



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

16 April 2021

Mr Peter Burke TD  
Minister for Local Government and Planning  
Department of Housing, Local Government and Heritage  
Custom House  
Dublin 1  
D01 W6X0

**BY HAND AND BY EMAIL**

**Re: Notice Pursuant to section 31AM(8) of the Planning and Development Act  
2000 (as amended) – Westmeath County Development Plan 2021-2027**

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Westmeath County Development Plan 2021-2027 (the 'Development Plan').

In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator ('the Office') pursuant to section 31AM(8) of the Planning and Development Act 2000 (as amended) (the 'Act') to issue Notice to you on the basis that, having considered the Development Plan, the Office is of the opinion that:

- a) the Development Plan has not been made in a manner consistent with recommendations of the Office, which required specific changes to the Development Plan to ensure consistency with the Specific Planning Policy Requirement contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)* published by the Minister under Section 28 of the Act; specifically the Development Plan:

- i. does not indicate how the implementation of the Development Plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts); and
  - ii. introduces mandatory setback distances for wind turbines from specified land uses or classes of land use without demonstrating compliance with (i) above (See Objective CPO 10.143<sup>1</sup>);
- b) the planning authority is required to comply with the above Specific Planning Policy Requirement in the performance of its duties under Section 28(1C) of the Act;
- c) the decision of Westmeath County Council to make the Development Plan results in the making of a Development Plan in a manner that fails to set out an overall strategy for the proper planning and sustainable development of the area concerned, which is a breach of the requirements of the Act; and
- d) as a consequence, the use by you of your function to issue a direction under section 31 of the Act would be merited.

The reasons for the Opinion of the Office are set out in further detail in section 2 of this Notice letter. This letter is a Notice to you pursuant to section 31AM(8) of the Act.

## **1. Background**

The Draft Westmeath County Development Plan 2021 – 2027 (the Draft Plan) was on public display from 28th February 2020 until 30th June 2020 (extended from 5th May 2020).

The Office made a submission on the Draft Plan containing 15 recommendations and 16 observations.

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<sup>1</sup> Policy CPO 10.132 in the Draft Westmeath County Development Plan 2021 - 2027

The elected members, having considered the Draft Plan and the Chief Executive's (CE's) Report on submissions received, resolved, following Council meetings dated 16th, 17th, 18th, 19th and 24th November 2020, to amend the Draft Plan.

The material alterations to the Draft Plan were on public display from 15<sup>th</sup> December 2020 to the 20<sup>th</sup> January 2021. The Office made a further submission on the material alterations to the Draft Plan containing five recommendations ('MA Recommendations'). The Office's submission letter stated:

*'..While it is acknowledged that the material alterations have addressed some of the issues raised in the Office's submission, your authority is advised that there remains significant areas of policy conflict between the amended draft development plan and national policies promoting compact and sequential development, renewable energy, and sustainable rural settlements in particular. In this regard, the Office acknowledges that the Chief Executive's (CE's) report on submissions accepted the majority of recommendations and observations of the Office and recommended changes in response to the issues raised, but that these were not accepted by elected members.'*

The elected members of Westmeath County Council resolved to make the Development Plan at a Special Meeting of the Council held on Monday 22nd March 2021.

Subsequently, the planning authority sent a notice letter dated 29th March 2021 ('the notice letter') to the Office advising of the making of the Development Plan. The notice letter set out the reasons for not complying with certain recommendations of the Office.

Having reviewed the CE's reports on the Draft Plan and material alterations to the Draft Plan, the notice of the making of the Development Plan and the reasons in the notice letter, the Office has concluded that, with the exception of the below, the recommendations of the OPR have been responded to in the reports and/or Notice and have been addressed to the satisfaction of the Office.

## **Recommendation 7 and MA Recommendation 2 (d)**

Recommendation 7 and MA Recommendation 2 (d) of the Office's submission on the Draft Plan and material alterations to the Draft Plan required the planning authority to address item 2 of the Specific Planning Policy Requirement contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)* published by the Minister under Section 28 of the Act.

**Recommendation 7** stated:

*'The planning authority is required to indicate how the implementation of the development plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts).'*

**MA Recommendation 2 (d)** stated:

*'...Indicate how the development plan will contribute to meeting national renewable energy targets, including specific targets in megawatts for wind energy potential in the county, in order to fully implement the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and in accordance with the provisions of section 28(1C) of the Act.'*

The CE's recommendation was to make the Plan with proposed Material Amendment CH 11.3:

*'Insert new CPO after CPO 11.8 of the Plan as follows:*

*Work with key stakeholders to carry out an assessment of how the implementation of the Plan will contribute to realising overall national targets on*

*renewable energy and climate change, and in particular wind energy production and the potential wind energy resource.'*

However, the elected members did not accept the CE's recommendation to make the Plan with proposed material amendment CH 11.3 and resolved to make the Plan without Material Amendment CH 11.3. The reason provided in the notice letter is:

*'The Members expressed concerns that the policy provided the potential for engagement with wind energy providers with a view to meeting renewable energy targets. It was suggested that existing policy places undue emphasis on wind energy as a renewable energy source in circumstances where emphasis should be placed on other energy sources such as solar, biogas, etc.'*

The members' concerns regarding the potential for engagement with wind energy providers is noted, however no such requirement was specified in either Recommendation 7 or MA Recommendation 2(d) of the Office's submissions, and it was open to the members to make a plan in a manner consistent with the recommendations of the Office without reference to engagement with wind energy providers.

The second matter raised refers to the nature of existing policy. In this respect, the function of the Office as set out in Section 31AM of the Act is (*inter alia*) to evaluate and assess statutory plans for consistency with national and regional policy including Specific Planning Policy Requirements specified in guidelines for planning authorities made under section 28. The statutory remit of the Office is, therefore, in respect of the implementation of existing policy and accordingly it made Recommendation 7 and MA Recommendation 2(d). The members' rejection of those Recommendations represents, and implicitly acknowledges, that the Plan as made does not implement existing national policy in this area.

## **Recommendation 6 and MA Recommendation 2 (a) and (b)**

Recommendation 6 and MA Recommendation 2 (a) of the Office's submissions on the Draft Plan and material alterations to the Draft Plan required the planning authority to address item 3 from the SPPR above.

**Recommendation 6** stated:

*'The planning authority is required to remove policy objective CPO 10.132 in its entirety from Chapter 10 of the draft development plan as the inclusion of such mandatory separation distances between wind turbines and residential dwellings would restrict the potential for wind farm development in the county, would undermine other policy objectives supporting wind farm development and be contrary to national policy and Ministerial guidance on wind farm development.'*

**MA Recommendation 2 (a)** stated:

*'...Remove amended policy objective CPO 10.132<sup>2</sup> in its entirety from Chapter 10 of the draft development plan as the inclusion of such mandatory separation distances between wind turbines and residential dwellings would severely restrict the potential for wind farm development in the county, would undermine other policy objectives supporting wind farm development and be contrary to national policy and Ministerial guidance on wind energy development.'*

In its evaluation and assessment of this matter, the Office undertook an analysis of the implications of the above policy for wind energy development across the county using separation distances of 1,500 metres and 2,000 metres. A copy of the assessment is included as an attachment to this letter.

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<sup>2</sup> Renumbered CPO 10.143 in the adopted development plan

This analysis concluded that it would not be possible to progress a wind energy project with a wind turbine tip height of over 100 metres or over 150 metres in the vast majority of the county. In the case of a 100 metre turbine the analysis estimates that the 1500 metre separation distance reduces the potential land mass to less than 0.5% of the county, and this reduces further to below 0.1% in the case of turbines over 150 metres in height (2000 metre separation distance).

It was further considered that the designation of the entire county as an area of low capacity for wind energy development in the Development Plan would further restrict potential wind energy development.

The Office's submission on the material alterations had also advised the planning authority that the extent of the limitations placed on wind energy through the separation distances and designation of capacity for wind energy would result in conflicting policies in the Development Plan, including policy objectives promoting appropriate wind farm development such as CPO 10.131 and CPO 10.133 (as set out below), and Section 11 of the Development Plan which outlines the county's commitment to climate action.

***CPO 10.131 (renumbered CPO 10.142 in adopted Development Plan)***

*Have regard to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland and any other relevant guidance which may be issued in relation to sustainable energy provisions.*

***CPO 10.133 (renumbered CPO 10.144 in the adopted Development Plan)***

*Ensure the security of energy supply by supporting the potential of the wind energy resources of the County in a manner that is consistent with proper planning and sustainable development of the area.*

It was also noted that the proposed material alteration CH 10.38 introduced a more restrictive policy for wind farm development than the version of policy CPO 10.132 included at Draft Plan stage and set out in Recommendation 6 of the Office.

Notwithstanding the CE's recommendations to remove policy objective CPO 10.132<sup>3</sup> consistent with the Office's Recommendation 6 and not make the Development Plan with material alteration CH 10.38<sup>4</sup>, the elected members resolved to make the Plan with material alteration CH 10.38 as follows:

*Provide the following separation distances between wind turbines and residential dwellings:*

- *500 metres, where the tip height of the wind turbine blade is greater than 25 metres but does not exceed 50 metres.*
- *1000 metres, where the tip height of the wind turbine blade is greater than 50 metres but does not exceed 100 metres.*
- *1500 metres, where the tip height of the wind turbine blade is greater than 100 metres but does not exceed 150 metres.*
- *More than 2000 metres, where the tip height of the wind turbine blade is greater than 150 metres).*

The reason provided in the notice letter states *'It was indicated that specific policy is necessary to reflect the unique characteristics of County Westmeath in order to protect people in rural areas from the impacts of large-scale wind energy developments, namely; shadow flicker, noise pollution and property devaluation. Members considered that the tip height of the turbine blade is the most appropriate point to apply separation distances in the interest of residential amenities.'*

It is unclear what unique characteristics were being relied on in the context of policy CPO 10.132 (renumbered CPO 10.143) such that the protection of people living in

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<sup>3</sup> Page 154 of the CE's report on submissions to the Draft Plan

<sup>4</sup> Page 17 of the CE's report on submissions to the material alterations to the Draft Plan



rural areas would require the adoption of a Development Plan which conflicts with national policy. The written statement in the adopted Development Plan does refer to the unique features and characteristics of the county, however this does not appear to be related to any potential impact of wind energy development and the Office is satisfied that the Development Plan contains sufficient policies to preserve and protect same.

In relation to the protection of people living in rural areas, the Office appreciates the concerns of the members in this respect. However, the section 28 *Wind Energy Development Guidelines* (2006) contain guidance on, inter alia, shadow flicker (section 5.12), noise (section 5.6), siting and design (Chapter 6). It is noted that the Development Plan also contains policies on shadow flicker and noise (policy CPO 10.147) and a more general policy of applying an appropriate setback distance from wind energy developments to mitigate the potential for visual disturbance (policy CPO 10.148).

