

Áras Chill Dara,  
Páirc Devoy,  
An Nás,  
Cill Dara

**Minutes of Special Meeting of the Athy Municipal District**

**Held on Friday 23<sup>rd</sup> April 2021 at 2 p.m, adjourned to 1.45 p.m Monday 26<sup>th</sup> April 2021**

**Via online Microsoft Teams**

**Members Present:** Councillor A Breslin (Cathaoirleach), V Behan, B Dooley, I Keatley and M Leigh

**Officials Present:** Eoghan Ryan, Director of Services, Annette Aspell (District Manager), Mairead Hunt, Snr Executive Officer, Amy Granville, A/Senior Planner, Mary McCarthy, Administrative Officer, Jane O'Reilly, A/Snr Executive Planner, David Jordan, Executive Planner, Anne Louw, Snr Staff Officer, Bridget Loughlin, Heritage Officer, Jonathan Hennessy, A/Snr Executive Engineer, Roads & Transportation

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On the proposal of Cllr. Breslin and seconded by Cllr. Dooley, it was agreed by the Members to postpone standing orders to 2.10 p.m.

On the proposal of Cllr. Breslin and seconded by Cllr. Dooley, it was agreed by the Members to postpone standing orders to 2.15 p.m.

Cllr. Breslin commenced the meeting and stated the purpose of the meeting was to consider the CE Report and to make or amend the Draft Athy Local Area Plan (LAP) 2021 – 2027.

Ms. Mairead Hunt advised the members of their obligations for the meeting as follows;

*Section 20(3) of the Planning and Development Acts 2000 to 2014 (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/local area 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.*

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

Cllr. Keatley asked that it be noted that meetings had taken place since the issuing of the Chief Executives Report on submissions received to the Draft Athy LAP 2021 – 2027 and that people who had made submissions to the Draft Athy LAP 2021 – 2027 had not received individual responses to their submissions.

In response to Cllr Keatley, Amy Granville clarified that the Chief Executives Report was published on the Consultation Portal of Kildare County Councils website, in accordance with the requirements of the Planning & Development Act 2000 (as amended).

## **Agenda**

**Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 (as highlighted in green in the meeting report).**

Ms Granville advised the Members that there were 37 items listed as green in the Meeting Report dated 20<sup>th</sup> of April 2021. Such items are where the Chief Executive is recommending a change to the Draft LAP on foot of submissions received during the public consultation and/or motions received from Members. Ms Granville invited the Members to take these items as a group. Ms Granville listed all 'green' items for clarification.

Ms Granville advised the Members of an additional Proposed Material Alterations and an addition to Proposed Material Alterations under Item No. 25 of the Meeting Report, both brought forward by the Chief Executive as follows:

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

And

2. Amend text of objective GI.1.7 (Part (b)) only as part (a) is referred to under Item No. 25 of the Meeting Report), as follows:

**GI1.7** (a) Maintain a biodiversity protection zone of 60 metres from the top bank of the River Barrow (*including all areas covered by the River Barrow and River Nore SAC*), 20 metres from the canal and not less than 10 metres from the top bank of smaller watercourses, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.

*(b) Ensure that any development on the lands zoned 'H: Industrial and Warehousing' located adjacent to the River Barrow at Townparks incorporates an appropriately landscaped riparian zone to seamlessly integrate with the lands to the south and east, which are subject to the development of a masterplan under objective OS1.8.*

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

On the proposal of Cllr. Dooley and seconded by Cllr. Keatley it was agreed by the Members to accept the Chief Executives recommendation with respect to items 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 and the additional proposed material alterations referred to above.

**Draft Athy Local Area Plan 2021-2027: General LAP**

Item No.	Chief Executive's Proposed Material Alteration	
1.	<p><b>Proposed Material Alteration No. 1</b> Amend all reference from <del>Tegra</del> to <i>Etex Ireland</i> throughout the Draft Athy Local Area Plan (2021 - 2027).</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

Item No.	Proposed Motion		
2.	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That the Planning Department demonstrate to the Elected Members how the implementation of this Local Area Plan will ensure the delivery of sufficient housing for the town of Athy over the lifetime of the plan, whilst promoting the appropriate regeneration of the town centre.</p>	<p><u>Chief Executive's Response</u></p> <p>The draft Athy Local Area Plan 2021 - 2027 provides a comprehensive and evidence-based framework to guide and provide for the sustainable regeneration and development of the town over the next six years. In keeping with the provisions of the Kildare County Development Plan (as varied), at least 771 new homes are proposed to be constructed in Athy within the life of the plan. Such development will occur in a consolidated and permeable manner, thereby facilitating and enabling the creation of healthy, safe and age-friendly communities.</p> <p>The draft Plan also includes an ambitious Economic Development Strategy for Athy which seeks to match population growth with jobs growth. To this end, the draft Plan includes a target of 1,330 new jobs to be created in the town. This is a critical objective of the Plan and one which is considered necessary both to achieve sustainable development within the town while also building on Athy's important status as the main economic and services centre of south Co. Kildare.</p> <p>The Economic Development Strategy also seeks to utilise and invest in the town's existing economic, social and environmental assets to generate local employment opportunities. In this regard, the plan provides a blueprint for the regeneration of the town centre by identifying opportunities to improve its retail and commercial attractiveness; creating revitalised streets and public spaces; facilitating and providing for the development and improvement of appropriate town centre activities including retail, residential, cultural, tourist and amenity uses.</p> <p>The draft Plan places particular emphasis on the development on the economic and physical regeneration of town, the development of its waterways for tourism and</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

		<p>recreational purposes, and the provision of new and enhanced social infrastructure. Specifically, the draft Plan contains provision for the following;</p> <ul style="list-style-type: none"> <li>• Support for the full completion of the Barrow Blueway, along with the development of associated water-based amenities and infrastructure;</li> <li>• The development of a masterplan for the Dominican Lands which will include a new 2 ha eco-park and Blueway Sports Hub / Education Centre;</li> <li>• The development and implementation of a masterplan for the amenity lands surrounding Woodstock Castle over the life of the Plan</li> <li>• Incorporates such projects as the redevelopment of Emily Square and the expansion of the Athy Heritage Centre – Shackleton Museum as part of the regeneration of the town centre;</li> <li>• Supports the transformation of the Model School into a regional Food Drinks and Skills Innovation Hub and;</li> <li>• Provides for the creation of a circa 5 hectare '<i>sports training hub</i>' in the west of the town on lands at Ardrew.</li> </ul> <p>In essence, by end of the plan in 2027 a series of concerted steps will have been taken to '<i>future proof</i>' Athy and create a more sustainable inclusive settlement centred around a regenerated and vibrant town centre providing important retail and commercial services and hosting an attractive tourist offer as a major destination town along the Barrow Blueway. Athy will not only be more resilient to the effects of climate change but will also have adapted to the needs of a growing and aging population, through the development of integrated communities, served by an enhanced level of social infrastructure and an expanded green infrastructure network.</p> <p><u>Chief Executive's Recommendation</u> No change recommended.</p>	
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Item No.	Proposed Motion	Chief Executive's Response	Resolved:
3.	<p><u>Motion:</u> Cllr. Veralouise Behan</p> <p>Point 3. Page 28. of the LAP:</p> <p>'Notes that the Council will also be aware that safeguarding the strategic capacity and function of the national road network in the LAP area will give effect to</p>	<p><u>Chief Executive's Response</u></p> <p>It is noted that this proposed motion is referring to page 28 of the Chief Executive's Report on Submissions to the Draft Athy Local Area Plan and not the draft Local Area Plan itself. Accordingly, the motion cannot be considered as only the draft Plan is subject to proposed material alterations.</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

	<p>supporting other critical strategic objectives including those related to Tourism, Employment and Economic Activity in the Draft Plan.’</p> <p>I wish to add ‘education’ as a strategic objective.</p>	<p><u>Chief Executive’s Recommendation</u> No change recommended.</p>	
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### Chapter 3. Compliance with the Kildare County Core Strategy

Item No.	Chief Executive’s Proposed Material Alteration	
4.	<p><b>Proposed Material Alteration No. 2</b> Further to the measures above, it is recommended that the following additional objective be inserted after objective CSO1.7:</p> <p><b>CSO1.8</b> <i>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 plan<sup>1</sup>.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive’s recommendation.</p>

Item No.	Proposed Motion		
5.	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That we allow a review of this current LAP in 2024. This review should occur after the 2024 local elections to allow the new council understand the LAP, and if necessary, a targeted amendment can be made. In order to facilitate any updated projected population growth and the reviewed county development plan.</p>	<p><u>Chief Executive’s Response</u> The statutory review of the Kildare County Development Plan (CDP) was commenced in early 2021. This two year formal process will conclude with the adoption by the members of a new Kildare County Development Plan (CDP) in 2023. The new CDP may contain provisions, including revised population/housing targets for Athy, which may differ from those on which this Local Area Plan is based. The Draft LAP acknowledges this possibility and commits to amending this Plan through a statutory amendment under Section 20 of the Planning and Development Act 2000 (as amended), as necessary, to ensure that it adheres to the Core Strategy and any other material changes contained in the new CDP, insofar as they relate to Athy.</p> <p>Objective CDP1.1 of the Draft Athy Local Area Plan sets out that “It is an objective of the Council to align the Athy Local Area Plan 2021-2027, if necessary, with the Core Strategy of the Kildare County Development Plan 2023-2029 once adopted, and any other material changes relevant to Athy contained in the Kildare County Development Plan 2023-2029, by way of a statutory amendment to the Local Area</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive’s recommendation.</p>

<sup>1</sup> 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.

