

APPROPRIATE ASSESSMENT CONCLUSION STATEMENT

FOR THE ATHY LOCAL AREA PLAN 2021-2027

for: Kildare County Council

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Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Athy Local Area Plan. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives¹. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Statement (NIR).

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, Planning and Development Act 2000, as amended, requires, inter alia, that the Council considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1.1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the Natura Impact Report	An AA NIR accompanies this AA Conclusion Statement and the Plan
(b) any supplemental information furnished in relation to any such report	This AA Conclusion Statement accompanies the consolidated NIR that provides additional detail on European Sites.
(c) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	The consolidated Natura Impact Report (NIR) takes into account submissions received and changes to the original Draft Plan that was placed on public display. In carrying out AA, the Council has taken into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following: <ul style="list-style-type: none"> • The Natura Impact Report prepared for the Draft Athy Local Area Plan 2021-2027 (an earlier version of the consolidated document); • The AA Screening Report for the Proposed Material Alterations to the Draft Athy Local Area Plan 2021-2027; • Written submissions made on the Draft Plan, Proposed Material Alterations and associated documents, while they were placed on public display; and • Ongoing advice on AA from the Council's agents. The consolidated Natura Impact Report (updated to encompass all adopted Plan provisions and numbering) and the AA Conclusion Statement (which details the AA process undertaken for the Plan) have been prepared following adoption.
(d) any information or advice obtained by the public authority	
(e) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	
(f) any other relevant information	

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Section 4).

1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIR (the AA NIR is accompanied by this AA Conclusion Statement and AA Determination – see Section 4).

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

Section 2 How the findings of the AA were factored into the Plan

The Strategic Environmental Assessment (SEA) and AA team worked with the Plan-preparation team at the Council in order to integrate requirements for environmental protection and management into the Plan. The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. The findings of the AA were integrated into the Plan through mitigation measures. These mitigation measures ensure that there will be no significant effects to the ecological integrity of any European site from implementation of the Plan. The mitigation measures most relevant to the protection of European sites are identified in Table 2.1 below.

Furthermore, the detailed Plan preparation process undertaken by the Planning Department combined with specialist input from the SEA and AA process facilitated zoning that avoids inappropriate development being permitted in areas of high ecological sensitivity.