**MA Recommendation 2 (b)** was included in the Office's submission in response to material alteration BOM 36, and stated:

*'...Remove material alteration BOM 36 to Change Area 7 from medium energy capacity to low wind energy capacity which is not evidence based and would undermine other policy objectives promoting wind farm development in the development plan such as CPO 10.131 and CPO 10.133.'*

The CE's report on submissions to the material alterations to the Draft Plan recommended that the Development Plan be made without material alteration BOM 36 (change area 7 from medium to low wind energy capacity). The elected members did not accept the CE's recommendation and resolved to make the Development Plan with material alteration BOM 36.

The reason provided by the elected members in the notice letter stated: *'It was set out that Area 7 is classified as low energy capacity in the current Westmeath County Development Plan and suggested that there is updated information available which*

*indicates that Area 7 is not conducive to medium wind energy capacity. It was further suggested that the area in question is sparsely populated and has a number of heritage sites and areas of historical value and therefore the area is not conducive to wind energy development.'*

This first point raised relates to the previous designation change from medium to low capacity by way of variation no. 1 to the Development Plan on 23<sup>rd</sup> September 2016. This variation occurred prior to the publication of the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)* which contain the above SPPR and requirement for the planning authority to '*...Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts).'*

The Office does not consider that the argument that the designation was changed in respect of the previously adopted development plan alone constitutes a sufficient rationale for retaining that designation and introducing a material amendment to the Draft Plan where it conflicts with the requirement for consistency with the SPPR and other policy objectives of the Development Plan without further evaluation and reasons.

The second point raised refers to updated information available which indicates that Area 7 is not conducive to medium wind energy capacity. No specific information has been referenced, however in responding to proposed material alteration BOM 36 to change the designation in the Draft Plan from medium to low capacity the CE's report refers to the basis for the medium capacity designation in the Draft Plan stating '*The Wind Energy Capacity Map was generated using the landscape character assessment together with wind speed data provided by SEAI. In terms of the request for a change of the classification of Area 7 from "medium capacity" to "low capacity" for wind energy development, it is considered that such an amendment is not justified given the landscape character of the area in question.'*

The final point raised in the reasons given by members submits that the area is not conducive to wind energy development as it is sparsely populated with a number of heritage sites and areas of historical value. The assertion that the area is sparsely populated does not, however, provide justification for the mapping change. It is further noted that the adopted Development Plan contains policies to protect heritage sites and areas of historical value.

Having considered the reasons as set out above, the Office remains of the view that the inclusion of the policy objective CPO 10.132 (renumbered CPO 10.143) and an unchanged Wind Energy Capacity Map in the adopted Development Plan create a significant limitation or constraint on renewable energy projects which is inconsistent with the SPPR and would also significantly restrict other policy objectives supporting wind energy development such as policies CPO 10.139, CPO 10.142 and CPO 10.144.

## **2. Opinion of the Office and Reasons**

Having considered the adopted Development Plan the Office notes, under section 31 AM(7) of the Act, that the said Development Plan has not been made in a manner consistent with the recommendations of the Office. Further, the Office is of the opinion that the Development Plan fails to set out an overall strategy for proper planning and sustainable development of the area concerned for the reasons set out below. In this regard, for the reasons set out above, the Office does not accept that the reasons given for not implementing the Office's recommendations in the notice letter dated 29<sup>th</sup> March 2021 adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the Development Plan as adopted sets out an overall strategy for proper planning and sustainable development of the area.

As you will be aware, under section 31AM(1)(a-e) of the Act, the Office has a statutory duty to evaluate and assess local authority development plans. The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority development plans such as this Development Plan:

- The provisions of section 31AM(2) as set out above.

- Under section 31 AM(3)(a), the Office shall make such recommendations in relation to the Office's evaluation and assessments to those authorities as it considers necessary in order to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions.
- In performing its functions, the Office must, under section 31P(3) of the Act, take account of the objective of contributing to proper planning and sustainable development and the optimal functioning of planning under the Act.
- Under section 31S, the Office must, in performing its functions, have regard to:
  - a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural,
  - b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State,
  - c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force, and
  - d) the requirements of relevant acts of the European Union, in particular, those relating to—
    - (i) the Environmental Impact Assessment Directive,
    - (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
    - (iii) the Habitats Directive, and

(iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated a competent authorities for the purposes of those acts.

Accordingly, having considered the Development Plan in light of section 31AM(1)(a-e), section 31AM(2), section 31 AM(3)(a), section 31P(3) and section 31S, and the letter from the planning authority of the 29th March 2021 issued under section 31AM(6), the Office is of the opinion that the Development Plan has not been made in a manner consistent with the recommendations of the Office under Section 31AM (7).

The Development Plan as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically items 2 and 3 of the Specific Planning Policy Requirement contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)*, with which the planning authority, in the performance of its function in making the Development Plan was required to comply.

Furthermore, the Development Plan contains conflicting objectives on wind energy development such that the Policy objectives supporting appropriate wind and renewable energy development in chapters 10 and 11 of the adopted Development Plan cannot be achieved having regard to the separation distances required by wind energy policy objective CPO 10.143 and the low wind energy capacity designation across the county.

The Development Plan as made therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

The factors that the Office has taken into account in forming this opinion are as follows:

- i. The Government's commitment in the Climate Action Plan to achieve 70% of electricity from renewable sources by 2030 (adding 12GW of renewable energy capacity nationally), National Policy Objective 55 which promotes

renewable energy use and generation to meet national targets, and the section 28 *Wind Energy Development Guidelines (2006)*.

- ii. The Specific Planning Policy Requirement contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)*, specifically items 2 and 3 which state that in making a development plan a planning authority shall:

*‘(2) Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts); and*

*(3) Demonstrate detailed compliance with item number (2) above in any proposal by them to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan. Such a proposal shall be subject to environmental assessment requirements, for example under the SEA and Habitats Directives. It shall also be a material consideration in SEA, when taking into account likely significant effects on climatic factors, in addition to other factors such as landscape and air, if a mandatory setback or variation to a mandatory setback proposed by a planning authority in a development plan or local area plan would create a significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan.’*

- iii. Policy objectives supporting wind and renewable energy development in chapters 10 and 11 of the adopted Development Plan.
- iv. The failure of the Development Plan to identify the wind energy production (in megawatts) which County Westmeath can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, consistent with the requirements set out in the Specific Planning Policy Requirement in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate

Change (July 2017) in accordance with the provisions of section 28(1C) of the Act.

- v. Policy objective CPO 10.143 of the adopted Development Plan which states:

Provide the following separation distances between wind turbines and residential dwellings:

- 500 metres, where the tip height of the wind turbine blade is greater than 25 metres but does not exceed 50 metres.
- 1000 metres, where the tip height of the wind turbine blade is greater than 50 metres but does not exceed 100 metres.
- 1500 metres, where the tip height of the wind turbine blade is greater than 100 metres but does not exceed 150 metres.
- More than 2000 metres, where the tip height of the wind turbine blade is greater than 150 metres).

- vi. The Office's analysis of the implications of Policy objective CPO 10.143 which concluded that it would not be possible to progress a wind energy project with a wind turbine tip height of over 100 metres or over 150 metres in the vast majority of the county which would significantly limit or constrain renewable energy projects to the extent that is inconsistent with the requirement to demonstrate the contribution of County Westmeath to realising overall national targets on renewable energy and climate change mitigation, and such that the policy objectives of the development plan supporting appropriate wind energy development such as policies in chapters 10 and 11 of the adopted Development Plan cannot be achieved having regard to the separation distances required by wind energy policy objective CPO 10.143. (See attachment to this letter.)

- vii. The wind energy capacity map and landscape character assessments in the adopted Development Plan.

- viii. The Chief Executive's reports on submissions on the draft Development Plan and material alterations to the draft Development Plan.
- ix. The requirements of section 9(4) of the Act.
- x. The requirements of section 28(1C) of the Act.
- xi. The reasons given for not implementing the Recommendations made by this Office set out in the notice letter of 29 March 2021.

In light of the above, the Office is therefore of the opinion that Development Plan has not been made in a manner consistent with its recommendations and that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

### **3. Recommendation to the Minister**

Having regard to section 31AM(8) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter as set out in the draft direction to the planning authority accompanying this notice, i.e.

- (i) Delete wind energy policy objective CPO 10.143 in its entirety from section 10.23.2 of the Development Plan.
- (ii) Take such steps as are required to identify, on an evidence-basis and using appropriate and meaningful metrics, the wind energy production (in megawatts) which County Westmeath can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, consistent with the requirements set out in the Specific Planning Policy Requirement in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017).



Such steps shall be accompanied by revisions to the Wind Energy Capacity Map and Landscape Character Assessment, and coordination of the objectives for wind energy development in the Development Plan with those of the neighbouring counties as are necessary to ensure a coordinated approach with wind energy objectives of adjoining local authorities having regard to requirements of section 9(4) of the Act.

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at [plans@opr.ie](mailto:plans@opr.ie).

Yours sincerely,

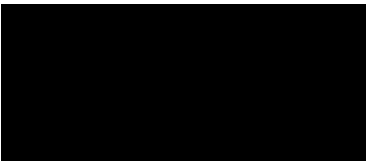


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**Niall Cussen**

Planning Regulator

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## DRAFT DIRECTION IN THE MATTER OF SECTION 31

### OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

#### Westmeath County Development Plan 2021-2027

“Development Plan” means the Westmeath County Development Plan 2021-2027

“Planning Authority” means Westmeath County Council

**WHEREAS** the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended), other than the power to prosecute an offence, have been delegated to the Minister of State for Local Government and Planning pursuant to the Housing, Planning and Local Government (Delegation of Ministerial Functions) (No. 2) Order 2017 (S.I. 352 of 2017).

**WHEREAS** the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act 2000, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Westmeath County Development Plan 2021-2027) Direction 2021.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan :
  - (i) Delete wind energy policy objective CPO 10.143 in its entirety from section 10.23.2 of the Development Plan.

- (ii) Take such steps as are required to identify, on an evidence-basis and using appropriate and meaningful metrics, the wind energy production (in megawatts) which County Westmeath can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, consistent with the requirements set out in the Specific Planning Policy Requirement in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017).

Such steps shall be accompanied by revisions to the Wind Energy Capacity Map and Landscape Character Assessment, and coordination of the objectives for wind energy development in the Development Plan with those of the neighbouring counties as are necessary to ensure a coordinated approach with wind energy objectives of adjoining local authorities having regard to requirements of section 9(4) of the Act.

## **STATEMENT OF REASONS**

- I. The Development Plan as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically items 2 and 3 of the Specific Planning Policy Requirement contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)*, noting the requirement for the Planning Authority to comply with the aforementioned Specific Planning Policy Requirement under section 28(1C). In particular, the Development Plan fails to identify the wind energy production (in megawatts) which County Westmeath can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period.
- II. Policy objective CPO 10.143 renders it impossible to progress a wind energy project with a wind turbine tip height of over 100 metres or over 150 metres in the vast majority of the county which would significantly

limit or constrain renewable energy projects to the extent that is inconsistent with the requirement to demonstrate the contribution of County Westmeath to realising overall national targets on renewable energy and climate change mitigation.