	<p><i>Plan pursuant to Section 20 of the Planning and Development Act 2000 (as amended)".</i></p> <p>A Local Area Plan (or Draft LAP) sits within a hierarchy of statutory plans within which it must align. Objective CDP1.1 is considered to provide sufficient opportunity to bring forward a statutory amendment to the LAP should the adopted CDP or any revised population targets from government so require.</p> <p><u>Chief Executive's Recommendation</u> No change recommended.</p>	
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#### Chapter 4. Homes and Communities

Item No.	Chief Executive's Proposed Material Alteration	
6.	<p><b>Proposed Material Alteration No. 3</b> Amend text of objective HCO4.6, as follows: <b>HCO4.1</b> Support and facilitate the provision of <i>both indoor and outdoor</i> multi-functional community facilities to meet the needs of the population of Athy.</p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.
7.	<p><b>Proposed Material Alteration No. 4</b> Include the following new objective after objective HCO4.5: <b>HCO4.6</b> <i>To support the provision of new postal facilities and the enhancement of existing facilities, including for operational requirements in Athy, and to facilitate the provision of postal infrastructure at suitable locations within the town, subject to planning and design considerations.</i></p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.

#### Chapter 5. Urban Centre and Retailing

Item No.	Chief Executive's Proposed Material Alteration	
8.	<p><b>Proposed Material Alteration No. 5</b> Insert an additional sub-objective under objective UCRO1.10, as follows: <b>UCRO1.10</b> Commence the preparation of a Public Realm Strategy for Athy within twelve months of the adoption of this plan. The strategy should be developed in accordance with the provisions of the Athy Urban Regeneration Framework and implemented on a phased basis over the lifetime of the Plan and beyond. The Strategy should also address the following issues: (i) Ensure that the town centre is accessible to all members of the community, including people with disabilities, the elderly and people with young children. (ii) Support and facilitate the delivery of age friendly seating, bus stops and other public realm initiatives identified in the Athy Public Realm Strategy. (iii) Develop a comprehensive car parking plan for the town which will balance the needs of vehicular access to the town centre without compromising the overall quality and visitor experience of the public realm. (iv) Seek to reduce the use of line marking, signage and overhead wiring in the town centre of Athy. <i>(v) Investigate the feasibility of the development/redevelopment of the backlands of the town centre area of</i></p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.

*Athy in conjunction with the formulation of the Public Realm Strategy.*

**Chapter 6. Economic Development, Enterprise and Tourism**

Item No.	Chief Executive's Proposed Material Alteration	
9.	<p><b>Proposed Material Alteration No. 6</b> Amend the third paragraph of Section 6.5.1, as follows: <del>It is considered that a longstanding obstacle to achieving improved utilisation of the waterways in the town is the deficit in safe and convenient mooring facilities. Boats and barges are being restricted in their ability to moor in Athy and this is a major disincentive to considering the town as a stopover location. Athy has witnessed substantial growth in boating tourism in recent years. This regularly results in over demand for berths on all town centre mooring facilities. To accommodate this demand, and the predicted future growth, a major upgrade of the current in-place facilities is needed. In addition, investment to dramatically expand the number of berths and moorings available is essential.</del> The development of a marina, or at least the expansion of the existing mooring facilities is <i>considered</i> an essential <i>requirement</i> <del>piece of infrastructure that is required</del> in order to maximise the possibilities presented by the increase of tourism activities based around Athy's waterways with the completion of the Barrow Blueway.</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
10.	<p><b>Proposed Material Alteration No. 7</b> Inserted the following new objective after objective EDTO3.3 and renumber subsequent objectives accordingly: <i>EDTO3.4 Support and facilitate the development of angling activities and supporting infrastructure, including the provision of wheelchair friendly stands in Athy, subject to appropriate environmental assessments.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

Item No.	Proposed Motion		
11.	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That the town of Athy be classified a Blueway Tourism destination or starting point. Waterways and Tourism will be a major factor in the years ahead creating both employment and revenue for a town that has lost so much indigenous industry over the last three decades. An objective of this LAP should be to enforce this by recognising the many water sport clubs and water-based activities that the town lends itself towards. As the Blueway develops this will strengthen the ability of the town to develop in both Tourism and Heritage.</p>	<p><u>Chief Executive's Response</u> The draft LAP acknowledges the importance of the Athy's waterways and accordingly places the development of Athy's water-based tourism and recreation infrastructure at the centre of both the Plan's Economic Development Strategy (Chapter 6) and also the Athy Urban Regeneration Framework (Appendix 1). However, it is accepted that additional text along and strengthened objectives could be inserted into the Plan which would emphasise the importance that both amenities and the water sports clubs in the town, will have in the future economic development of the Athy.</p> <p><u>Chief Executive's Recommendation</u> Amend Section 6.5.4 as follows:</p> <p><b>6.5.4 Tourism Development Opportunities</b> This Plan has identified a number of projects and proposals which, if realised, over the life of the Plan and beyond have the potential to have a transformative effect in the improvement of Athy's tourist offer in the town and the</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

		<p>promotion of the town as a <i>Blueway tourism</i> <del>key visitor</del> <i>destination town</i>.</p> <p>The Plan, through its various policies, objectives and actions supports and promotes the following tourism development projects/proposals:</p> <ul style="list-style-type: none"> <li>• The development of the Barrow Blueway, subject to the appropriate environmental considerations and assessment.</li> <li>• <i>The development of new waterways amenities infrastructure including pontoons, kayak friendly jetties, triathlon/swim entry/exit points and other waterways amenities infrastructure, subject to the appropriate environmental considerations and assessment.</i></li> <li>• The rejuvenation of Athy’s public realm as part of an overall Urban Regeneration Framework (see Appendix 1)</li> <li>• The delivery of the masterplan proposals for the Dominican Square and Blueway Sports Hub / Education Centre.</li> <li>• The enhancement of the walking routes and trails in the town including Athy Slí Na Sláinte route and the creation of other dedicated Tourist Trail(s).</li> <li>• The redevelopment and expansion of Athy Heritage Centre – Shackleton Museum</li> </ul> <p>Amend objectives EDTO3.2 and EDTO3.3 as follows:  <b>EDTO3.2</b> Support and facilitate the development of Athy as <i>a Blueway destination town and an ‘activity hub’</i> 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><b>EDTO3.3</b> <del>Support</del> <i>Acknowledge the importance and potential of Athy’s waterways and its water sports clubs by supporting</i> 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>
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**Chapter 7. Movement and Transport**

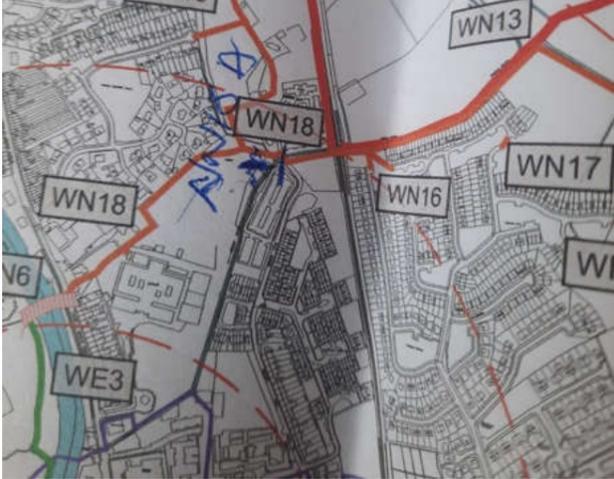
Item No.	Chief Executive’s Proposed Material Alteration	
<b>12.</b>	<b>Proposed Material Alteration No. 8</b> Amend text in objective MTO1.5, as follows:	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive’s recommendation.