Table 2.1 How the findings of the AA were factored into the Plan

Policy No.	Policy	Policy Objectives / Mitigation Measure(s)	Policy Action
CAM 1 Climate Adaptation and Mitigation	<i>It is the policy of the Council to future proof Athy to ensure that it becomes a climate resilient town by promoting the economic, social and environmental benefits of low-carbon development, creating an integrated green infrastructure network, prioritising sustainable mobility within the town and building at sustainable densities in appropriate locations.</i>	CAM01.1 Support the full implementation of the Kildare County Council Climate Change Adaptation Strategy 2019-2024, or any succeeding document, with regards to its goals, objectives and actions relating to the planning and development of Athy.	<ul style="list-style-type: none"> To ensure all plans and projects carried out in Athy encourage and provide for climate resilient measures.
EDT3 Tourism	<i>It is the policy of the Council to support and facilitate the development of the tourism infrastructure in Athy with particular emphasis on utilising and harnessing, in an appropriate and sustainable manner, the potential of the town's natural and built heritage assets</i>	<p>EDT03.1 Support the development of the Barrow Blueway route along the Barrow Line of the Grand Canal and Barrow Navigation system as a multi-use tourism and amenity resource, subject to the required environmental assessments.</p> <p>EDT03.2 Support and facilitate the development of Athy as a Blueway destination town and an 'activity hub' for water-based sports and associated recreational activities including the development of a Blueway Sports Hub / Education Centre within the Dominican lands, subject to the required environmental assessments.</p> <p>EDT03.3 Acknowledge the importance and potential of Athy's waterways and its water sports clubs by supporting the development of the necessary infrastructure to service the expansion of water-based activities in the town, including safe and convenient mooring facilities, subject to the required environmental assessments.</p> <p>EDT03.4 Support and facilitate the development of angling activities and supporting infrastructure, including the provision of wheelchair friendly stands in Athy, subject to appropriate environmental assessments.</p>	N/A
NH1 Natural Heritage	<i>It is the policy of the Council to support the protection of species and habitats that are designated under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 as well as areas of high local biodiversity value and to ensure that developments with potential to impact the integrity of the Natura 2000 network will be subject to Appropriate Assessment.</i>	<p>CS01.8 Ensure that projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan².</p> <p>NH1.1 Protect conserve and manage the River Barrow and River Nore SAC and contribute to the protection of the ecological, visual, recreational, environmental and amenity value of the Grand Canal pNHA.</p> <p>NH1.2 Ensure screening for Appropriate Assessment (AA), in accordance with Article 6(3) of the Habitats Directive, is carried out with respect to any plan or project, including masterplans.</p> <p>NH1.3 Ensure that any proposal for development within or adjacent to the Grand Canal pNHA is located and designed to minimise its impact on the biodiversity, geological, water and landscape value of the pNHA.</p> <p>NH1.4 Ensure all applications for planning permission within or adjacent to the Grand Canal pNHA are accompanied by an Ecological Impact Assessment (EcIA) prepared by a suitably qualified professional.</p> <p>NH1.5 Identify, protect, conserve and enhance wherever possible, wildlife habitats and species of local importance, not otherwise protected by legislation. Such habitats would include woodland, river, canal, wetlands and grassland areas along with field boundaries (hedgerows, stone walls and ditches). These features form part of a network of habitats and corridors, which allow wildlife to exist and flourish and contribute to compliance with Article 10 of the Habitats Directive.</p> <p>NH1.6 Protect and conserve the integrity of soils that supports the rich biodiversity and ecological networks in Athy.</p> <p>NH1.7 Ensure that any proposals for the lighting/flood lighting of waterways infrastructure, buildings or pedestrian/cycling routes along waterways within the Plan area incorporate bat friendly lighting schemes as set out in 'Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers' (Bat Conservation Ireland, December 2010).</p>	<ul style="list-style-type: none"> To survey existing bridge structures in Athy to identify whether any such structure currently supports bat roosts.
GI 1 Green Infrastructure	<i>It is the policy of the Council to protect, enhance and further develop the green infrastructure network in Athy to provide a shared space for amenity, recreation and biodiversity to thrive and to strengthen links to the wider regional network.</i>	<p>GI1.1 Reduce fragmentation of the existing Green Infrastructure network while protecting and enhancing its biodiversity by strengthen ecological links including stepping stone habitats (according to their value).</p> <p>GI1.2 Integrate new and existing green infrastructure as an essential component of all new developments and to restrict development that would fragment, damage or prejudice the integrity of the green infrastructure network.</p> <p>GI1.3 Ensure the key green infrastructure and habitat features identified in Map 4: Green Infrastructure, and the linkages they provide to larger areas of green infrastructure and the wider countryside are retained and integrated into the design of new developments as far as practicable.</p> <p>GI1.4 Seek that development proposals also include an outline of measures to protect the retained green infrastructure of a site during the period of construction.</p>	<ul style="list-style-type: none"> All proposals for development will be required to demonstrate that the existing Green Infrastructure network is protected, in so far as practicable, and that the development contributes positively to the development and protection of the overall

² Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available, (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.