- III. The Development Plan contains conflicting objectives on wind energy development such that the Policy objectives supporting wind and renewable energy development in chapters 10 and 11 of the adopted Development Plan cannot be achieved having regard to the separation distances required by wind energy policy objective CPO 10.143.
  
- IV. The Development Plan has therefore not been made in a manner consistent with the recommendations of the Office of the Planning Regulator under Section 31 AM and that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of April, 2021.

## **Westmeath Wind Energy - Constraints and Opportunities – Technical Assessment**

GIS modelling was used in order to undertake a technical assessment of the viability of wind energy development in Westmeath. A number of key geospatial data layers were used for this assessment:

- Geodirectory Address Data from Q1 2020
- Wind capacity map showing areas of No, Low and Medium capacity
- High Amenity Areas
- Special Areas of Conservation (SAC's)
- Special Protection Areas (SPA's)
- Natural Heritage Areas (NHAs) and proposed NHAs
- Landscape Character Areas – noting that the cutover and cutaway bogs (preferred locations for windfarms – see below) are primarily in LCAs 2 and 3.
- Flood Mapping (PFRA and OPW)
- Benefitting lands

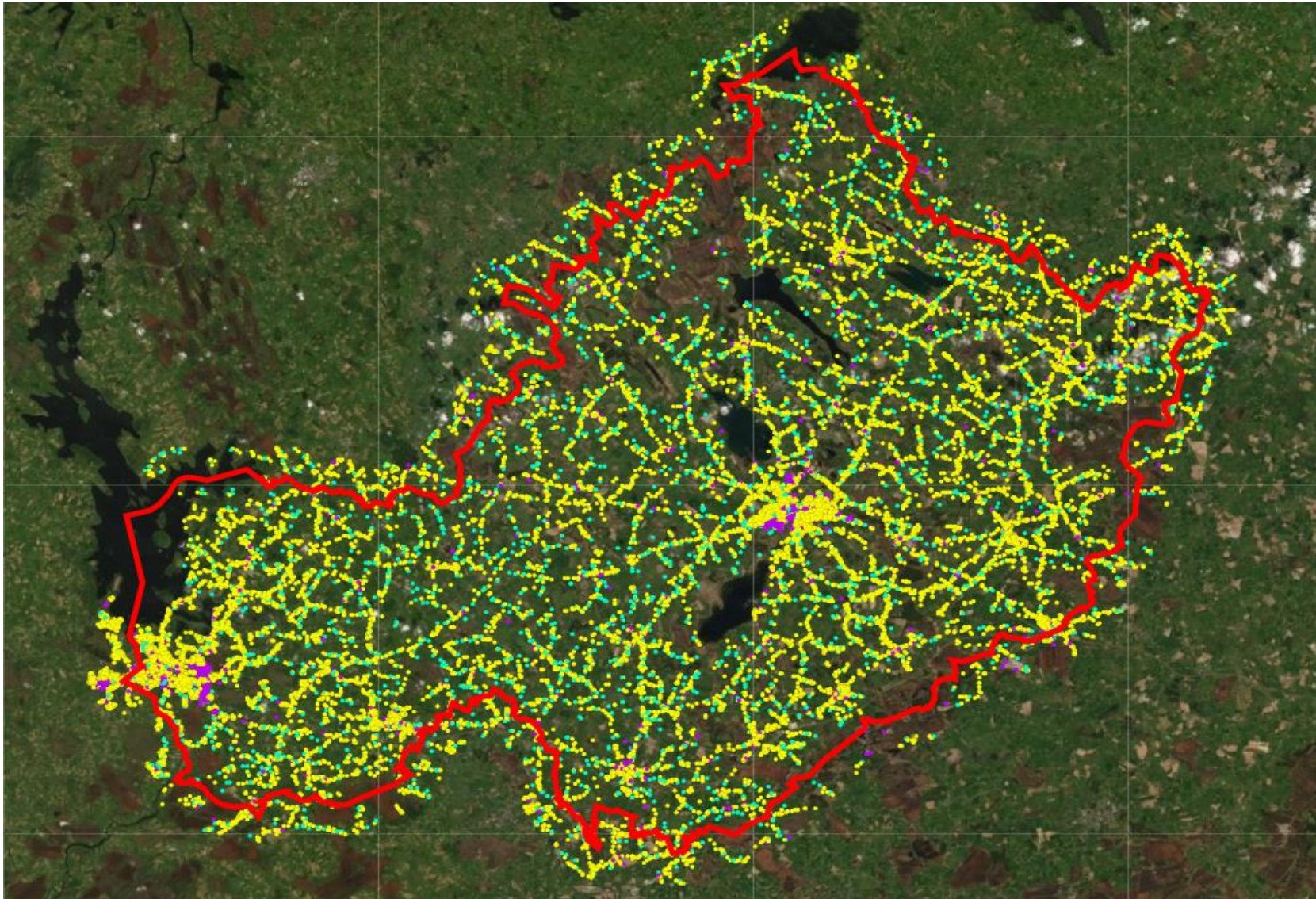
The Geodirectory Address Data from Q1 2020 is a critical piece of information in order to assess the policy objective on separation distances between residential and any potential wind turbines. GeoDirectory is a comprehensive and clear address database of buildings in the Republic of Ireland and was established by An Post and Ordnance Survey Ireland to identify the precise address and location (XY coordinates) of every residential and commercial property in the State.

For the sake of this technical assessment a separation distance of 1.5KM and 2KM was applied and only buildings classified as 'Residential' or 'Residential and Commercial' from the Geodirectory Address Database have been used. Buildings classified as Commercial Address Points were excluded from the assessment. Any 'Residential' or 'Residential and Commercial' within 2KM of the local authority boundary (i.e. within other local authorities) were also included as these would affect the viability of wind energy development viability within Westmeath.

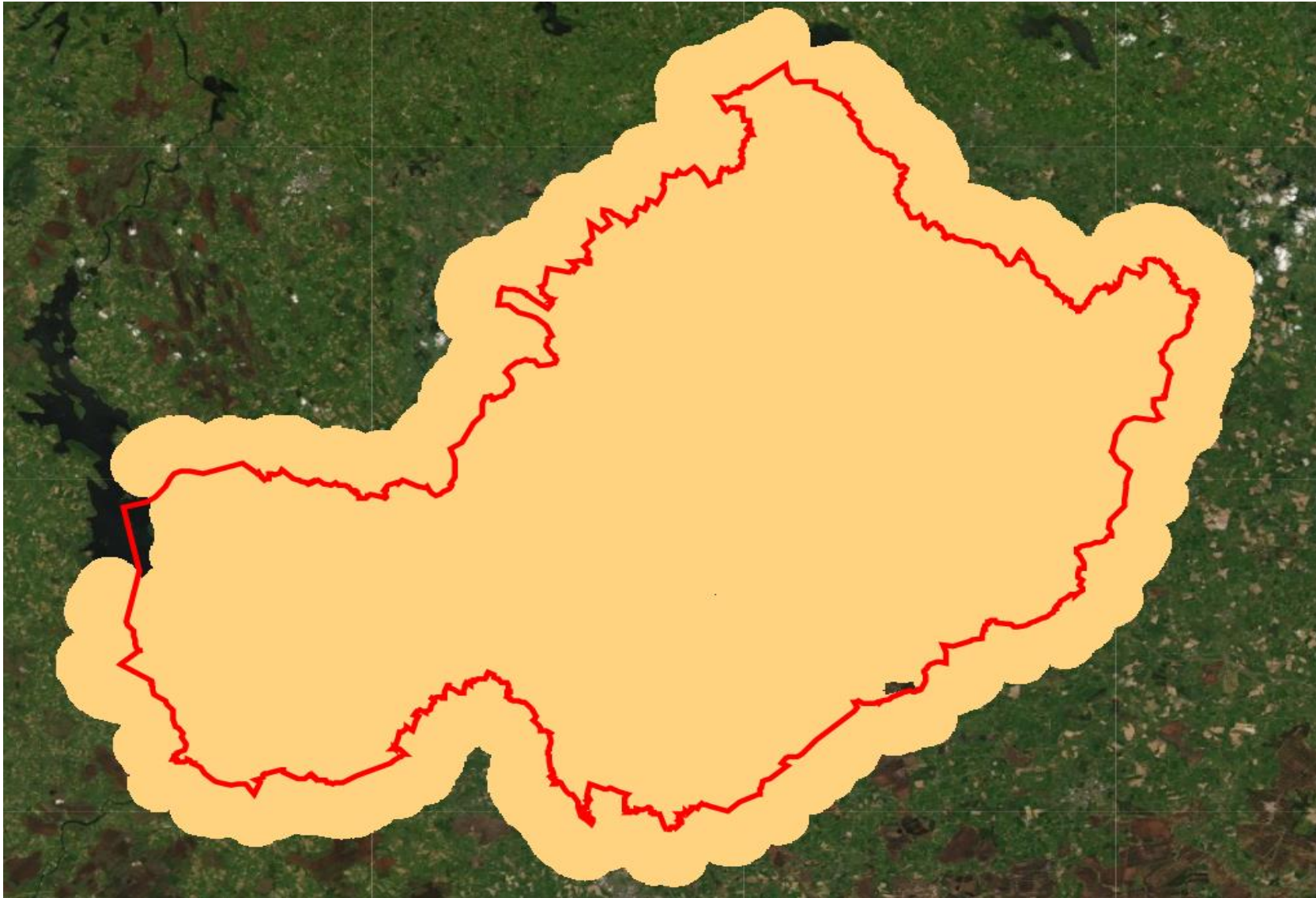
Please see constraints summary below.

