA. This screening, and if necessary the SEA or AA, must be carried out before proceeding to the public consultation period.

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

Section 13(7) of the Planning and Development Act 2000 (as amended), states that the Members of the Council are restricted to:

- considering the proper planning and sustainable development of the area to which the development plan relates;
- the statutory obligations of the local authority; and
- any relevant policies or objectives for the time being of the Government or any Minister of the Government.

**Section 2 List of Persons and / or Bodies who made submissions**

<b>No.</b>	<b>Name of Person / Body</b>
1.	Department of Housing, Planning & Local Government (DHPLG)
2.	Environmental Protection Agency (EPA)
3.	Eastern and Midland Regional Assembly (EMRA)
4.	Irish Water
5.	Transport Infrastructure Ireland (T.I.I)
6.	Southern Regional Assembly (SRA)
7.	Seán Ó Fearghaíl TD
8.	Irish Grain Growers
9.	Robert Redmond Photography

**Section 3 Chief Executives Consideration of Submissions Received**

<b>Sub No.</b>	<b>Name</b>	<b>Summary of Issues Raised</b>	<b>Chief Executive's Response and Recommendation</b>
1.	<b>Department of Housing, Planning &amp; Local Government. (DHPLG)</b>	The Department notes that Proposed Variation No.2 seeks to provide for the zoning of the subject site in Woodstock South, for employment and enterprise development and notes that the zoning would facilitate additional industrial/commercial development in the area with the retail function being catered for more appropriately in the Town Centre zoning east of the Grand Canal. Furthermore, the submission notes that the subject lands are situated at an appropriate location to develop employment uses and is considered to be in the interests of the future sustainable development of the town. The Department also advises that due regard should be given to the observations of other prescribed bodies.	<p><b>Chief Executive's Response</b></p> <p>The contents of the submission from the Department of Housing, Planning and Local Government noting that the lands are an appropriate location for employment use.</p> <p><b>Chief Executive's Recommendation</b></p> <p>No change recommended.</p>
2.	<b>Environmental Protection Agency (EPA)</b>	Submission notes the content of the variation and the SEA Determination associated with same. Also advises that any amendments to the Variation prior to finalisation should be screened for potential for likely significant effects in accordance with the criteria as set out in SEA Regulations Schedule 2A. In addition, EPA state that adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and	<p><b>Chief Executive's Response</b></p> <p>The contents of the submission from the EPA are noted. Determinations in relation to the Proposed Variation will be made available for public inspection, where appropriate.</p> <p><b>Chief Executive's Recommendation</b></p> <p>No change recommended.</p>

		<p>authorised during the lifetime of the Plan. Further states that, where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and Variation, as appropriate. Concludes by stating that any determination made in relation to the Proposed Variation should be made available for public inspection.</p>	
<p>3.</p>	<p><b>Eastern and Midland Regional Assembly (EMRA)</b></p>	<p>The Eastern and Midland Regional Assembly welcome Proposed Variation no. 2 of the Athy Town Development Plan 2012-2018, and notes that it is intended to provide for the appropriate sequential expansion of existing industrial facilities and to strengthen the employment base of Athy town. The submission further notes that the Regional Planning Guidelines (RPGs) for the Greater Dublin Area identify Athy as a 'Moderate Sustainable Growth Town' and 'Secondary Economic Growth Town'. It is indicated as part of these RPGs that 'Secondary economic growth centres have an important supporting and complimentary role in developing economic growth and sectoral strengths in tandem with the primary economic growth towns, within their respective core economic areas and large hinterland areas.' Specifically referencing Athy, the RPGs support the consolidation of Athy town's employment and service sectors and EMRA therefore consider that proposed variation is consistent with the Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022.</p>	<p><b>Chief Executive's Response</b></p> <p>The contents of the submission from EMRA are noted with particular reference to its compliance with the Regional Planning Guidelines.</p> <p><b>Chief Executive's Recommendation</b></p> <p>No change recommended.</p>