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Policy No.	Policy	Policy Objectives / Mitigation Measure(s)	Policy Action
		<p>GI1.5 Provide for wildlife bridges (eco links) as part of any new pedestrian and cycle links across the River Barrow, the Barrow Line Canal and railway, thereby facilitating the free movement of people and species throughout the Plan area.</p> <p>GI1.6 Promote a network of pedestrian and cycle paths to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes responds to the ecological protection needs of each site.</p> <p>GI1.7 (a) Maintain a biodiversity protection zone of 60 metres from the top bank of the River Barrow (including all areas covered by the River Barrow and River Nore SAC), 20 metres from the canal and not less than 10 metres from the top bank of smaller watercourses, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.³ (b) Ensure that any development on the lands zoned 'H: Industrial and Warehousing' located adjacent to the River Barrow at Townparks incorporates an appropriately landscaped riparian zone to seamlessly integrate with the lands to the south and east, which are subject to the development of a masterplan under objective OS1.8.</p> <p>GI1.8 Incorporate items of historical or heritage importance within the green infrastructure as amenity features, where practical.</p> <p>GI1.9 Seek to protect trees with a particular local amenity or conservation value.</p> <p>GI1.10 Promote appropriate tree planting and pollinator friendly planting, in accordance with the recommendations of the All Ireland Pollinator Plan throughout Athy and in open spaces within new developments in order to enhance local biodiversity, visual amenity and surface water management.</p> <p>GI1.11 Protect and enhance the existing character and setting along the route of the Barrow Blueway.</p>	<p>green infrastructure assets of Athy.</p> <ul style="list-style-type: none"> Investigate opportunities for placement of bat boxes and/or bird nesting boxes along the River Barrow in conjunction with the Kildare Bat Group / Bat Conservation Ireland and BirdWatch Ireland (in partnership with the National Parks & Wildlife Service and Waterways Ireland).
OS1 Open Space	<i>It is the policy of the Council to provide for a hierarchy of high quality multi-functional public open spaces within Athy, and to preserve and protect such spaces through the appropriate zoning of lands.</i>	<p>OS1.1 Support the implementation of the Open Space and Outdoor Recreation Strategy for County Kildare 2021 – 2031 with regards to its aims, recommendations and actions relating to the provision of open space and outdoor recreation infrastructure in Athy.</p> <p>OS1.2 Explore the feasibility of and develop and/or improve linkages and connections between the network of open spaces in Athy, without compromising the biodiversity along the banks of the River Barrow and banks of the Grand Canal.</p> <p>OS1.3 Continue to facilitate and promote community-managed gardens/allotments and green waste composting sites.</p> <p>OS1.4 Support and promote the development of a sports training hub (5 ha in area) on Kildare County Council owned lands at Ardrew to cater for active recreation for residents.</p> <p>OS1.5 Support and facilitate the development of a new local eco-park (2 ha or larger in area) as part of the Dominican Lands Masterplan, which would provide active and passive recreation for residents, subject to appropriate environmental considerations.</p> <p>OS1.6 Cooperate with key stakeholders including landowners in the development (where appropriate) of universally accessible greenways and blueways, and other areas within Athy for recreational purposes, subject to appropriate environmental considerations.</p> <p>OS1.7 Promote and provide amenities and features such as playgrounds, outdoor gym equipment facilities and picnic tables in all open spaces to improve their quality and usability.</p> <p>OS1.8 Support the development and implementation of a masterplan for the Woodstock Lands surrounding Woodstock Castle within the lifetime of the Local Area Plan.</p>	None
I1 Water Supply and Wastewater	<i>It is the policy of the Council to work in conjunction with Irish Water to protect existing water and wastewater infrastructure in Athy, to maximise the potential of existing capacity and to facilitate the timely delivery of new water services infrastructure to facilitate future growth.</i>	<p>IO1.1 Work in conjunction with Irish Water to promote the ongoing upgrade and expansion of water supply and wastewater services to meet the future needs of Athy.</p> <p>IO1.2 Maximise the sustainable and efficient use of existing capacity in water services in the planning of new development.</p> <p>IO1.3 Seek to ensure that adequate water services will be available to service development prior to the granting of planning permission for development.</p> <p>IO1.4 Seek to ensure that development proposals comply with the standards and requirements of Irish Water in relation to water and wastewater infrastructure.</p>	None
I2 Surface Water and Groundwater	<i>It is the policy of the Council to maintain and enhance the existing surface water drainage systems in Athy and to protect surface and ground water quality in accordance with the Water Framework Directive.</i>	<p>IO2.1 Carry out an audit of the existing surface water infrastructure to identify improvement works as required.</p> <p>IO2.3 Incorporate Sustainable Drainage Systems (SuDS) and other nature-based surface water drainage solutions as part of all plans and development proposals in Athy. Proposals for all new residential developments and for the development of 'H' and 'Q' zoned employment lands should address the potential for SuDS to control surface water outfall and protect water quality.</p> <p>IO2.5 Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater in Athy in accordance with the River Basin Management Plan for Ireland and in conjunction with the Environmental Protection Agency.</p> <p>IO2.6 Require applicants to demonstrate that proposals will not negatively impact on the status of a waterbody, in accordance with the requirements of the Water Framework Directive and the River Basin Management Plan for Ireland.</p> <p>IO2.7 Protect both ground and surface water resources and to work with Irish Water to develop and implement Water Safety Plans to protect sources of public water supply and their contributing catchments.</p>	<ul style="list-style-type: none"> To encourage 'daylighting' / deculverting and restoration of culverted water bodies within the town as a natural method of flood management.