**2KM Seperation distance**

Geodirectory Address Data (Q1 2020) for Westmeath plus 2KM

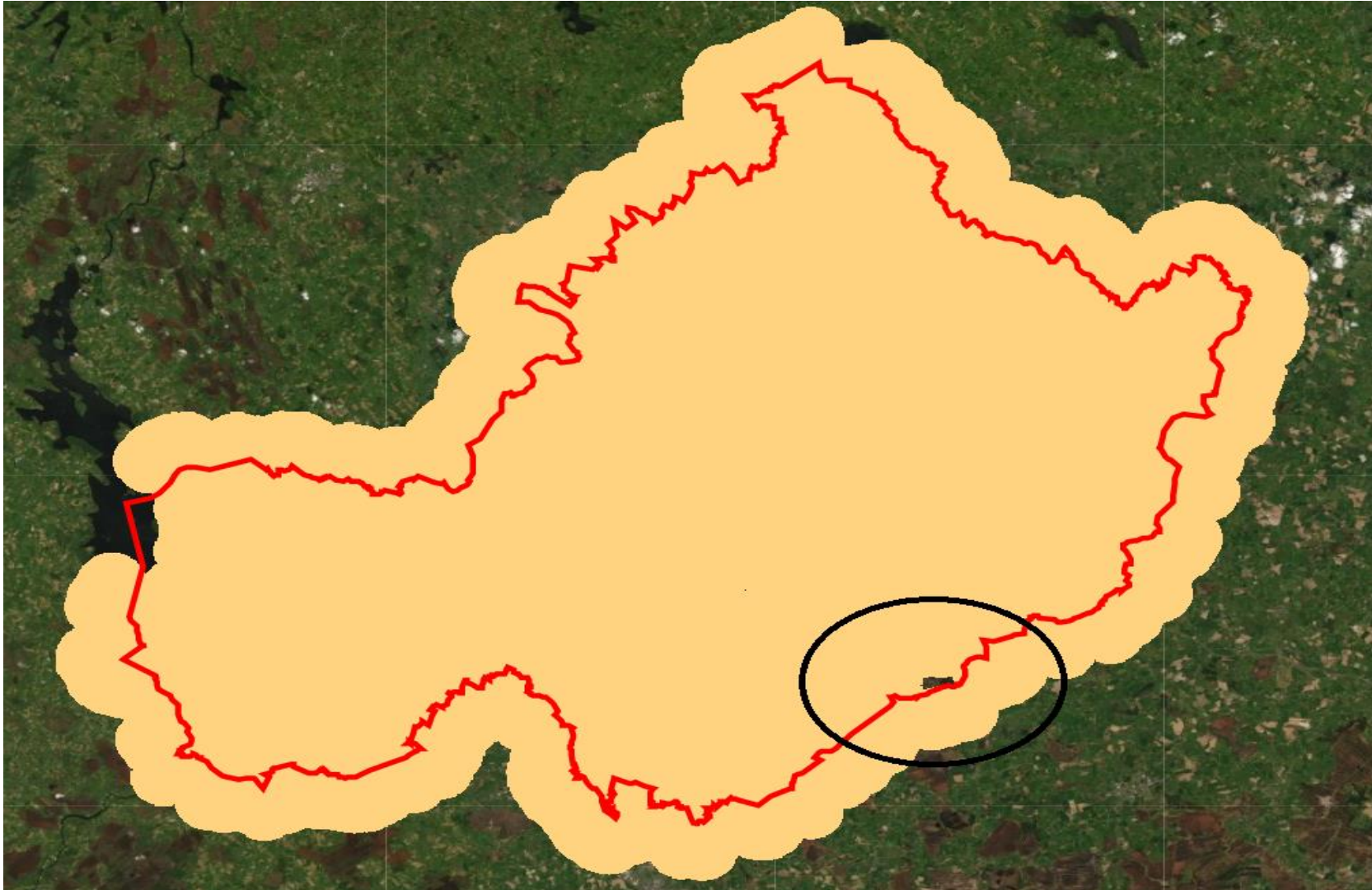


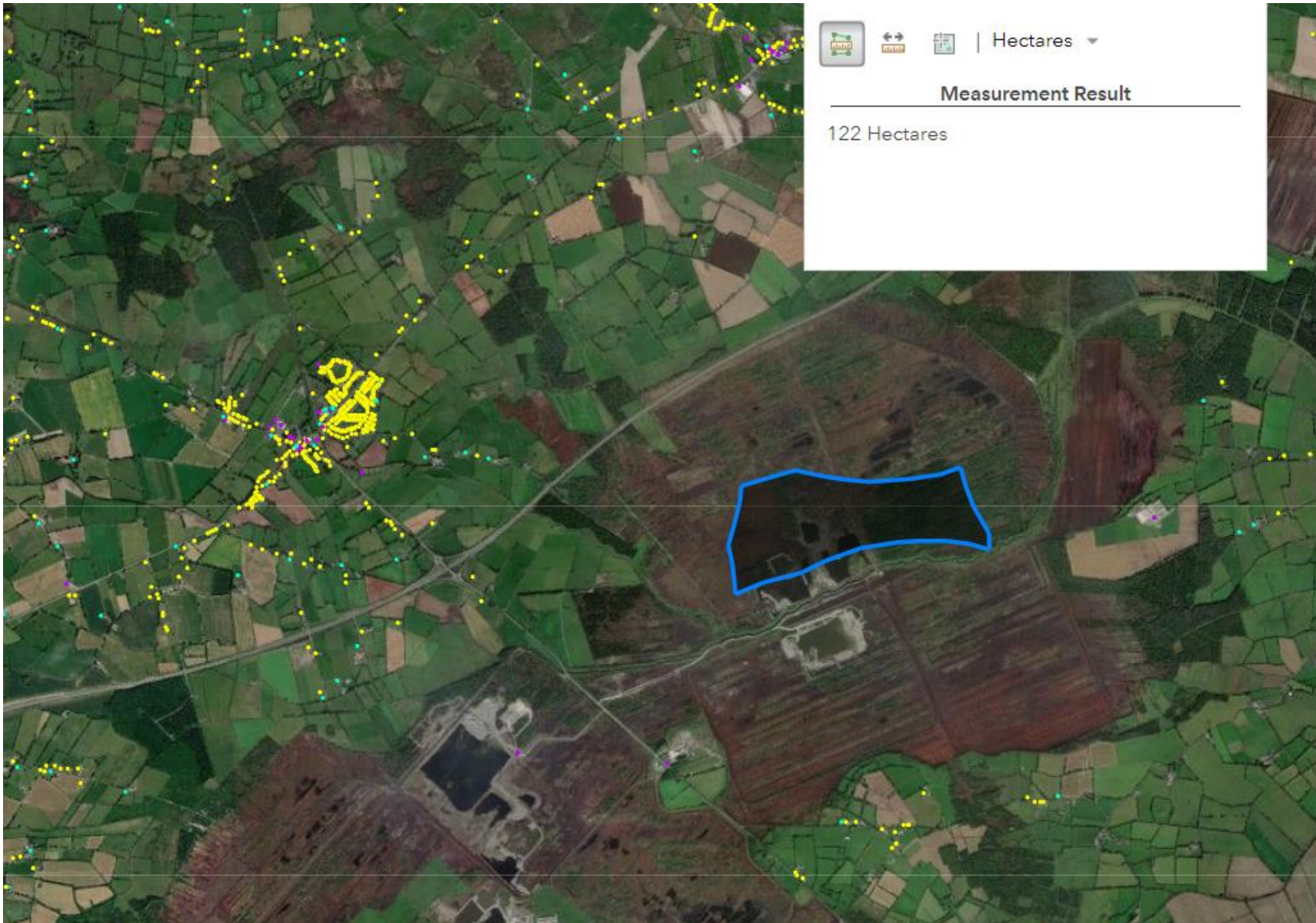
'Residential' & 'Residential and Commercial' Geodirectory Address Data (Q1 2020) for Westmeath buffered by 2KM separation distance





An area of peatland (approx. 120 Ha) near Rochfortbridge was the only land left unconstrained by the 2KM separation distance.





Hectares

**Measurement Result**

122 Hectares

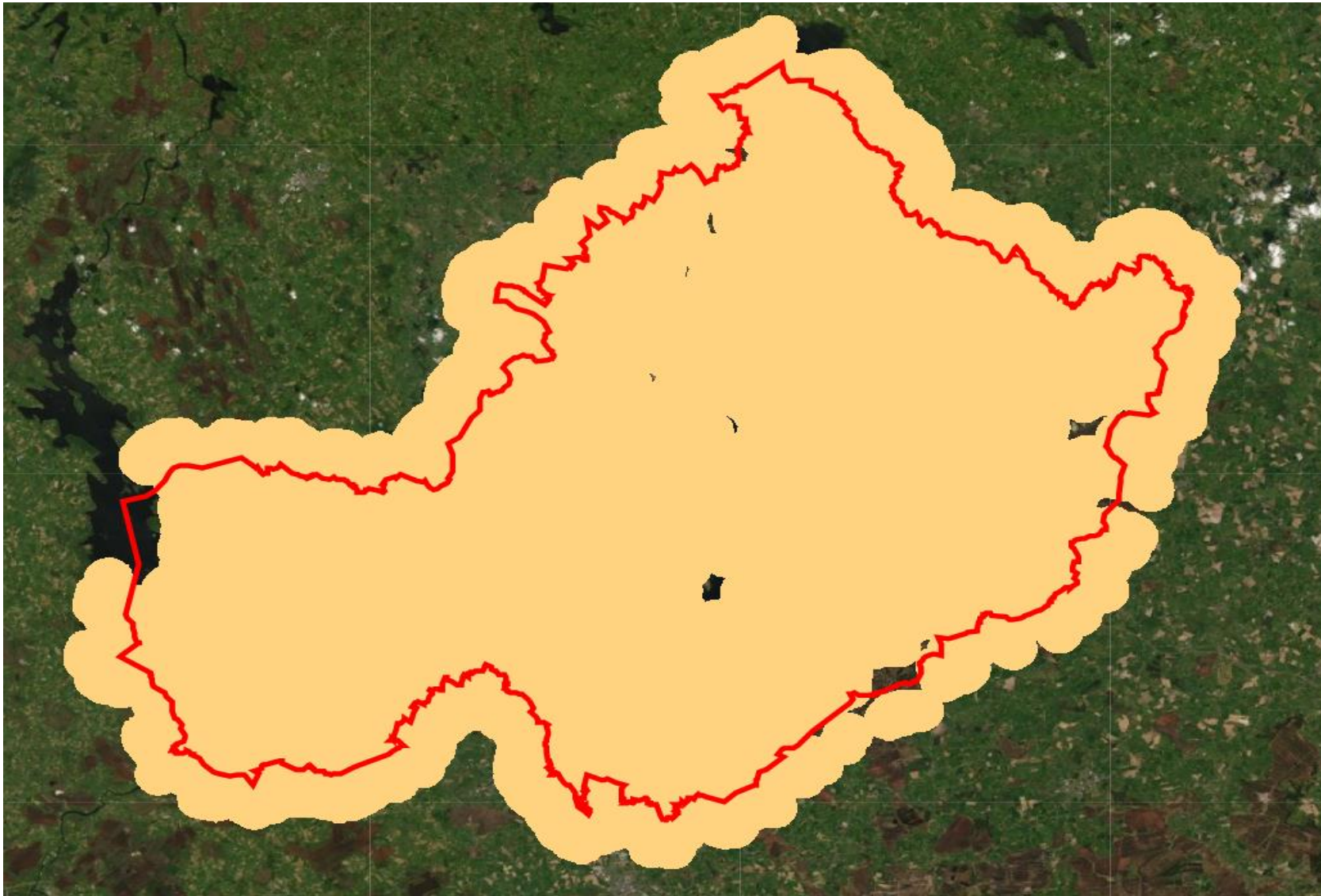
This area is largely unconstrained by the other key geospatial data layers but it is in a Landscape Character Areas identified as a Low Wind Capacity area in the Draft plan.