	<p><b>MTO1.5</b> Support the creation of new pedestrian and cycle links across the River Barrow that enhance connectivity in the area and link residential areas, the town centre, community facilities and public spaces/amenities as proposed under the Athy Area Based Transport Assessment. <i>In particular, WN6 (as outlined in Table 7.1 and Map 1.1), which provides for a bridge over the River Barrow at Barrack Lane/Woodstock to Stanhope Street/R417, should be prioritised for delivery.</i> The final design details of all new links across the River Barrow shall be subject to the appropriate environmental assessment and public consultation.</p>	
13.	<p><b>Proposed Material Alteration No. 9</b> Insert the following new objective after objective MTO 1.8: <b>MTO1.9</b> <i>Protect, maintain and upgrade the existing pedestrian connection between St Johns Lane and Greenhills (WE6 and CL19) as identified on Map 1.1 and Map 1.2. Where redevelopment of the lands is proposed, priority shall be given in the overall design to the maintenance and upgrade of this route with maximum passive supervision, including lighting as appropriate, addressing its full length.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
14.	<p><b>Proposed Material Alteration No. 10</b> Insert the following text as a final paragraph under Section 7.8 Roads and Streets Network: <i>"The Plan will seek to safeguard the development and carrying capacity of the national road infrastructure along the existing N78 corridor. New development along this route will be required to accord with policies of the County Development Plan and official policy, which seeks to safeguard these routes from development, which would compromise the safety, integrity or capacity of these routes."</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
15.	<p><b>Proposed Material Alteration No. 11</b> Insert the following new section after Section 7.8.1: <b>7.8.2 Employment Lands to the East of the Town</b> <i>With regard to the employment lands zoned 'H: Industrial and Warehousing' to the east of the town (identified as Gallowshill in Table 6.3), it is considered that their strategic location, adjacent to the N78 (motorway link) and straddling the Athy Distributor Road, necessitates the preparation of a Strategic Transport Assessment (STA) of the subject lands to be carried out prior to their development. This assessment should demonstrate the quantum of development that can be facilitated at the location complementary to safeguarding the strategic function and safety of the national road network, in accordance with the provisions of official policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). Such an assessment will also need to identify an Access Strategy and any improvements required to the local transport network to accommodate the extent of development proposed. The STA should undertake relevant stakeholder consultation including with TII, the NTA and landowners and shall be considered in the context of any development proposals for this location.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
16.	<p><b>Proposed Material Alteration No. 12</b> Amend text of objective MTO4.1, as follows: <b>MTO4.1</b> <i>(a) Maintain and improve, as required, the local road network to ensure a high standard of road quality and safety in accordance with the requirements of the relevant legislation. (b) Safeguard the development and carrying capacity of the national road infrastructure along the existing N78 in accordance with the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012)."</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
17.	<p><b>Proposed Material Alteration No. 13</b> Amend text of objective MTO4.6, as follows: <b>MTO4.6</b> Ensure that development proposals within Athy Town Centre are subject to a <b>Traffic Transport</b> Impact Assessment (TIA), to be carried out in accordance with the Traffic and Transport Assessment Guidelines (2014). <del>The requirement for all other developments will be determined on a case-by-case basis.</del> <b>Transport Impact Assessments will also be required in the following cases:</b> <i>(a) Development on all lands zoned C: New Residential and; (b) All other lands for which significant development is proposed within the Local Area Plan boundary.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

<b>18.</b>	<p><b>Proposed Material Alteration No. 14</b>                  Insert the following new objective after objective MTO4.9 (along with any consequential amendments):  <b>MTO4.10</b> <i>To carry out a Strategic Transport Assessment (STA) and to produce an Access Strategy for lands zoned 'H: Industrial and Warehousing' situated to the east of Athy in consultation with relevant stakeholders including TII and the NTA, as well as landowners. This will identify the quantum of development that can be facilitated at the location complementary to safeguarding the strategic function and safety of the national road network, in accordance with the provisions of official policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). The STA will also identify any improvements required to the local transport network to accommodate the extent of development proposed.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
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Item No.	Proposed Motion		
<b>19.</b>	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan.</p> <p>That the proposed connectivity of New Residential Lands Links and New Link outlined in Athy Draft Development Plan objective WN8, WN9, WN11, WN13, WN14, WN15 WN16, WN17, WN18, WN19, WN20 be removed from the Plan.</p>	<p><u>Chief Executive's Response</u></p> <p>As part of the preparation of the Local Area Plan, an Area Based Transport Assessment (ABTA) was carried out. This supporting document (published alongside the Plan) has assisted in placing sustainable transport considerations to the forefront of land use planning decisions in the formulation of the Local Area Plan. The ABTA was informed by the vision statement and the eight strategic development principles outlined in Section 2.3 of the Plan.</p> <p>The ABTA examined the existing and proposed transport infrastructure and service provision across all modes of transport, including active modes (walking and cycling) in the town. The assessment provides an insight into the existing transport patterns and constraints in Athy and also identifies the interventions that are required to effectively accommodate the anticipated increase in demand due to planned population growth, ensure the optimal transportation interventions can be planned, and drive a shift towards sustainable movement.</p> <p>The outputs of the ABTA include a series of proposed options and measures to improve the transport network of the town and have informed the contents and policy objectives of the overall draft plan. These proposals also include measures designed to ensure the integration of areas designated for new residential development in the town, with particular reference to developing active and sustainable modes of travel.</p> <p>For the purposes of illustrating the value of each of the referenced proposed connectivity links, both individually and cumulatively, to the transport and movement function</p>	<p>Jane O'Reilly advised the meeting that connectivity links are an important mechanism for encouraging the modal shift in terms of making it possible and feasible for people to choose to walk or cycle for short local journeys, like going to school or to the shop. Such actions reduce traffic and congestion and allow to town to functions and move better. Jane O'Reilly further highlighted that Government policy, from the Climate Action Plan, the National Planning Framework, the Regional Spatial and Economic Strategy, the Kildare Climate Adaptation Strategy and County Development Plan all acknowledge the efforts we need to make to address climate change. Providing connecting links is one such measure. Careful research has gone into the preparation of the Area Based Transport Assessment for the LAP to develop this network of connectivity links to make getting around easier and quicker, in a more environmentally sustainable manner. It was recommended that the local connectivity links were retained in the LAP.</p> <p>Amy Granville added that specific design consideration of each of these be addressed through the Part 8 or relevant planning consent process.</p> <p>Jonathan Hennessy further advised the meeting of the importance of these local connectivity links also and indicated that matters in relation to detailed design, lighting, litter management, concerns about anti-social behaviour etc. could all be dealt with at the planning application/Part 8 stage.</p> <p>Amy Granville invited the members to consider the response of the CE for each of the connections/links individually.</p> <p><b>Resolved:</b> By roll call vote the Members resolved to adopt the motion and reject the Chief Executives Recommendation</p>

19.a	WN8	<p>of the town, each will be addressed individually, where appropriate;</p> <p><b>WN8</b> works in tandem with WN9 and WN10 to create pedestrian access to the new Athy Distributor Road. This in turn gives a high quality link either east or west and up to the train station and town centre. The benefits of this link are that residents south of WN8 do not have to travel east to the R417 in order to travel north.</p>	
19.b	WN9	<p><b>WN9</b> is a dedicated pedestrian/cyclist link which provides access from the new residential lands west to the R417. This objective deals with an active travel link only and does not propose to assume the vehicular access to the new residential lands.</p>	
19.c	WN11	<p><b>WN11</b> provides a pedestrian/cyclist link from the Mansfield Grove estate to the new Athy Distributor Road. This provides benefits to the residents of this estate as they will be able to utilise the high quality pedestrian and cyclist facilities of the Athy Distributor road to access other high quality pedestrian and cyclist infrastructure planned for Athy such as the Barrow Blueway and new cycling links into the town centre. Should such a link not be implemented, residents in Mansfield Grove would need to take an almost 2km diversion along the N78 and new Athy Distributor Road to get to the same point.</p>	
19.d	WN13 - WN20	<p><b>WN13 to WN20</b> form part of a network of connectivity links which should not be viewed in isolation but rather as a connected active travel route. The smaller links such as <b>WN15, WN16 and WN17</b> feed directly into residential areas and onto larger connectivity links such as <b>WN13, WN14, WN18. WN19 and WN20</b>. These longer links connect to key trip attractors, most notably the primary and secondary schools in Athy. These also lead to the new pedestrian/cyclist bridge <b>WN6</b>. This would provide residential areas in the north east of the town with a significantly enhanced safe and reliable walking and cycling network. This is seen as vital to promoting active travel in Athy and reducing the harmful carbon footprint of excessive vehicular journeys.</p> <p>The benefits of <b>WN13 to WN20</b> are clearly seen from the catchment analysis which shows an increase in residential dwellings within the 1km walking catchment for primary and secondary schools (please refer to Figures 3 and 4).</p>	