³ Any such green route or trail should be designed in accordance with the guidelines and principles outlined in 'Planning for Watercourses in the Urban Environment' (Inland Fisheries Ireland, 2020)

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Policy No.	Policy	Policy Objectives / Mitigation Measure(s)	Policy Action
I3 Flood Risk Management	<i>It is the policy of the Council to manage flood risk in Athy in conjunction with the Office of Public Works and in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and circular PL02/2014 (August 2014).</i>	<p>I03.1 Manage flood risk in Athy in accordance with the requirements of <i>The Planning System and Flood Risk Management Guidelines for Planning Authorities</i>, DECLG and OPW (2009) and Circular PL02/2014 (August 2014).</p> <p>I03.2 Ensure development proposals within the areas where KCC have applied a Justification Test and where residual flood risk remains as outlined on Map 2: Strategic Flood Risk Map are the subject of a Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development proposed.</p> <p>I03.4 Support and co-operate with the OPW in delivering the Athy Flood Relief Scheme, subject to the statutory environmental considerations.</p> <p>I03.5 Ensure that all development proposals apply the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal shall demonstrate that appropriate mitigation and management measures are put in place. The development proposals should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site.</p>	None
I5 Pollution and Environmental Services	<i>It is the policy objective of the Council to protect environmental quality in Athy through the implementation of European, national and regional policy and legislation relating to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management.</i>	<p>I05.1 Adequately maintain recycling facilities and to secure the provision of additional facilities, as required, including in conjunction with development.</p> <p>I05.2 Support the development of a local bring bank recycling facility at an appropriate location, proximate to either the Stradbally Road or Kilkenny Road, within the boundaries of the Local Area Plan.</p> <p>I05.3 Avoid, prevent or reduce harmful effects on human health and the environment as a whole through promoting the preservation of best ambient air quality with sustainable development.</p> <p>I05.4 Support the take-up and use of ultra-low emissions vehicles and encourage, through the development management process the provision of electric vehicle charging infrastructure, where appropriate.</p>	None

Additional Measures from the County Development Plan, including:

Invasive Non-Native Species

NH 13: To support measures for the prevention and / or eradication of invasive species within the county

NH 14: To promote best practice with respect to minimising the spread of invasive species in the carrying out of development and to support measures for the prevention and / or eradication of invasive species within the county.

NH 15: To require, as part of the planning application process, the eradication/control of invasive introduced species including Japanese Knotweed, when identified on a site or in the vicinity of a site in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015

NHO 7: To complete a programme of mapping of invasive species in the County

NHO 8: To raise awareness of potential threats caused by invasive species, their methods of dispersal and appropriate control measures in association with relevant authorities.

Lighting

GI 21: To ensure that expert advice is sought in developing lighting proposals along river, stream and canal corridors in order to mitigate impacts of lighting on bats and other species.

PC 4 To ensure external lighting schemes minimise light spillage or pollution in the immediate surrounding environment and do not adversely impact on residential or visual amenity and biodiversity in the surrounding areas

Habitats Directive General

NH 3: To require compliance with Article 10 of the Habitats Directive with regard to encouraging the management of features in the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional

NH 5: To prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the County and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.