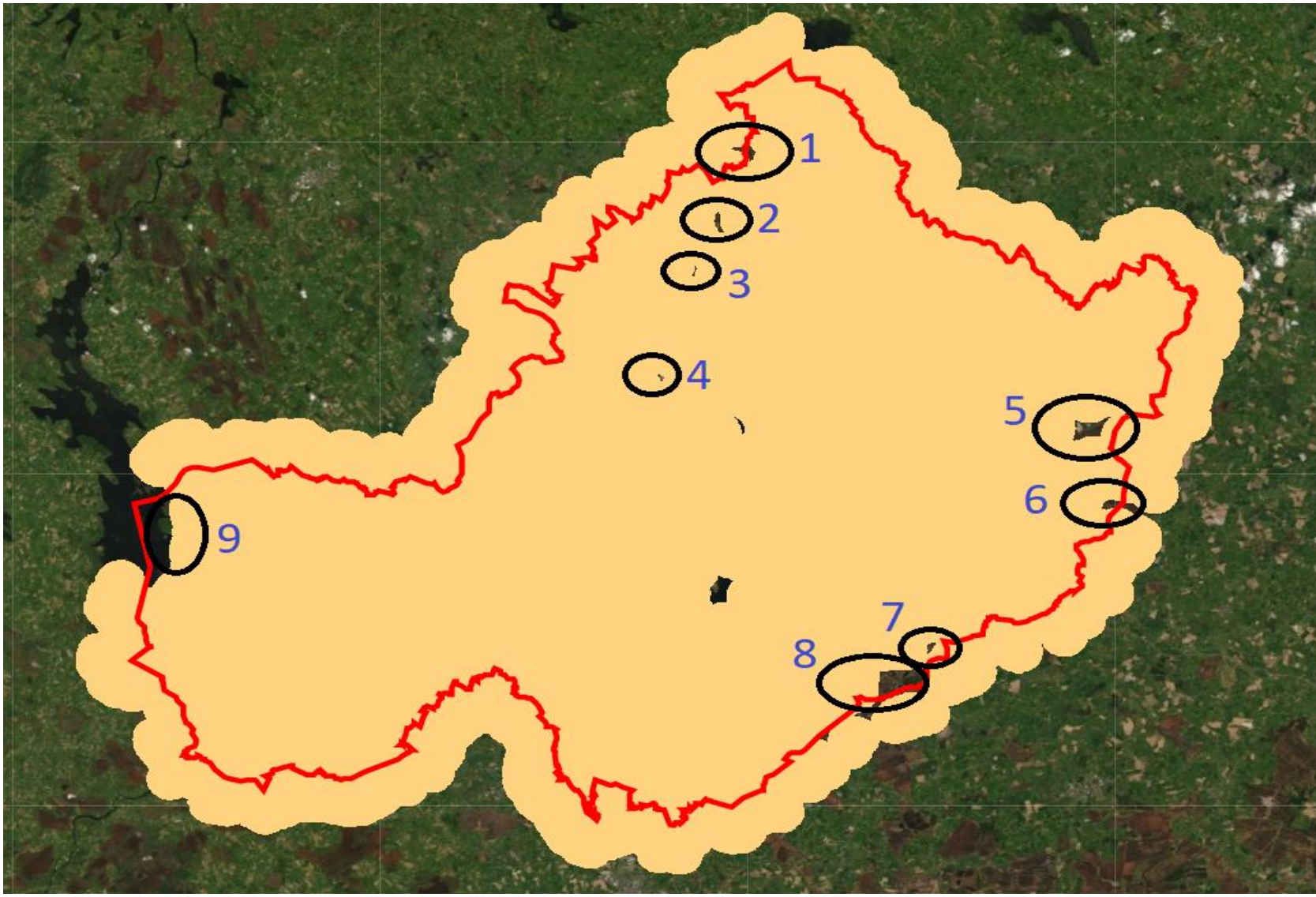
In summary only **0.06%** ( $122\text{Ha}/183,830\text{Ha} \times 100$ ) of the county in a low wind energy capacity area is viable for wind energy development at a **separation distance of 2KM** between residential addresses and any potential wind turbines.

**1.5KM Seperation distance**

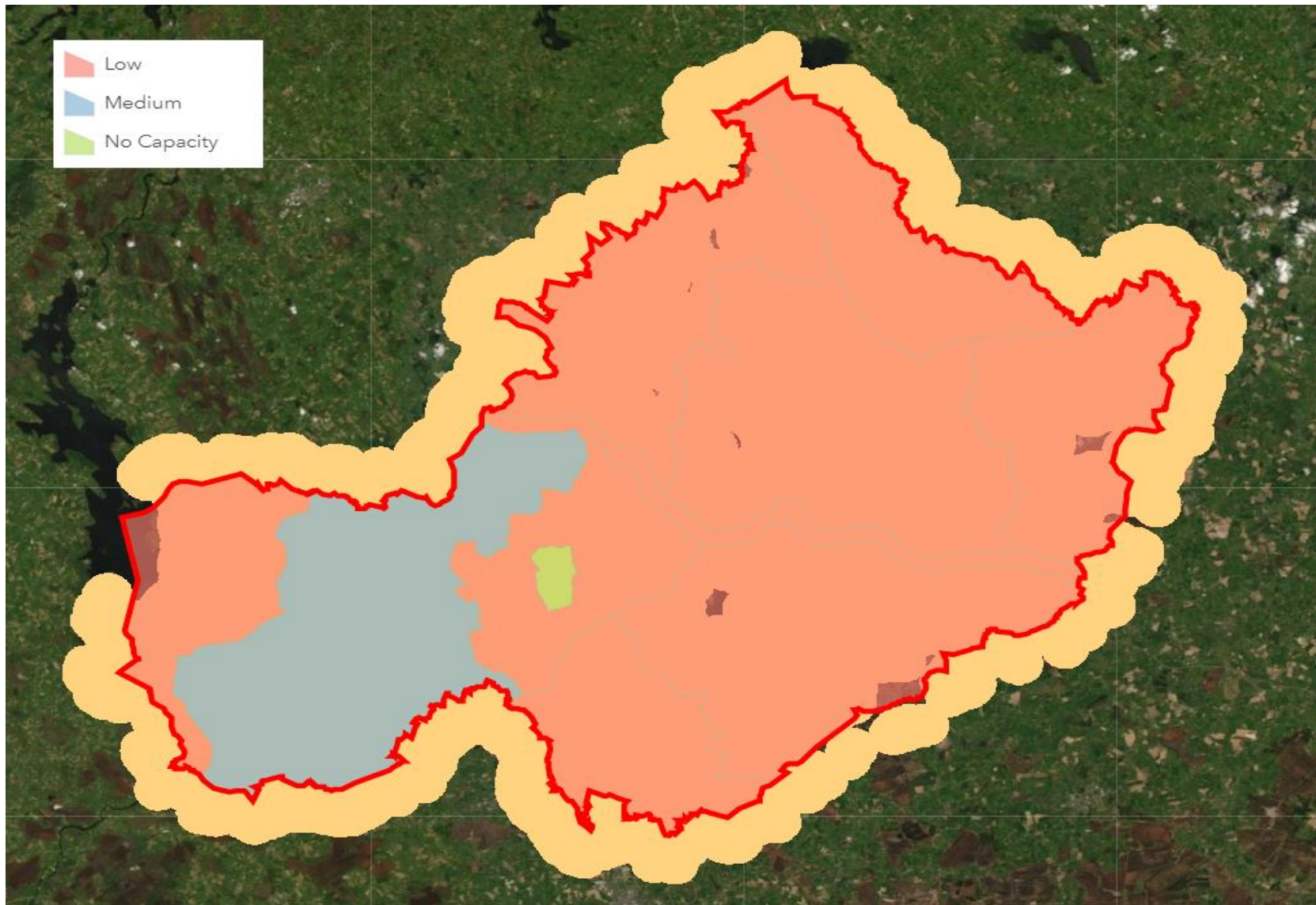
'Residential' & 'Residential and Commercial' Geodirectory Address Data (Q1 2020) for Westmeath buffered by 1.5KM separation distance



9 areas of land (approx. 873 Ha) were left unconstrained by the 1.5KM separation distance.

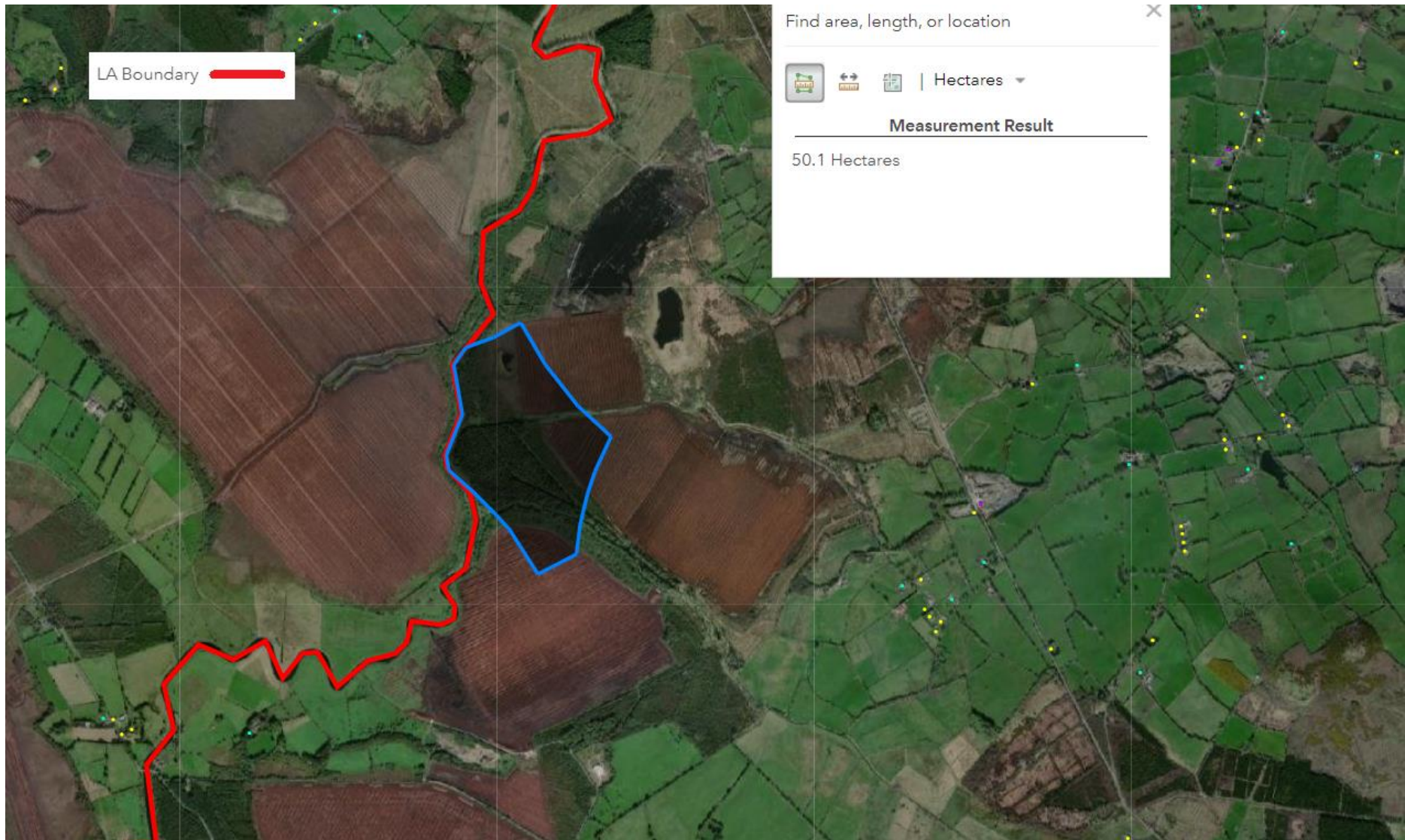


All 9 sites are within Landscape Character Areas identified as Low Wind Capacity areas in the Draft plan.