		<p>In order for this network to work, it is essential that smaller links such as <b>WN15, WN16 and WN17</b> are retained as part of the plan as the benefits of the larger links are greatly reduced if there are no links from residential areas to them.</p> <p><u>Chief Executive's Recommendation</u> No change recommended.</p>	
20.	<p><u>Motion:</u> Cllrs Aoife Breslin, Mark Leigh</p> <p>To replace WN18 with WN18a.</p> 	<p><u>Chief Executive's Response</u></p> <p>Although this alternative route would provide some of the benefits of the proposed connectivity link <b>WN18</b>, there are very significant drawbacks to reducing the length of this link (as proposed by <b>WN18A</b>).</p> <p><b>WN18</b> provides a vital link between housing estates to the north-east of the town to schools in Athy (both directly, in the case of Ardscoil Na Trinoide and via <b>WN19</b> for the schools campus to the north). The benefit of <b>WN18</b> is clearly identified in the schools catchment maps, please refer to Figures 3 and 4.</p> <p>In addition, the full <b>WN18</b> link provides access for the north east of the town's residents to sports amenities to the north west (see Figure 5). Encouraging accessibility to these amenities and physical exercise is considered a valuable benefit of <b>WN18</b>.</p> <p><u>Chief Executive's Recommendation</u> No change recommended.</p>	<p><b>Resolved:</b> The Members resolved to adopt the motion and reject the Chief Executive's Recommendation.</p> <p>The Members were informed that this resolution would require a material alteration and the Members agreed.</p>

### Chapter 8. Built Heritage and Archaeology

Item No.	Chief Executive's Proposed Material Alteration	
21.	<p><b>Proposed Material Alteration No. 15</b></p> <p>Insert the following new objective after BH1.8:</p> <p><b>BH1.9</b> <i>Explore the feasibility of restoring the dry dock in Athy, in consultation with Waterways Ireland.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
22.	<p><b>Proposed Material Alteration No. 16 (a and b)</b></p> <p>(a) Include a new View/Prospect in Figure 8.1 and Table 8.2, along with consequential amendments to the Athy Architectural Character Areas Statement of Character, as follows:</p> <p><i>View H: View towards Horse Bridge and River Barrow Sluice Gate</i></p> <p>(b) Include a new View/Prospect in Figure 8.1 and Table 8.2, along with consequential amendments to the Athy Architectural Character Areas Statement of Character, as follows:</p> <p><i>View I: View from the Canal lock at William Street down the Canal Side towards the Dominican Lands.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
23.	<p><b>Proposed Material Alteration No. 17</b></p> <p>Amend text of objective BH2.5, as follows:</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

<b>BH2.5</b>	Review all applications for demolition, modifications or extensions to existing buildings with regard to <del>its</del> <i>their</i> relative importance to the appreciation of the character of the ACA as identified in the <del>Building</del> <i>Inventory of the</i> Statement of Character.	
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### Chapter 9. Natural Heritage, Green Infrastructure and Strategic Open Space

Item No.	Chief Executive's Proposed Material Alteration	
24.	<p><b>Proposed Material Alteration No. 18</b> Insert the following objective following objective NH1.6:</p> <p><b>NH1.7</b> <i>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).</i></p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.
25.	<p><b>Proposed Material Alteration No. 19</b> Amend text of objective GI.1.7, as follows:</p> <p><b>GI1.7</b> Maintain a biodiversity protection zone of 60 metres from the top bank of the River Barrow (<i>including all areas covered by the River Barrow and River Nore SAC</i>), 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.</p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.
26.	<p><b>Proposed Material Alteration No. 20</b> Amend the text of objective GI1.10, as follows:</p> <p><b>GI1.10</b> Promote appropriate tree planting <i>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.</i> <del>within the public realm with a particular focus on strategic open spaces as well as along transport networks.</del></p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.

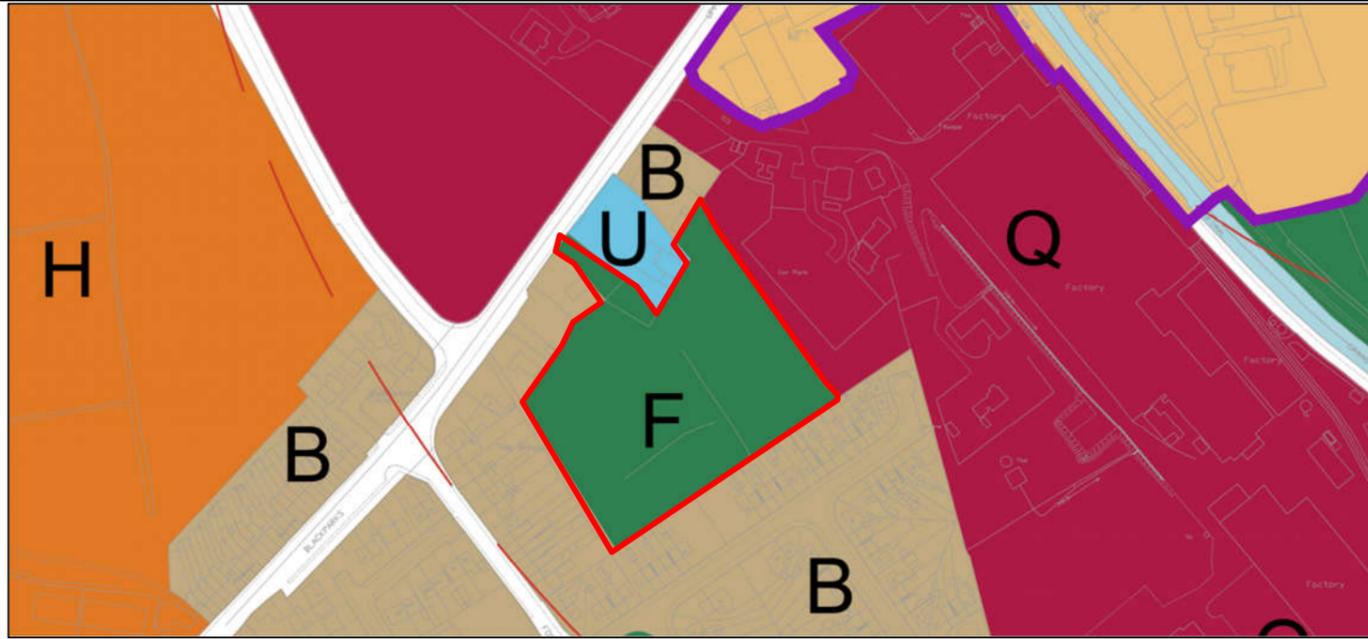
### Chapter 10. Infrastructure and Environmental Services

Item No.	Chief Executive's Proposed Material Alteration	
27.	<p><b>Proposed Material Alteration No. 21</b> Replace the first paragraph of Section 10.1.1 with the following text:</p> <p><i>Census 2016 records that 92.5% of all households in the settlement of Athy are connected to the public mains network. The average water demand in the town is 3 million litres per day, as of Summer 2020. Since 2013, Athy has been served by the Srowland Water Treatment Plant, located to the north of the town.</i></p> <p><i>While Athy is supplied from Srowland WTP, it also forms part of the overall Greater Dublin Area Water Resource Zone. Supply in this Water Resource Zone is constrained therefore new connections will be prioritised for housing and domestic sanitation purposes. Connections for Non-Domestic supplies will be accommodated on a first come first served basis. To protect current supplies, applicants for non-domestic demand may be asked to review their demand requirements. IW are developing the National Water Resource Plan which will identify solutions to improve supply over the life of this plan.</i></p>	<b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.

<p><b>28.</b></p>	<p><b>Proposed Material Alteration No. 22</b>                  Replace the second paragraph of Section 10.1.2 with the following text:  <i>Following some recent modelling of the sewer network, some issues are appearing in a few areas that will require new systems to be implemented with the growth of the catchment. Where there are constraints, applications for developments would be on a first come, first served basis. If no project is associated with a constrained area, then any infrastructure improvements or upgrades will be developer led. Irish Water can work with developers to form the best solution for a particular site. This would be through the Connections and Developer Services section of Irish Water's website:  <a href="https://www.water.ie/connections/developer-services/">https://www.water.ie/connections/developer-services/</a>                  There should be sufficient headroom at Athy wastewater treatment plant to provide for the majority of the projected domestic population. However, as above, this will be on a first come, first served basis."</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
<p><b>29.</b></p>	<p><b>Proposed Material Alteration No. 23</b>                  Insert the following new objective after objective IO2.3 and renumber subsequent objectives accordingly:  <i>IO2.4 Ensure that the capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
<p><b>30.</b></p>	<p><b>Proposed Material Alteration No. 24</b>                  Insert the following new section after Section 10.3.1  <i>Section 10.3.2 Site Specific Flood Risk Assessment                  All development proposals taking place in areas that KCC have applied a Justification Test, where a residual flood risk remains, should be supported by an appropriately detailed SSFRA. The level of detail within the FRA will depend on the risks identified and the land use proposed. Applications should apply the use of the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal must demonstrate that appropriate mitigation and management measures are put in place. The development should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site. For any development in flood risk areas that meet the Development Plan Justification Test, a Development Management Justification Test must then be applied. Development must satisfy all of the criteria of the Development Management Justification Test as per <b>Box 5-1 of the Flood Risk Management Guidelines</b>. This chapter provides a broad overview of the requirements of FRAs which should accompany planning applications.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
<p><b>31.</b></p>	<p><b>Proposed Material Alteration No. 25</b>                  Amend the following objective:  <b>IO3.2</b> Ensure development proposals within the areas <i>where KCC have applied a Justification Test and where residual flood risk remains</i> as outlined on the Flood Risk Map (<i>Map Ref. 2</i>) are the subject of a Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development proposed.</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
<p><b>32.</b></p>	<p><b>Proposed Material Alteration No. 26</b>                  Insert the following new objective after objective IO3.4:  <i>IO3.5 Ensure that all development proposals apply the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal shall demonstrate that appropriate mitigation and management measures are put in place. The development proposals should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site.</i></p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