NH 6: To ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DoEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

NH 11: To ensure that development does not have a significant adverse impact on rare and threatened species, including those protected under the Wildlife Acts 1976-2012, the Birds Directive 1979, the Habitats Directive 1992 and the Flora Protection Order species.

NH 12: To ensure that, where evidence of species that are protected under the Wildlife Acts 1976-2012, the Birds Directive 1979 and the Habitats Directive 1992 exist, appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment. In the event of a proposed development impacting on a site known to be a breeding or resting site of species listed in the Habitats Regulations or the Wildlife Acts a derogation licence, issued by DAHG may be required.

Section 3 Consideration of Alternatives

3.1 Summary of Description and Assessment of Available Reasonable Alternatives

Contributing towards the protection of ecology and European sites was one of the key environmental issues in the consideration of alternatives to the Plan.

3.2 Development of Alternatives

The Plan is required to be prepared by the Planning and Development Act 2000 (as amended), which specifies various types of objectives that must be provided for by the Plan.

The alternatives available for the Plan are limited by the provisions of higher-level planning objectives, including those of the land use policy, plans and programmes (e.g. the National Planning Framework, the Eastern and Midland Regional Spatial and Economic Strategy, the Kildare County Development Plan, as varied, and other land use plans). These documents set out various requirements for the content of the Plan.

Four alternative plan scenarios have been developed by the Council. The development of scenarios has been informed by the National Planning Framework (2040) and the provisions in regard to compact growth and the requirement for 30% of an areas growth to be located within to the existing built-up area (National Policy Objective 3c).

The scenarios considered provide for alternative methods of meeting this requirement ranging from an extreme of exceeding a 30% compact growth within or in close proximity (c.400m or 5-minutes walking distance) to the town centre of Athy to more broader alternatives where the minimum 30% compact growth requirement is met with remaining growth allocated to lands either within or adjoining the 'defined built up area'.

The now expired Athy Town Development Plan (2012-2018) previously zoned 75.5 hectares of 'C: New Residential' lands. It is noted the no residential units have been developed on these lands since 2012. The 2021 Local Area Plan intends to reduce the amount of zoned new residential land outside the town centre to circa 25 hectares. This is in order to promote sequential development, strengthen the urban core of Athy and align the LAP with the transitional population projections set out in the Implementation Roadmap for the National Planning Framework and Kildare County Development Plan 2017-2023 (as varied).

The scenarios outlined have been fully informed by the findings of a Sustainable Planning and Infrastructure Assessment which has been carried out for the Plan area and which has informed the development strategy proposed for the town of Athy.

The importance of Athy at a county level is emphasised in Variation No. 1 of the Kildare County Council Development Plan 2017 - 2023, which has designated Athy as a '*Self-Sustaining Growth Town*'. The Regional Spatial and Economic Strategy describes these towns as having '*a moderate level of jobs and services. Such settlements include sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.*'

Under the Core Strategy of the County Kildare Development Plan 2017 – 2023 (CDP) Athy has been allocated 4.8% of the county's overall housing growth. Applying this figure to the Athy LAP translates into a requirement for **771 additional units** to be developed over the life of the Plan to 2027. Using a unit occupancy rate of 2.8 persons per household, as provided for in the CDP, would result of an

increase of 2,160 persons in Athy by the end of the LAP period. **This would result in a population of 11,837 and a dwelling forecast of 5,052 units by 2027.**⁴

Government policy outlined in *Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities* (DECHG, 2009) and *Urban Development and Building Heights: Guidelines for Planning Authorities* (DHP&LG, 2018) state that land is a scarce resource and should be managed efficiently. The guidelines provide, inter alia, indicative appropriate residential density standards to apply to settlements depending on population size. For towns in excess of 5,000 persons, i.e. Athy no upper limit should, in principle, apply to town centres subject to specified requirements. Similarly, on brownfield sites higher densities would also apply. On public transport corridors in proximity to bus stops or rail stations minimum net densities of 50 units per hectare (uph) are advised. Whereas outer suburban/greenfield sites should be encouraged at net densities around 35-50 uph and net densities below 30uph being discouraged.