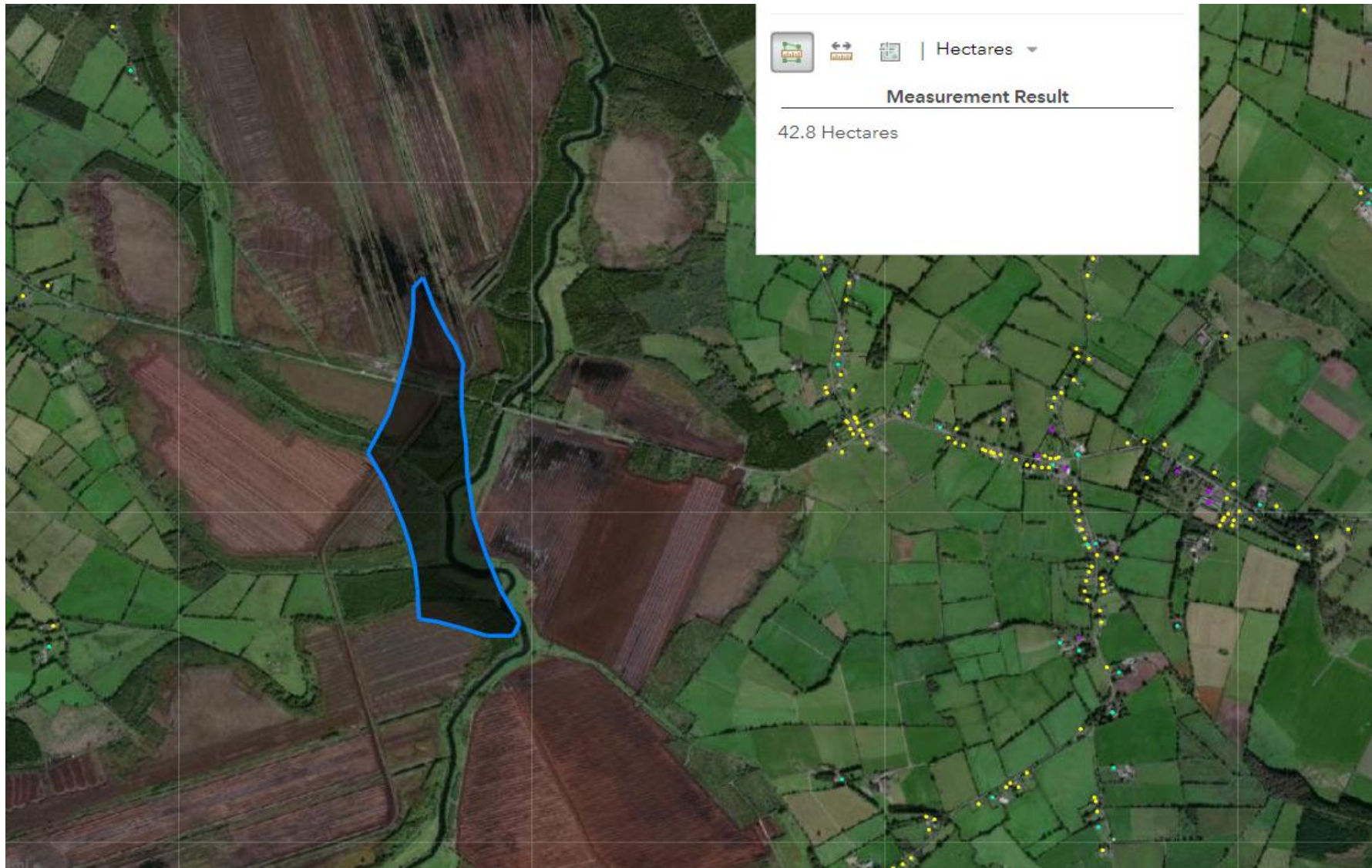
**Site 1** - A small area of peatland (approx. 50 Ha) in the northwest of the county is left unconstrained by the 1.5KM separation distance.



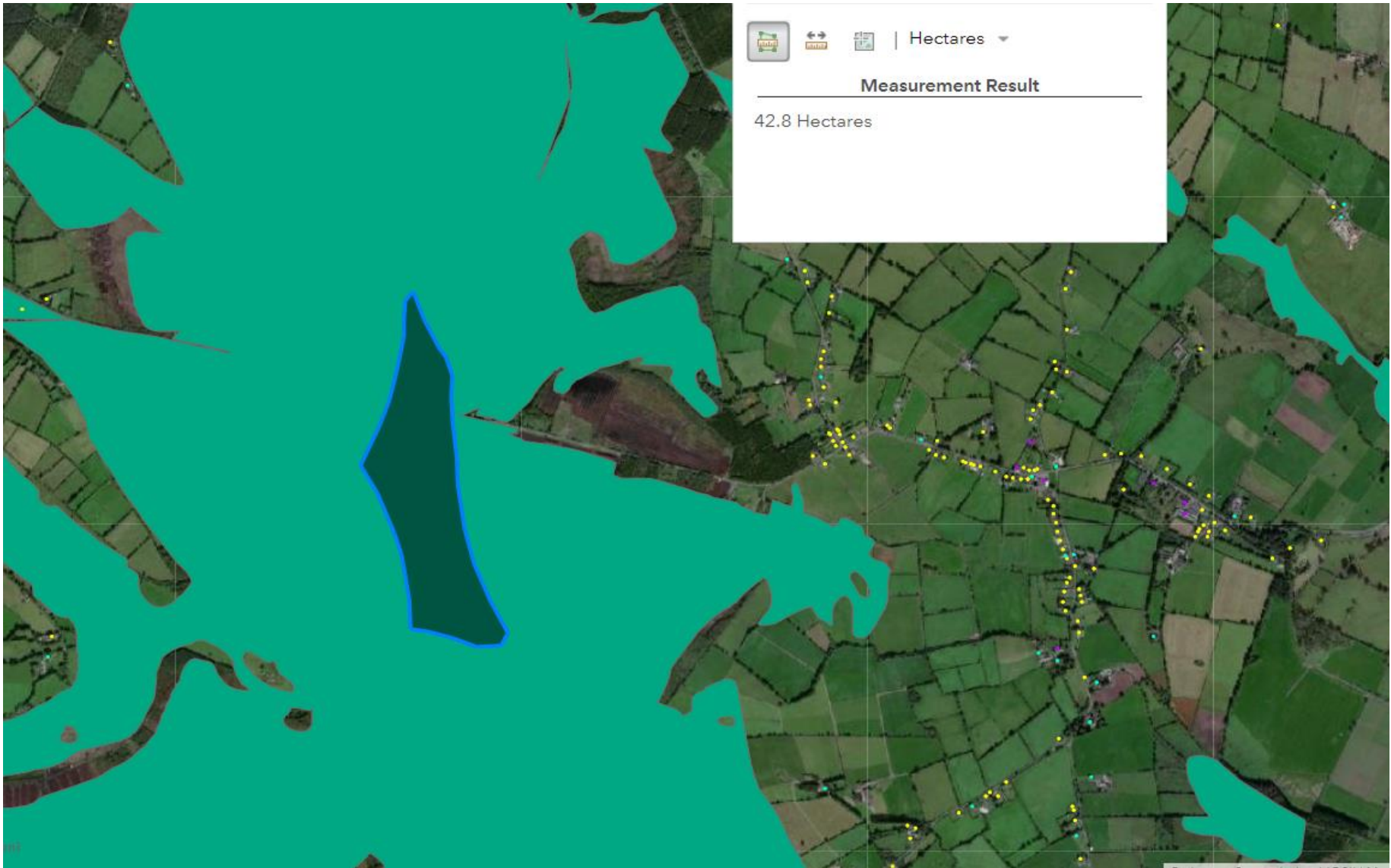
However, it is traversed by benefitting lands.



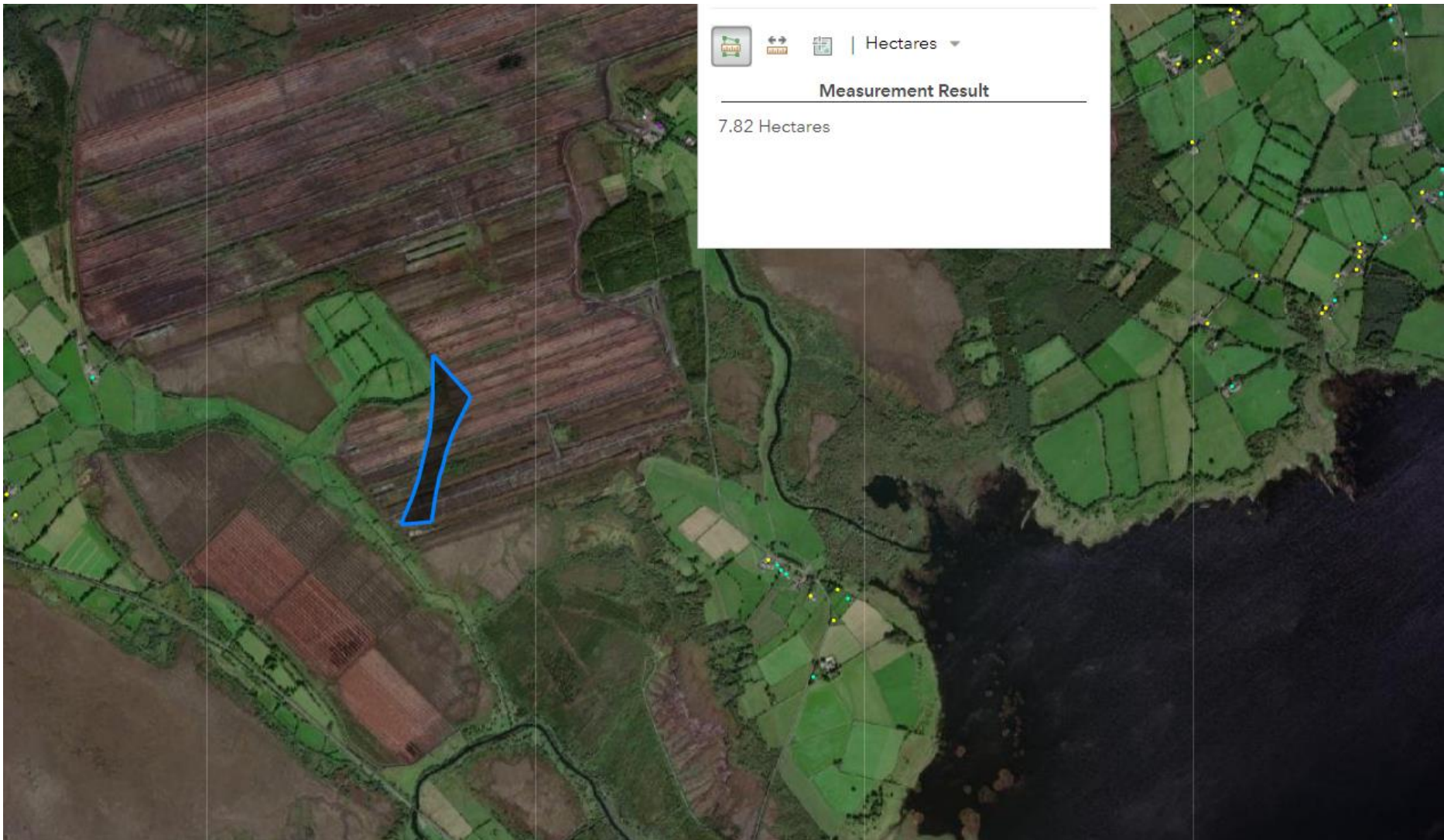
**Site 2** - A small area of peatland (approx. 43 Ha) in the northwest of the county is left unconstrained by the 1.5KM separation distance.