**Chapter 11. Implementation**

Item No.	Chief Executive's Proposed Material Alteration	
33.	<p><b>Proposed Material Alteration No. 27</b>                      Insert new Map Ref. 2a which illustrates Flood Risk Zones and SSFRA overlaid on the LAP Land Use Zoning Map (Map Ref. 6 Land Use Zoning Map)</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
34.	<p><b>Proposed Material Alteration No. 28</b>                      Remove the woodland/scrub designation from the triangular wooded area (as outlined in red on map below) on <b>Map Ref. 4 Green Infrastructure Map.</b></p> 	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
35.	<p><b>Proposed Material Alteration No. 29</b>                      Amend <b>Map Ref. 6 Land Use Zoning Map</b> to designate Etex lands 'H: Industry and Warehousing'. Proposed Material Alteration to include any consequential amendments to the Plan (refer to Map 1 at end of this report).</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>
36.	<p><b>Proposed Material Alteration No. 30</b>                      Amend <b>Map Ref. 6 Land Use Zoning Map</b> to include lands (as outlined in red on map below) to the west of the Etex Ireland campus as H – Industry and Warehousing. Proposed Material Alteration to include any consequential amendments to the Plan.</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>



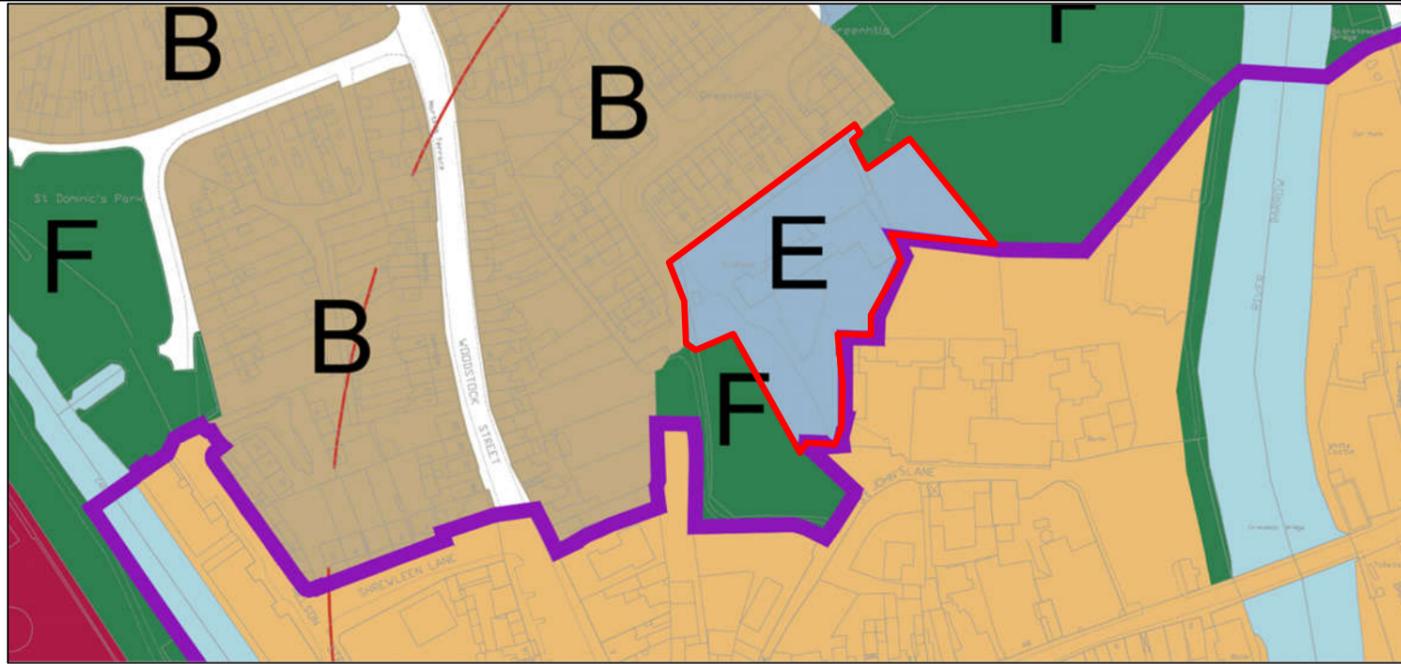
Insert new specific development objective a) and b) in Table 11.3, as follows:

*H lands – Athy West (Bennetsbridge Road)*

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

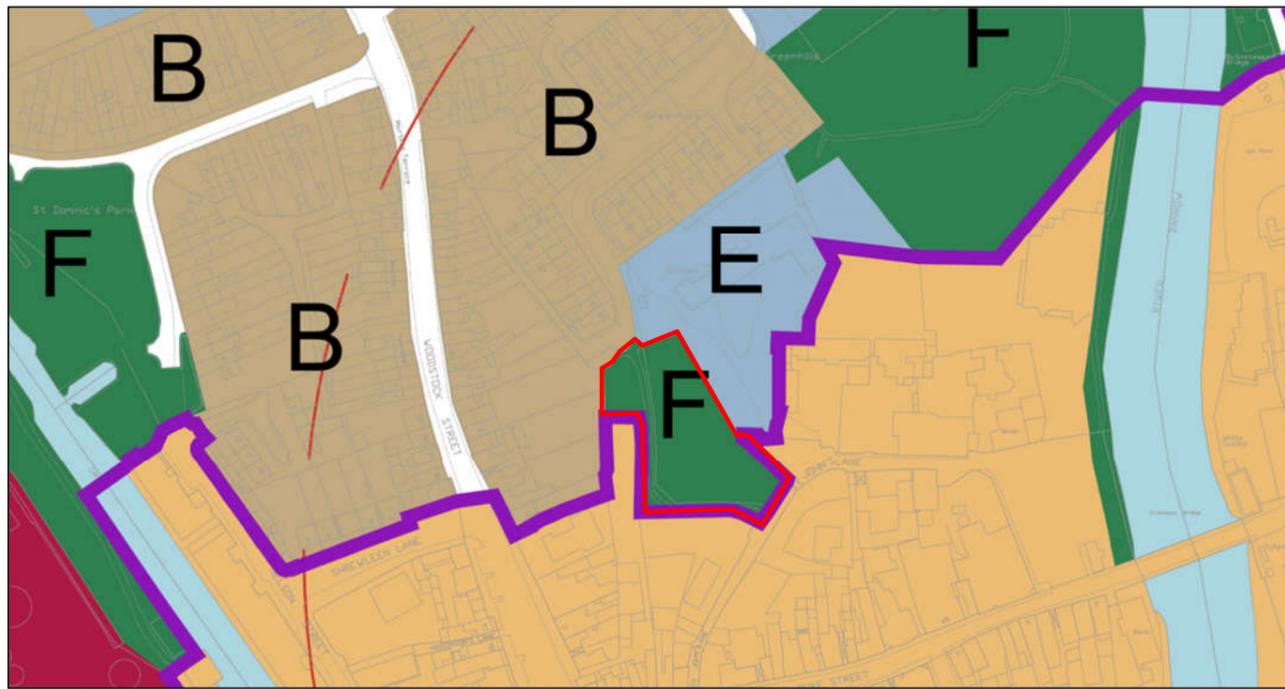
**37. Proposed Material Alteration No. 31**  
 Amend the zoning designation on **Map Ref. 6 Land Use Zoning Map** for the site occupied by the former St. Patrick's National School (as outlined in red on the map below) on St. John's Lane from 'E: Community and Educational' to 'A: Town Centre'.

**Resolved:** That all members present were in agreement to accept the Chief Executive's recommendation.



**38. Proposed Material Alteration No. 32**  
 Amend the zoning designation on **Map Ref. 6 Land Use Zoning Map** for the lands (as outlined in red on the map below) from 'F: Open Space and Amenity' to 'A: Town Centre'. Proposed Material Alteration to include any consequential amendments to the Plan.