It is therefore considered sites outside the town centre should be developed at an average density of 35 uph, while infill sites in the town centre should be developed at 40 uph. These are adjudged acceptable densities for Athy, considering its population, location and history of development.

3.3 Summary of Description and Assessment of Available Reasonable Alternatives

3.3.1 Alternative 1: Developing Greenfield Sites to the North of the Town Centre

Alternative 1 focuses on the development of greenfield sites to the north of the Town Centre. Many of the sites selected would undermine the principles of compact growth and would not provide for development on centrally located sites in the town.

This Alternative would adversely affect the ability water supply, waste water, compact growth, public transport and co-ordinated development considerations to be adequately integrated into the Plan and deficits would be more likely. Lands identified for development would be premature and would not wholly align with objectives relating to sequential development.

Much of the greenfield development would be unnecessary given other lands closer to the centre within the existing built-up footprint of the town and so would result in unnecessary and avoidable potential impacts upon various environmental components. Development under this Alternative would: reduce benefits from infrastructural investment; decrease the likelihood of brownfield development; harm efforts to improve sustainable mobility (with associated effects on energy, air, noise and human health); and would adversely affect the protection of multiple environmental components. Conflicts with the protection of the Special Area of Conservation as a result of developing Site No. 4 would have to be mitigated.

New developments would be distant from the primary amenity areas for the town, public services, and shopping, and would therefore adversely affect the long-term vibrancy of the town centre.

By providing for development within the Plan area, Alternative No. 1 reduces the need to develop more sensitive, less well-serviced, less well-connected greenfield sites beyond the Plan area; however, as described above, none of the sites are centrally located.

3.3.2 Assessment of Alternative 2: Compact Growth/Consolidation and densification of existing Town Centre

By providing for development in centrally located sites within the Plan area, Alternative No. 2 reduces the need to develop more sensitive, less well-serviced, less well-connected greenfield sites beyond

⁴ These figures only include projected population growth on lands zoned for town centre and new residential uses. It does not include any increases in population on existing residential/infill lands.

the Plan area. Although potentially adverse effects associated with brownfield development would exist, they would be mitigated to a significant degree.

However, this Alternative would not facilitate a sufficient amount of development to allow the town to meet population targets. As a result, development may be pushed outside of the Plan area - increasing the need to develop more sensitive, less well-served, less well-connected greenfield sites in other areas. Water supply, waste water, compact growth, public transport and co-ordinated development considerations could be integrated into the Plan; however, deficits would occur where development is pushed out of the Plan area.

Within the Plan area, this Alternative may present the least amount of potential environmental conflicts to be mitigated in the short term; however, this Alternative would not ensure the continued sustainable development of the town into the future.

3.3.3 Assessment of Alternative 3: Developing Greenfield sites to the South of the Town Centre

Alternative No. 3 focuses on the development of greenfield sites to the south of the Town Centre. Many of the sites selected would undermine the principles of compact growth and would not provide for development on centrally located sites in the town.

This Alternative would adversely affect the ability water supply, waste water, compact growth, public transport and co-ordinated development considerations to be adequately integrated into the Plan and deficits would be more likely. Lands identified for development would be premature and would not wholly align with objectives relating to sequential development.

Much of the greenfield development would be unnecessary given other lands closer to the centre within the existing built-up footprint of the town and so would result in unnecessary and avoidable potential impacts upon various environmental components. Development under this Alternative would: reduce benefits from infrastructural investment; decrease the likelihood of brownfield development; harm efforts to improve sustainable mobility (with associated effects on energy, air, noise and human health); and would adversely affect the protection of multiple environmental components. Conflicts with the protection of the Special Area of Conservation as a result of developing Site No. 8 would have to be mitigated.

New developments would be distant from the primary amenity areas for the town, public services, and shopping, and would therefore adversely affect the long-term vibrancy of the town centre.