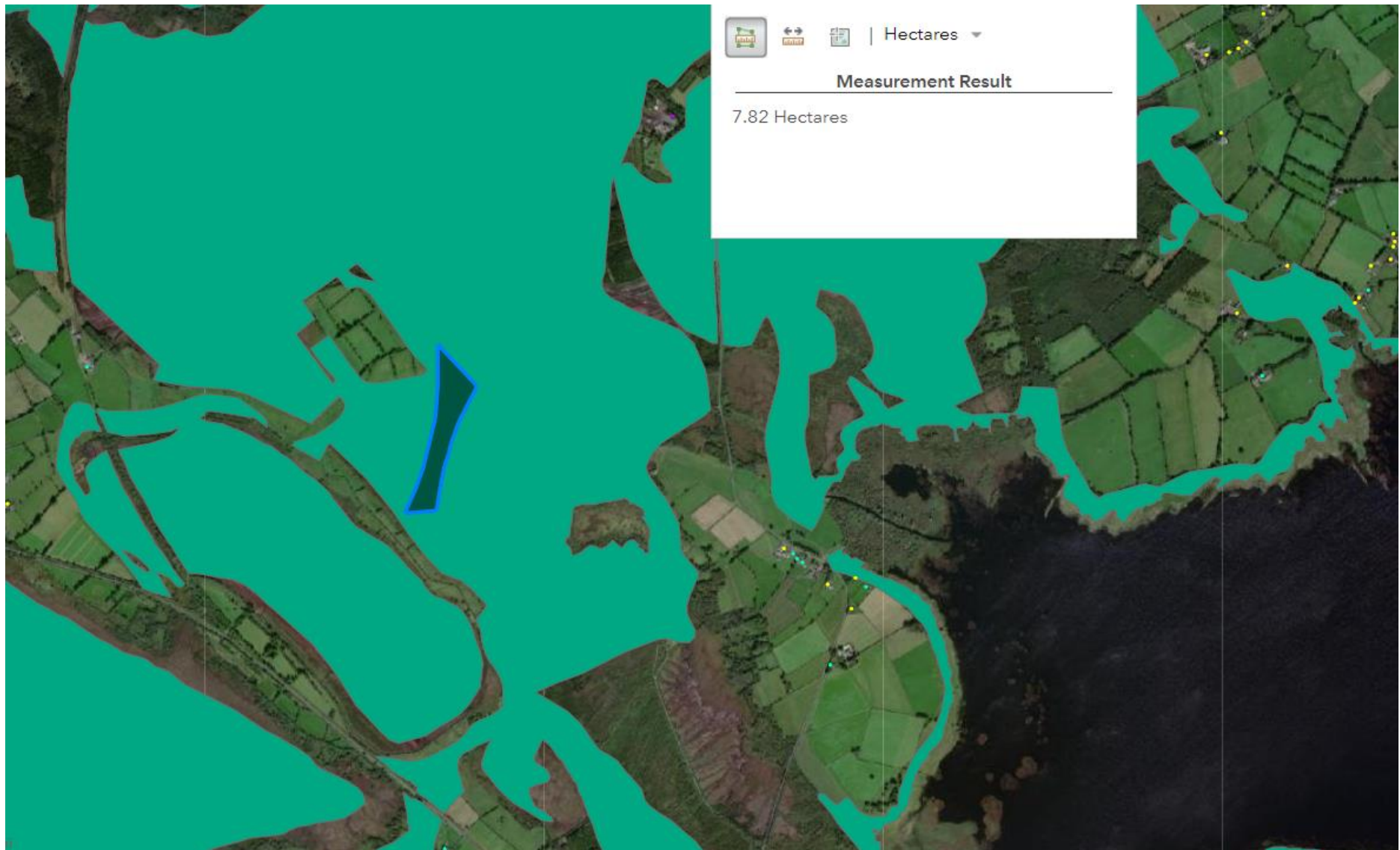
It is fully traversed by benefitting lands.



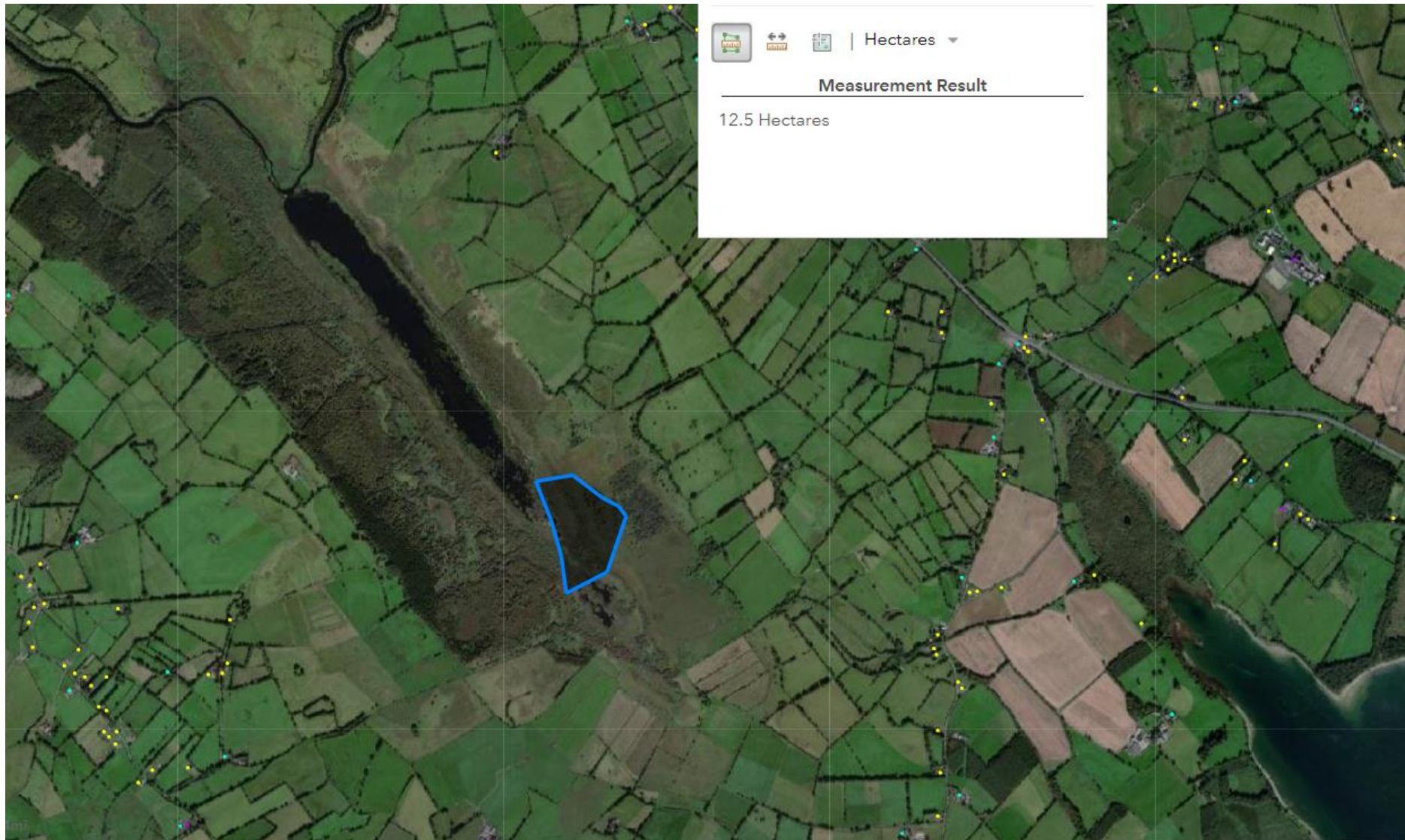
**Site 3** – A small area of peatland (approx. 8 Ha) in the northwest of the county is left unconstrained by the 1.5KM separation distance.



It is fully traversed by benefitting lands.



**Site 4** – A small area of land (approx. 13 Ha) in the north of the county is left unconstrained by the 1.5KM separation distance.