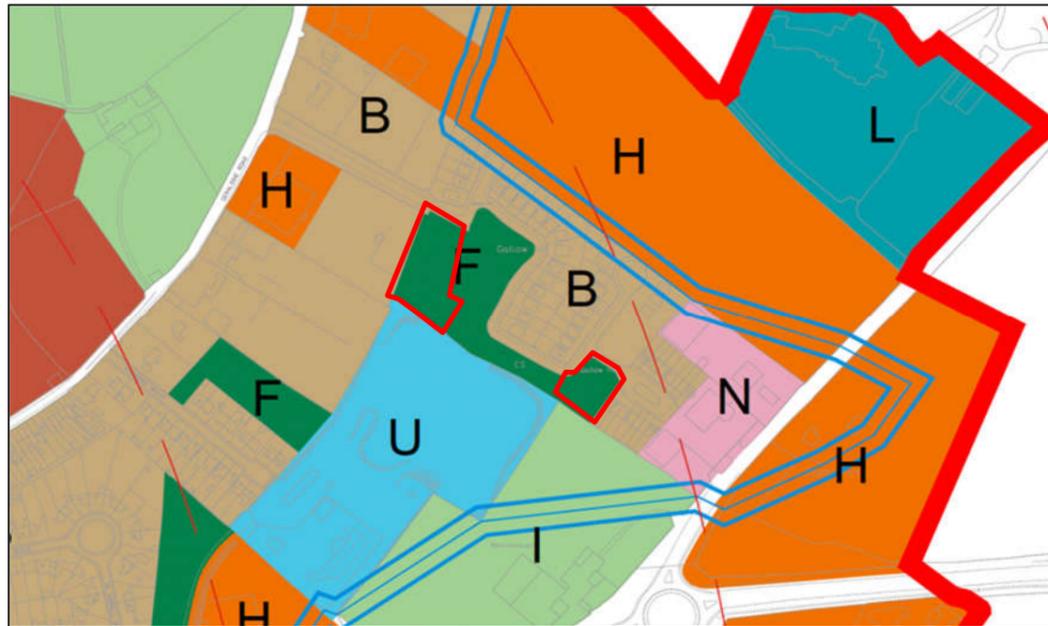
**Resolved:** That all members present were in agreement to accept the Chief Executive's recommendation.



**39. Proposed Material Alteration No. 33**

**Resolved:** That all members present were in agreement to accept the Chief Executive's recommendation.

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



Item No.	Proposed Motion	Chief Executive's Response	Resolved:
40.	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>Athy GAA purchased land in 2018 for the redevelopment of a second pitch and a training pitch. Planning for this development was given by KCC Ref. 18/184. On the draft LAP this area is outlined residential, this should be changed to sports and recreational.</p>	<p><u>Chief Executive's Response</u></p> <p>The GAA are now identified as legal owners of the lands which are the subject of this motion which are currently being developed as per KCC permission Ref. 18/184 (on behalf of Athy G.F.C for the development of new sports playing pitches, 1no. 90m long x 13m high ball stop, 1no. 30m long x 13m high ball stop net, 8no. 21m high floodlights with all associated site works). Having regard to the established ownership, extant permission and the location of the lands, adjoining a significant quantum of lands zoned F: Open Space and Amenity at Showgrounds, it is considered appropriate that the zoning on the lands be amended to 'F: Open Space and Amenity' to fully reflect the existing and predominant land use for same.</p> <p>For the purposes of a logical approach to land use zoning and to reflect fully the existing land-uses in this area, the small portion of lands (0.2 ha) located between the existing sports facilities and that which is the subject of the motion shall also be included within the F: Open Space and Amenity lands zoning (Folio KE1140).</p>	<p><b>Resolved:</b> That all members present were in agreement to accept the Chief Executive's recommendation.</p>

	<p><u>Chief Executive's Recommendation</u> Amend Map Ref. 6: Land Use Zoning Map by amending the land use zoning objective on the extent of lands KCC Plan Ref. 18/184 from 'B: Existing Infill/Residential' to 'F: Open Space and Amenity'. This amendment shall also include the lands included in folio KE1140.</p>	
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<p><b>41.</b></p>	<p><b>Motion:</b> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That the area identified by Submission 43 be retained existing zoning residential.</p>	<p><u>Chief Executive’s Response</u></p> <p>The lands which are the subject of Submission No. 43 (CE Report 19<sup>th</sup> March 2021) are located outside of the Draft Local Area Plan boundary and at an extreme remove from the town centre of Athy.</p> <p>The draft LAP boundary is based on the principles of compact growth and sequential development and, insofar as is practical, follows the defined CSO settlement boundary of the town. In preparing a development strategy for Athy, the Council was obliged to comply with the policy objectives outlined in the National Planning Framework (2018) and the Regional Spatial and Economic Strategy (RSES) 2019 – 2031 for the Eastern and Midland Region. In this regard, the Plan was required (under National Planning Objective (NPO) 7) to apply a tailored approach to urban development with a particular focus on encouraging population growth in strong employment and services centres, reversing the decline of smaller centres, addressing the legacy of rapid unplanned growth, and supporting a continuation of balanced population and employment growth.</p> <p>The subject lands are not required to meet the requirements of the CDP Core Strategy in accordance with the requirements of the NPF and RSES as sufficient lands have been identified for development which are considered more appropriate having regard to policy context, sequential approach, physical suitability and supporting infrastructure.</p> <p><u>Chief Executive’s Recommendation</u></p> <p>No change recommended.</p>	<p>Ms Granville reiterated the recommendation of the CE to the meeting that the lands which are the subject of Submission No. 43 (CE Report 19<sup>th</sup> March 2021) are located outside of the Draft Local Area Plan boundary and at an remove from the town centre of Athy and key essential services.</p> <p>The members were advised that the draft LAP boundary was identified having regard to the principles of compact growth and sequential development and, insofar as is practical, follows the defined CSO settlement boundary of the town. In preparing a development strategy for Athy, the Council was obliged to comply with the policy objectives outlined in the National Planning Framework (2018) and the Regional Spatial and Economic Strategy (RSES) 2019 – 2031 for the Eastern and Midland Region. In this regard, Ms Granville advised the meeting that the Plan was required (under National Planning Objective (NPO) 7) to apply a tailored approach to urban development with a particular focus on encouraging population growth in strong employment and services centres, reversing the decline of smaller centres, addressing the legacy of rapid unplanned growth, and supporting a continuation of balanced population and employment growth.</p> <p>Ms Granville emphasised that additional lands were not required to meet core strategy obligations, and any additional residential lands would be in excess of Athys allocation and would contravene the Kildare CDP.</p> <p>On the proposal of Cllr. Dooley and seconded by Cllr. Behan, it was agreed by the Members to suspend standing orders for 5 mins.</p> <p>The meeting resumed and the Members agreed to come back to Item 41 at the end of the meeting.</p> <p>Ms Granville advised the members that a proposal such at that set out in this motion would require full a) Strategic Environmental Assessment and b) Appropriate Assessment.</p> <p><b>Resolved:</b> The Members resolved to adopt the motion and reject the Chief Executive’s Recommendation.</p>
<p><b>42.</b></p>	<p><b>Motion:</b> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That the area identified in Submission 55 be changed to retail/commercial, as it stands its zoned industrial warehousing. This site has been identified for a possible retail development that would bring employment to the town both in development and retail employment. At the moment the town has retail leakage to the counties of Carlow and Laois in the region of 40%.</p>	<p><u>Chief Executive’s Response</u></p> <p>* <b>Note:</b> this land use zoning does not form part of the Draft Athy Local Area Plan 2021 – 2027.</p> <p>Whilst, it is acknowledged that there are constraints present in the town relating to the suitability of sites for such retail development, the Urban Regeneration Framework (Appendix 1 to the draft Plan) specifically identifies an ‘opportunity site’ to the rear of Leinster Street which has the potential to accommodate both ‘an anchor retail tenant’ and associated ‘car parking’. It is considered that the development of this strategically located 1.45-</p>	<p>The Members discussed the motion and were advised by David Jordan, Amy Granville and Eoghan Ryan who reiterated the response of the Chief Executive in relation to the viability of the town centre and of the consequences of not accepting the Chief Executive’s recommendation with respect to this motion. The Members were advised that the motion contravenes the proper planning and sustainable development of the area, as provided for in the National Planning Framework, the Regional Spatial and Economic Strategy and Section 28 Guidelines pertaining to Retail Planning as it relates to protecting the vitality and vibrancy of town centres. The Members were further advised that the proposal was undermining the Urban Regeneration Framework, under Appendix 1 of the Draft LAP and a number of the objectives in the LAP.</p>