By providing for development within the Plan area, Alternative No. 3 reduces the need to develop more sensitive, less well-served, less well-connected greenfield sites beyond the Plan area; however, as described above, none of the sites are centrally located.

3.3.4 Assessment of Alternative 4: 30% Compact Growth and Hybrid of Northern and Southern Sites

This alternative combines the sites considered most suited for residential development within Alternatives 1, 2 and 3 with the proposed reuse of existing building stock within the town centre. It would facilitate compact growth, including on centrally located sites, without extending the built-up footprint of the town.

This alternative is the most sustainable of the four alternatives and would be likely to contribute towards environmental protection and management the most. By providing for compact development in centrally located sites within the Plan area, Alternative 4 reduces the need to develop more sensitive, less well-served, less well-connected greenfield sites beyond the Plan area.

By consolidating the zoning and helping to curtailing further sprawl of the town, this alternative would: help to maximise benefits from infrastructural investment; increase the likelihood of brownfield development; contribute towards efforts to improve sustainable mobility (with associated

effects on energy, air, noise and human health); and would benefit the protection of multiple environmental components.

This approach would allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. This approach would benefit the protection of various environmental components.

Although potentially adverse effects associated with brownfield and infill greenfield development would exist, they would be mitigated to a significant degree.

3.4 Reasons for choosing the alternatives for the Plan in the light of the other reasonable alternatives

The Selected Alternative is Alternative 4. Alternative 4 provides the best balance for achieving a high level of compact growth while infilling vacant greenfield sites which lie in between existing residential housing estates. It does not extend the built-up footprint of Athy and aims to curtail any further sprawl of the town.

This alternative been selected and developed by the Planning Team, placed on public display and adopted by the Council having regard to both:

1. The environmental effects which were identified by the SEA and are summarised above; and
2. Planning - including social and economic - effects that also were considered by the Council.

Section 4 AA Determination

Comhairle Contae Chill Dara Kildare County Council



Appropriate Assessment Determination

under Section 177V of the Planning and Development Act 2000, as amended,
for the

Athy Local Area Plan 2021-2027

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of a European site, this Appropriate Assessment determination is being made by Kildare County Council relating to the potential for the Athy Local Area Plan 2021-2027 that is being adopted to have effects on the integrity of European sites.

In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following:

- The AA Natura Impact Report prepared for the Draft Athy Local Area Plan 2021-2027;
- The AA Natura Impact Report prepared for the Proposed Material Alterations to the Draft Athy Local Area Plan 2021-2027;
- Written submissions made on the Draft Plan, Proposed Material Alterations and associated documents, while they were placed on public display; and
- Ongoing advice on AA from the Council's agents.

As part of the AA, it was identified that the Plan may, if unmitigated, have significant effects on 1 (no.) European site, the River Barrow and River Nore Special Area of Conservation. Factors that could potentially affect the integrity of the European site include:

- Provisions for sectors such as climate action, urbanisation including residential and economic development, streetscape works, community facilities, transport, green infrastructure, energy, environmental infrastructure, recreation and tourism, which introduce sources for effects through construction phase such as habitat destruction, light pollution, hydrological interactions and disturbance effects; and
- Loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and habitat fragmentation.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented and determines that:

- Implementation of the Plan would have had the potential to result in effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures that will prioritise the avoidance of effects in the first place and reliably mitigate effects where these cannot be avoided. In addition, any lower-level plans and projects arising through the implementation of the Plan will themselves be subject to AA when further details of design and location are known.
- In-combination effects from interactions with other plans and projects have been considered in this assessment and the mitigation measures have been incorporated into the Plan – these measures are robust and will ensure there will be no effects on the integrity of European sites as a result of the implementation of the Plan either alone or in-combination with other plans/projects.
- Having incorporated mitigation measures, the Plan is not foreseen to give rise to any effect on the integrity of European sites, alone or in combination with other plans or projects¹. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

Signed: _____

Name: Eoghan Ryan, A/Chief Executive

Date: 3rd of August 2021

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