

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2022.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The proposed development, by reason of its bulk and massing and heights on a site with steep gradients with site levels varying by up to 9 metres and requiring substantial engineering intervention works, would be out of character with the pattern of development in this vicinity and would constitute a visually discordant feature when viewed from the River Barrow watercourse and amenity walkway. These form an integral part of the Green Infrastructure network of the town, which is to be protected under Policy GI1 of the current Athy Local Area Plan. The proposed development would, therefore, be detrimental to the character of this area and to the visual and recreational amenities of the area and, therefore, would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the open space provision which includes a Riparian Park/buffer area located in flood zones A and B which is likely to be submerged in floodwaters for a period each year, the design and disposition of the remaining open spaces, specifically spaces A, B, C and D, as set out within the layout plan, which are ancillary in nature and not usable by reason of their design and configuration within the overall site layout. The resulting useable open space is significantly below the recommended standards as set

out within the Kildare Development Plan, Development Management Standards, Section 17.4.7, where a minimum of 15% of public open space is required for greenfield developments. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.


Note 1: The appeal site is subject to land use zoning F-Open space and amenity within the Athy Local Area Plan 2021-2027 which has the objective “To protect and provide for open space, amenity and recreation provision”. Residential development/dwellings are not listed as uses which are either permissible or open for consideration in F zones and are thus deemed in the current Local Area Plan not to be permissible. The proposed development would, therefore, contravene materially an objective indicated in the Local Area Plan in relation to the zoning of land and would be contrary to the proper planning and sustainable development of the area.

However, as this is a new issue the Board considered that the reasons for refusal as set out above are substantive in nature and that it would not be necessary to pursue this issue under s.137 of the Act.

Note 2: Notwithstanding the zoning change to F – Open space and amenity, under the Athy Local Area Plan 2021-2027, Section 3.4.6 of the Kildare County Development Plan 2017-2023 states that all towns, village settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance. Objective SO9 of the Kildare County Development Plan 2017-2023 states that it is an objective of the Council to sequentially develop lands within towns and villages in accordance with the Development Plan Guidelines DEHLG 2007 and this objective, complements more recent policy on consolidated and sequential growth as set out in the Government’s National Planning Framework and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region. In the absence of any clear justification for the development of the subject site in advance of other lands zoned

for new residential development which are closer to the town centre and are as yet undeveloped, it is considered that the proposed development would be contrary to a stated development objective of the Kildare County Development Pan 2017-2023 relating to the order of priority of development and therefore, would be contrary to the proper planning and sustainable development of the area.

Board Member


Michelle Fagan

Date: 15/03/2022