		<p>hectare town centre-zoned site will complement the existing core retail area and make a major contribution to the overall regeneration of town centre lands to the east of the River Barrow. It should be noted that Figure 3.15 (Appendix 1) provides an 'indicative design framework' with the layout of any proposed development on the site to be the subject of further consultation with the Council.</p> <p>In preparing the draft Athy Local Area Plan, particular cognisance was placed on policy objectives outlined in the National Planning Framework (2018) and the Regional Spatial and Economic Strategy (RSES) 2019 – 2031 for the Eastern and Midland Region. In this regard, the plan was required (under National Planning Objectives 6 and 7) to apply a tailored approach to urban development with a particular focus on urban and town centre regeneration. Given the sustained weaknesses and underperformance of Athy Town Centre over the last decade or more, it is no exaggeration to state that the future viability of the town centre as a Key Service Centre for south Kildare is at stake. This contention is supported by analysis undertaken in preparing the Urban Regeneration Framework which found a worryingly high town centre retail vacancy rate of 24.1% (see Appendix 1 of the draft Plan).</p> <p>It is therefore critical that the plan does not make provisions which would act to further undermine the already fragile state of the existing town centre and to reinforce this, the draft Plan seeks to '<i>prioritise the commercial core as the primary retail area of the town</i>' (draft Athy Local Area Plan, page 39). Whilst the draft Plan contains provisions to support and facilitate the development of convenience retail services, the development of such services must be carried out within the framework of the development strategy set out for the town, which provides for the protection of the designated Athy Core Retail Area.</p> <p><u>Chief Executive's Recommendation</u> No change recommended.</p>	<p>On the proposal of Cllr. Leigh, seconded by Cllr. Behan and agreed by the members, standing orders were suspended for 10 minutes.</p> <p>On the proposal of Cllr. Dooley, seconded Cllr. Kealey and agreed by the Members, the meeting resumed.</p> <p>The Members voted in favor of the motion and to reject the Chief Executive's response.</p> <p>Amy Granville advised that in order to protect, insofar as is practical following the adoption of the foregoing, that the following objective be inserted into the LAP;</p> <p><b>Specific Objective</b> Any proposal on the land zoned 'R' shall be subject to a Retail Impact Assessment, which shall be prepared in accordance with the Retail Planning Guidelines, pursuant to Section 28 of the Planning and Development Act 2000 (as amended). This shall include, but not be limited to, demonstrating compliance with the County Development Plan and that there will be no material and unacceptable adverse impact on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites is exhausted.</p> <p>The Members agreed that the objective be included as a Proposed Material Alteration.</p>
<p>43.</p>	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That the lands identified in Submission 42, 50 and 54 be maintained for residential purposes for all of the</p>	<p><u>Chief Executive's Response</u> Under the Core Strategy of the County Development Plan (CDP) Athy has been allocated 4.8% of Kildare's overall housing growth. Applying this figure to the Draft Athy Local Area Plan translates into a requirement for 771 additional units to be built over the life of the Plan to 2027. Using a unit occupancy rate of 2.8 persons per household, as</p>	<p>The Members were informed that lands identified in Submission 40 can not be substituted as these lands were not zoned for residential purposes in the Draft LAP or proposed to be zoned in any Proposed Material Alteration.</p> <p>Amy Granville advised the meeting that the development strategy set out in the Draft LAP (as amended by the Proposed Material Alterations set out in the CE Report dated 19<sup>th</sup> of March 2021) were subject to compliance with the</p>

	<p>reasons reported in the original submissions as this land would be of little or no agricultural benefit.</p> <p>The members have looked at maintaining 50% of this as zoned residential and the remainder open space/ sports and recreational. In order to do this we would be de-zoning 2 hectares of ground on the Kildare Road Submission 40, which would still leave a substantial area of this land still zoned.</p>	<p>provided for in the County Development Plan (as varied), results in an increase of 2,160 persons in Athy by the end of the Local Area Plan period. This Plan retains areas of land with extant planning permissions for residential development (261 units) previously zoned for new residential purposes under the Athy Town Development Plan 2012- 2018. Circa 10% (58) of the remaining units have been allocated to town centre lands (see Section 3.3.2 of the draft LAP). The balance of 452 units required will be provided on approximately 15.6 hectares of additional New Residential zoned lands from an overall residential unit target of 771 units to 2027 (see table 3.3 and 3.4 below).</p> <p>The draft LAP boundary and lands identified for new residential development are based on the principles of compact growth and sequential development and, insofar as is practical, follows the defined CSO settlement boundary of the town. In preparing a development strategy for Athy, the Council was obliged to comply with the policy objectives outlined in the National Planning Framework (2018) and the Regional Spatial and Economic Strategy (RSES) 2019 – 2031 for the Eastern and Midland Region. In this regard, the plan was required (under National Planning Objective (NPO) 7) to apply a tailored approach to urban development with a particular focus on encouraging population growth in strong employment and services centres, reversing the decline of smaller centres, addressing the legacy of rapid unplanned growth, and supporting a continuation of balanced population and employment growth.</p> <p>The subject lands are not required to meet the requirements of the CDP Core Strategy in accordance with the requirements of the NPF and RSES as sufficient lands have been identified for development which are considered more appropriate having regard to policy context, sequential approach, physical suitability and supporting infrastructure.</p> <p>The proposal, in this motion, to zone 50% of the lands open space/sports and recreational is considered appropriate given the location of the lands immediately adjacent to the proposed sports facility/complex/lands at Andrew (north).</p> <p>It should be noted however that the lands which are the subject of Submission No. 40 (refer to CE Report 19<sup>th</sup> of March 2021 for details) as referenced in this motion, are not zoned “New Residential” in the Draft Athy Local Area</p>	<p>requirements of the NPF, RSES and most importantly the Core Strategy of the Kildare County Development Plan 2017-2023 (as varied). In this regard, Ms Granville advised the members that the housing allocation for Athy had been accommodated on lands within the town which were more appropriately located in terms of access to key physical and social infrastructure and sequentially more suitable.</p> <p>Ms Granville further advised the Members that the Office of the Planning Regulator (OPR) has an oversight role in relation to the preparation and making of Plans. The OPR may consider recommending to the Minister to issue a Direction if the adopted plan contains policies or objectives, including the zoning of land, which run contrary to NPF, RSES and Section 28 Guidelines.</p> <p>On the proposal of Cllr. Keatley, seconded by Cllr. Leigh and agreed by the Members, standing order were suspended for 10 minutes.</p> <p>On the proposal of Cllr. Behan, seconded by Cllr. Keatley and agreed by the Members, the meeting resumed.</p> <p>The Members proposed removing the following from the motion; In order to do this we would be de-zoning 2 hectares of ground on the Kildare Road Submission 40, which would still leave a substantial area of this land zoned’.</p> <p>On the proposal of Cllr. Dooley, seconded by Cllr. Behan with Cllr. Keatley abstaining, the members agreed to amend the motion as proposed.</p> <p><b>Resolved:</b> The Members resolved to adopt the revised motion and reject the Chief Executives’s recommendation.</p> <p>Amy Granville advised the Members that this resolution would require a proposed material alteration to the LAP and will be advertised accordingly. The Members agreed.</p>
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<p>44.</p>	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>That the land identified in Submission 24 and 50 be authorised as possible lands for serviced sites. With the ongoing refusal of permissions for once off rural housing this area could be identified to alleviate some of the pressure that families are coming under in order to build their own homes.</p> <p>CSO1.2 To provide for serviced sites with appropriate infrastructure in accordance with Objective 18 (b) of the National Framework circa 2.8 hectares of land to be identified in this LAP for such a proposal.</p>	<p><u>Chief Executive’s Response</u> The overall intention of NPO 18 (b) of the National Planning Framework to “develop a programme for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages” is noted and acknowledged. Athy is designated as a Self-sustaining Growth Town in the Settlement Strategy of the Kildare CDP (as varied) which reflects the unique function the town performs in south Kildare and to encourage further economic growth in tandem with new housing development and social infrastructure. The purpose of NPO 18(b) is to sustain the viability of the smaller towns and villages across rural Ireland. To this end, a ‘Small Towns and Villages Strategy for County Kildare’ is currently being prepared to inform the next CDP and will directly address the provision of serviced sites and/or sustainable alternatives to rural housing.</p> <p>It should also be noted that central to the NPF is the strategic objective for compact growth. Athy’s legacy of over zoning lands for residential purposes, has often tended to be at the outer edges and outside of the built-up area, contributing to the potential for further urban sprawl. The land which is the subject of submissions 24 and 50 (refer to CE Report 19<sup>th</sup> March 2021) is considered to be remote from the town centre and at a remove from the development envelope of the town. Accordingly, its development for residential purposes would be inconsistent with the principles set out in the NPF/RSES and represent a continuation of the pattern of development which the draft Plan is seeking to address. In this regard, it is imperative that such development is not allowed predetermine the</p>	<p>The Members discussed the motion as stated.</p> <p>Amy Granville advised that the motion is not the spirit of NPO18 (b) as this objective refers to small towns and village only, whereas Athy is a Self-Sustaining Growth Town in accordance with the Kildare County Development Plan 2017-2023 (as varied). It was noted that the area of land to which Submission 24 (&amp; 50) refers is approx. 1.6ha and not 2.8ha as stated in the motion.</p> <p>Mairead Hunt reminded the Members of their obligations in considering the proper planning and sustainable development of the area to which the development plan/local area 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 and that the Elected Members, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the ‘Code of Conduct for Councillors’ (July 2019) prepared under the Local Government Act 2001 (as amended), carry out their duties in a transparent manner, must follow due process and must make their decisions based on relevant considerations.</p> <p>Annette Aspell advised the Members that the plan had to be realistic and to heed the advice given by the Chief Executive.</p> <p>On the proposal of Cllr. Keatley, seconded by Cllr. Behan and agreed by the Members, standing orders were suspended.</p> <p>On the proposal of Cllr. Keatley, seconded by Cllr. Behan, the meeting resumed.</p> <p>Cllr. Keatley proposed that in light of the advice from the officials that the motion be amended to lands at C zoning. Cllr. Behan seconded the proposed amendment.</p> <p>The Members voted with 3 against the proposed amendment (Cllr. Breslin, Cllr. Dooley &amp; Cllr. Leigh) and 2 in favour of the proposed amendment (Cllr. Keatley &amp; Cllr. Behan) The amended motion was rejected.</p>