4.	<b>Irish Water</b>	Submission indicates that Irish Water has no objection to the proposed Variation.	<p><b>Chief Executive's Response</b> Noted.</p> <p><b>Chief Executive's Recommendation</b> No change recommended.</p>
5.	<b>Transport Infrastructure Ireland (T.I.I)</b>	Submission states that T.I.I has no comment in relation to the proposed Variation.	<p><b>Chief Executive's Response</b> Noted.</p> <p><b>Chief Executive's Recommendation</b> No change recommended.</p>
6.	<b>Southern Regional Assembly (SRA)</b>	Submission notes that the Proposed Variation is outside the functional area of the Southern Regional Assembly, and therefore there are no significant trans-boundary concerns.	<p><b>Chief Executive's Response</b> Noted.</p> <p><b>Chief Executive's Recommendation</b> No change recommended.</p>
7.	<b>Seán Ó Feargháil TD</b>	Submission supports proposed Variation No. 2 of the Athy Town Development Plan 2012-2018 and state that any proposal that will allow the Maltings to expand and continue to operate in the town should be encouraged and will help to sustain malt growing for the wider farming community and asks that the County Councillors support	<p><b>Chief Executive's Response</b> The support for the Proposed Variation is acknowledged.</p> <p><b>Chief Executive's Recommendation</b> No change recommended.</p>



		the proposed Variation.	
8.	<b>Irish Grain Growers</b>	<p>Submission notes the content of the variation and outlines a brief history of the group and the reasons why it was established. The submission notes the reason for the Proposed Variation and submits that the details are vague and questions the number of jobs etc that will be created. Submission also queries specifics such as proposals relating to acceptance of additional grain or additional traffic, tonnage intake and environmental impacts etc. The submission raises concerns regarding the vague details of the submission and request that clarification is sought to indicate more details on the Proposed Variation.</p>	<p><b>Chief Executive's Response</b></p> <p>The issues raised in this submission are noted. The Proposed Variation is an amendment to the Land Use Zoning Objective for the subject lands only and does not address any specific details for future development proposals for the lands. Table 16.1 of the Development Plan (inc. the amendments proposed as part of Proposed Variation No. 2) describes each zoning and the specific land use zoning objectives in greater detail. Furthermore, as the Town Development Plan is a land use plan it does not address specifics regarding tonnage intake, environmental impacts and traffic movements, these issues will be considered on their merits at Development Management (planning application) stage.</p> <p>In addition, it should be noted that Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Strategic Flood Risk Assessment were carried out in tandem with the Variation process to assess potential environmental impact (inc. flood risk) associated with the Proposed Variation which concluded that SEA and AA were not required, an addendum to the SFRA also accompanied the Proposed Variation which was on public display.</p> <p><b>Chief Executive's Recommendation</b></p> <p>No change recommended.</p>

9.	<b>Robert Redmond Photography</b>	Submission expresses support for the Proposed Variation and outlines that the Maltings have been in Athy for many generations and has provided employment for a significant number of people. The submission further states that anything which would allow the Maltings to continue to operate in Athy and expand its operations in the future, can only be good for the economy of the town and requests that the County Councillors support the change in zoning.	<b>Chief Executive's Response</b> The support for the Proposed Variation is acknowledged.  <b>Chief Executive's Recommendation</b> No change recommended.
----	---------------------------------------	--	---

#### **Section 4 Summary and Conclusion**

Proposed Variation No. 2 of the Athy Town Development Plan 2012-2018 amends land use zoning of 3.4 ha of land in Woodstock South, Athy from 'R' Retail and Commercial to 'Q' Enterprise and Employment and proposes consequential amendments to associated maps and tables within the Development Plan. The submissions received on the Proposed Variation were generally supportive. One submission raised issues that are considered to be more appropriately addressed at the development management stage of the planning process dealing with future proposals for the lands and their assessment. Other issues raised in this submission are not land use planning matters.

The responses and recommendations of the Chief Executive set out in this report would not constitute a material amendment to the proposed variation and therefore would not require a further period of public consultation.

It is therefore recommended to the Cathaoirleach and Elected Members of the Athy Municipal District that Proposed Variation No. 2 of the Athy Town Development Plan 2012 – 2018 be adopted.



Appendix 1 – Proposed Variation No. 2 Athy Town Development Plan 2012-2018