		<p>future growth of the town by establishing an accepted precedent of such a residential zoning within inappropriate locations.</p> <p><u>Chief Executive's Recommendation</u> No change recommended.</p>	<p>In reverting to the consideration of the motion as stated, the Members voted with 3 for the motion (Cllr. Breslin, Cllr. Dooley &amp; Cllr. Leigh) and 2 abstained (Cllr. Keatley &amp; Cllr. Behan). The motion was carried.</p> <p><b>Resolved:</b> With 2 abstentions (Cllr. Keatley &amp; Cllr. Behan) to adopt the motion and reject the Chief Executive's recommendation.</p> <p>Amy Granville advised the Members that this resolution would require a proposed material alteration to the LAP and will be advertised accordingly. The Members agreed.</p>
<p>45.</p>	<p><u>Motion:</u> Cllr. Aoife Breslin, Cllr. Brian Dooley, Cllr. Ivan Keatley, Cllr. Mark Leigh and Cllr. Veralouise Behan</p> <p>To amend Table 11.5 of the Draft Athy LAP category H from N (Not Permitted) to O (Open for Consideration) for Nursing Homes uses specifically on lands located to south/east of the R418 (formerly) identified as H3 in the Athy Development Plan 2012-2018 at Dublin Rd/ Gallowshill. This area is in close proximity to the Primary care centre and the Hotel, plus it will offer employment opportunities.</p>	<p><u>Chief Executive's Response</u></p> <p>The lands identified for industry and/or economic development in the context of the LAP have been selected based on the key principle underpinning this draft Plan being the pursuit of sustainable economic development opportunities to provide for an increase in the number of jobs based in the town. For Athy to fulfil its designated role in the economic hierarchy of the county and become a more self-sustaining settlement, the town must aim to increase its jobs ratio over the longer term. Key to the delivery of the Economic Development Strategy for Athy is the pursuit of an asset-based approach to development,</p>	<p><u>Resolved:</u> The Members voted to adopt the Motion and to reject the Chief Executive's recommendation.</p> <p>Amy Granville advised the Members that this resolution would require a proposed material alteration to the LAP and will be advertised accordingly. The Members agreed.</p>

where the town's social, economic, and natural/built heritage capital are viewed as existing environmental resources. These assets, if fully utilised and subject to targeted investment, can sustainably support an increased level of residential population and employment activity, whilst also providing an enhanced level of social infrastructure, amenity, and design quality.

It should be noted that under Table 11.5 nursing homes are 'Open for Consideration' and 'Permitted in Principle' on lands zoned 'E: Community and Educational', 'B: Existing Residential/Infill,' 'C: New Residential' and 'A: Town Centre,' subject to relevant development management standards.

Furthermore, OP 3 of the Kildare County Development Plan 2017-2023 (as varied) sets out that it is the policy of the Council to provide for a mixed urban/rural setting for nursing homes in the county and to site residential care facilities for the elderly in accordance with the following:

- (i) Facilities should be located close to community and social facilities required by occupants (e.g. shops, post office, community centres, etc) thereby ensuring that older people can remain part of existing communities.
- (ii) Facilities should be easily accessible for residents, employees, visitors and service providers. Such facilities will generally be acceptable in villages and rural settlements to cater for local demand. A mobility strategy shall be provided detailing connections to town and village centres for residents, employees and visitors.
- (iii) Facilities should be located within an environment that is suitable for their stated purpose, integrating within the wider community while providing a safe environment for residents.
- (iv) Facilities should be located in an area which can benefit from the creation of strong links between the care for the elderly facilities and the local community including activities linked to other community groups.

In this regard, notwithstanding, the subject lands proximity to the Primary Care Centre, it is considered that there is sufficient capacity within these lands at locations which are more appropriately located in close proximity to **all** social infrastructure services in accordance with policy requirements of the Kildare County Development Plan.

		<p><u>Chief Executive's Recommendation</u> No change recommended.</p>	
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At the request of Amy Granville, to seek legal advice regarding a decision made by the Members at the meeting. It was proposed by Cllr. Dooley, seconded by Cllr. Behan and agreed by the Members to adjourn the meeting to 1.45 pm on Monday 26<sup>th</sup> April 2021.

The meeting was adjourned at 6.10 p.m.

**The meeting reconvened at 1.45pm on Monday 26<sup>th</sup> April, 2021**

**Members Present:** Councillor A Breslin (Cathaoirleach), Councillors V Behan, B Dooley and M Leigh

**Officials Present:** Eoghan Ryan, Director of Services, Annette Aspell (District Manager), Mairead Hunt, Snr Executive Officer, Amy Granville, A/Senior Planner, Mary McCarthy, Administrative Officer, Jane O'Reilly, A/Snr Executive Planner, David Jordan, Executive Planner, Anne Louw, Snr Staff Officer, Robert Brierton Assistant Planner, Robert Farrell Assistant Planner

It was proposed by Cllr. Dooley, seconded by Cllr. Behan and agreed by the Members to suspended standing orders for 5 minutes.  
It was agreed by the Members to commence the meeting.

Amy Granville advised the members that following a decision taken at the meeting on Friday 23<sup>rd</sup> of April and her subsequent request to seek legal advice with respect to same, Ms Granville advised the Members as follows:

The Members are aware of the discussions regarding Item No. 41 in the Meeting Report and that the decision taken at the meeting on Friday 23<sup>rd</sup> of April 2021 was against the advice of the Executive (Officials) at the meeting and the Chief Executive in the Meeting report dated 20<sup>th</sup> of April 2021 with respect to Item No. 41 of the Meeting Report. The Members were advised that the proposal set out in the motion;

- I. Materially contravenes the Core Strategy of the Kildare County Development Plan 2017-2023 (as varied)
- II. Materially contravenes the Core Strategy of the Draft Athy Local Area Plan 2021-2027
- III. Does not adhere to the principles of sequential development as set out in relevant government policy including Ministerial Guidelines issued under Section 28 of the P & D Acts
- IV. Breaches the National Planning Framework
- V. Breaches the Regional Spatial & Economic Strategy
- VI. Creates an expectation which ultimately may not be fulfilled because either
  - a. The Plan may be the subject of a Ministerial Direction pursuant to Section 31 of the P & D Acts
  - or
  - b. Be the subject of a successful court challenge

The advice of the Councils legal team reinforces the above & further advises that the Elected Members decision is not in accordance with their statutory obligations.

Ms Granville concluded by stating that the result was now that this will be published as a Proposed Material Alteration to the Draft Athy Local Area Plan 2021-2027.

Mairead Hunt advised that following consideration of the Chief Executive's Report on submissions/observations received in relation to the draft Athy Local Area Plan 2021 – 2027 at a Special Meeting of the Athy Municipal District held on 23<sup>rd</sup> April 2021, adjourned to 26<sup>th</sup> April 2021, as agreed and as further amended by resolutions, that the material alterations to the draft plan be placed on public display in accordance with Section 20 of the Planning and Development Acts 2000 (as amended).

It was resolved on the proposal of Cllr. Dooley, seconded by Cllr. Leigh and agreed by the Members that the Proposed Material Alteration be placed on public display in accordance with Section 20 of the Planning and Development Act 2000 ( as amended).

Amy Granville informed the Members that any proposed Material Alterations to the Draft Athy LAP 2021 – 2027 would be published within 3 weeks of the meeting (subject to SEA/AA/SFRA) at which stage submissions and observations would be invited with respect to the Proposed Material Alterations.

The Cathaoirleach thanked all the members for the attendance and for their input into the meeting. The Cathaoirleach also thanked the Chief Executive and his staff for their assistance.