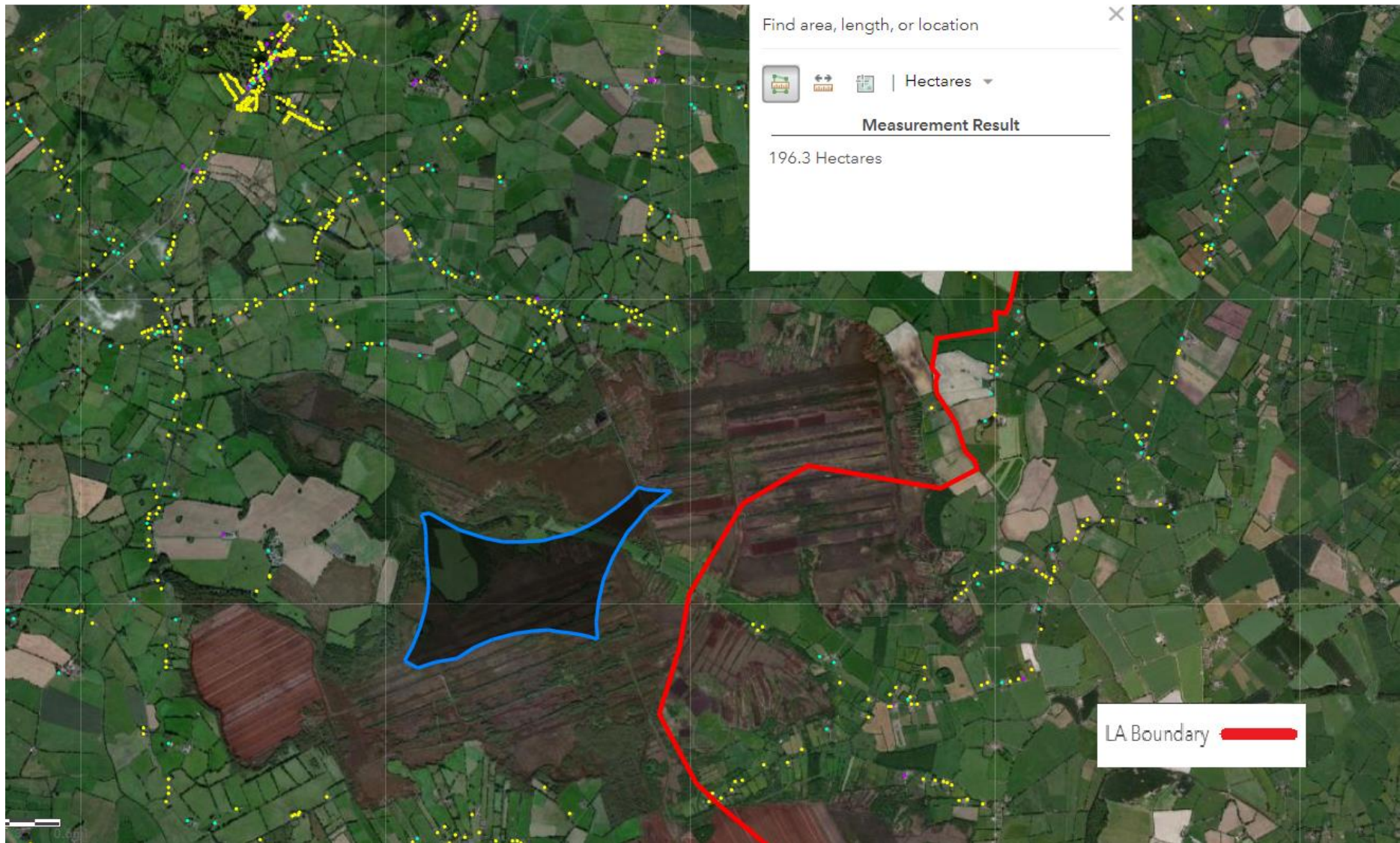


However, it is in a Special Protection Area and a Flood Zone.

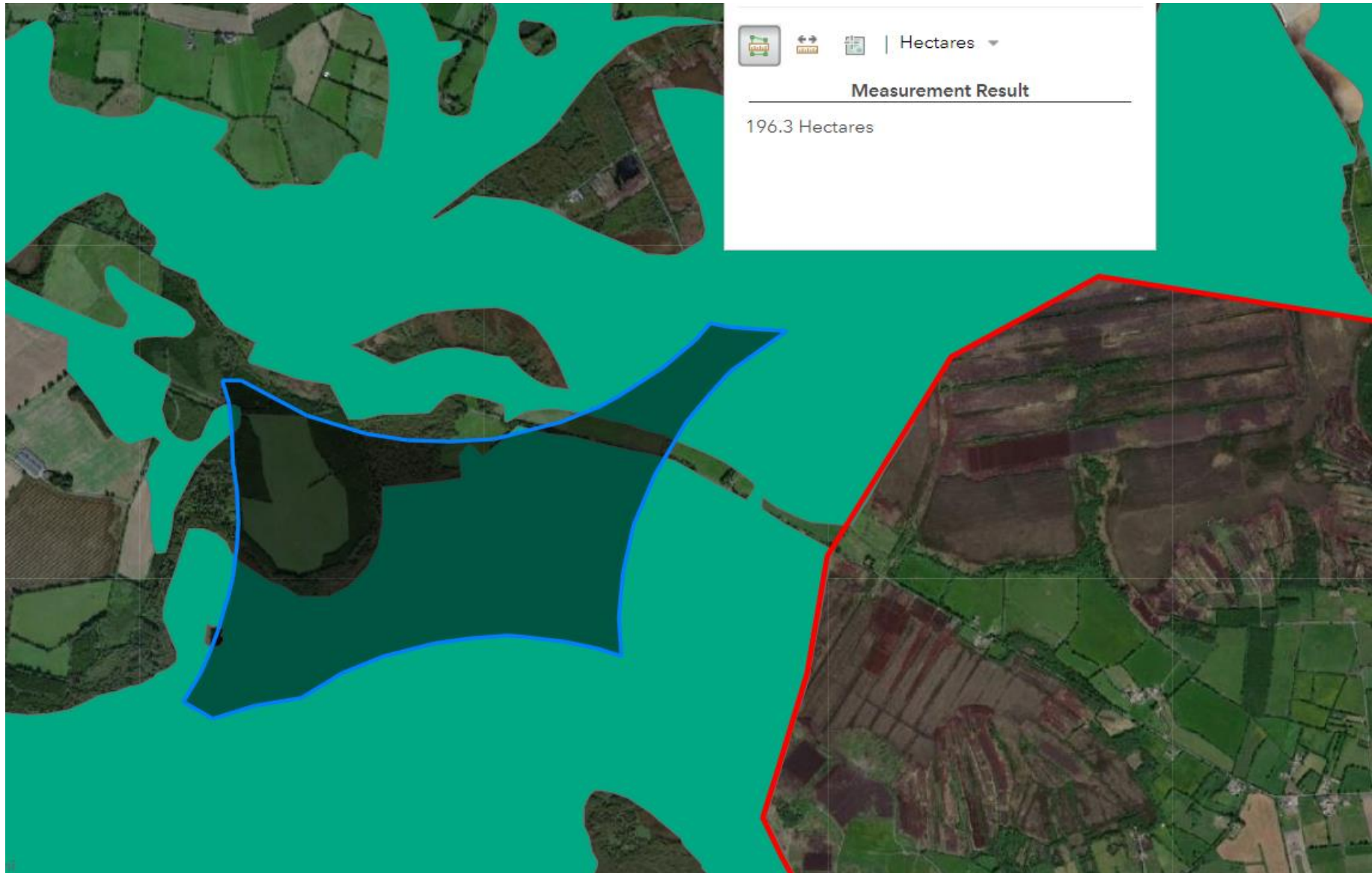




**Site 5** – An area of peatland (approx. 196 Ha) in the northeast of the county is left unconstrained by the 1.5KM separation distance.



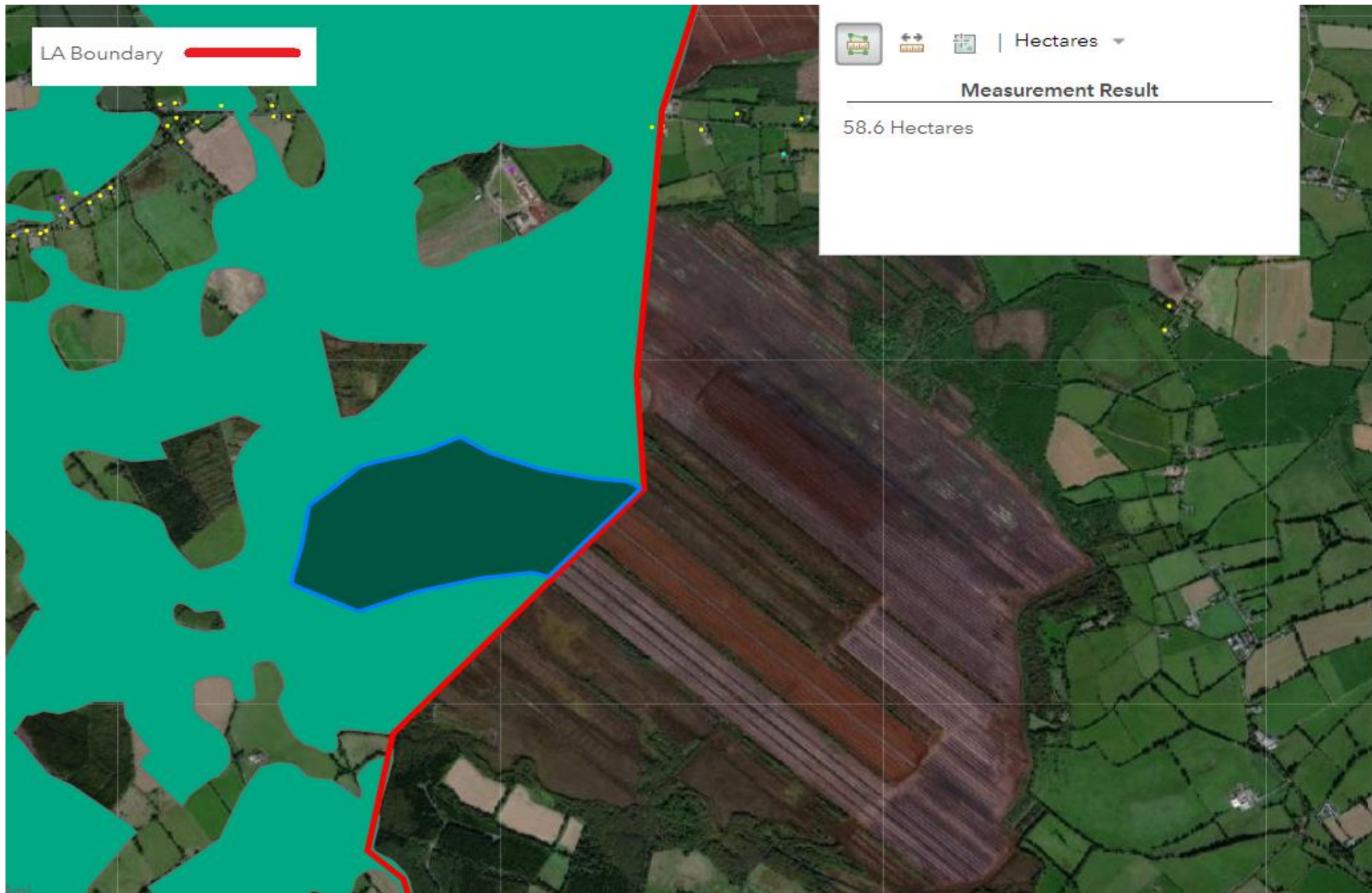
However, it is traversed by benefitting lands.



**Site 6** – An area of peatland (approx. 59 Ha) in the east of the county is left unconstrained by the 1.5KM separation distance.



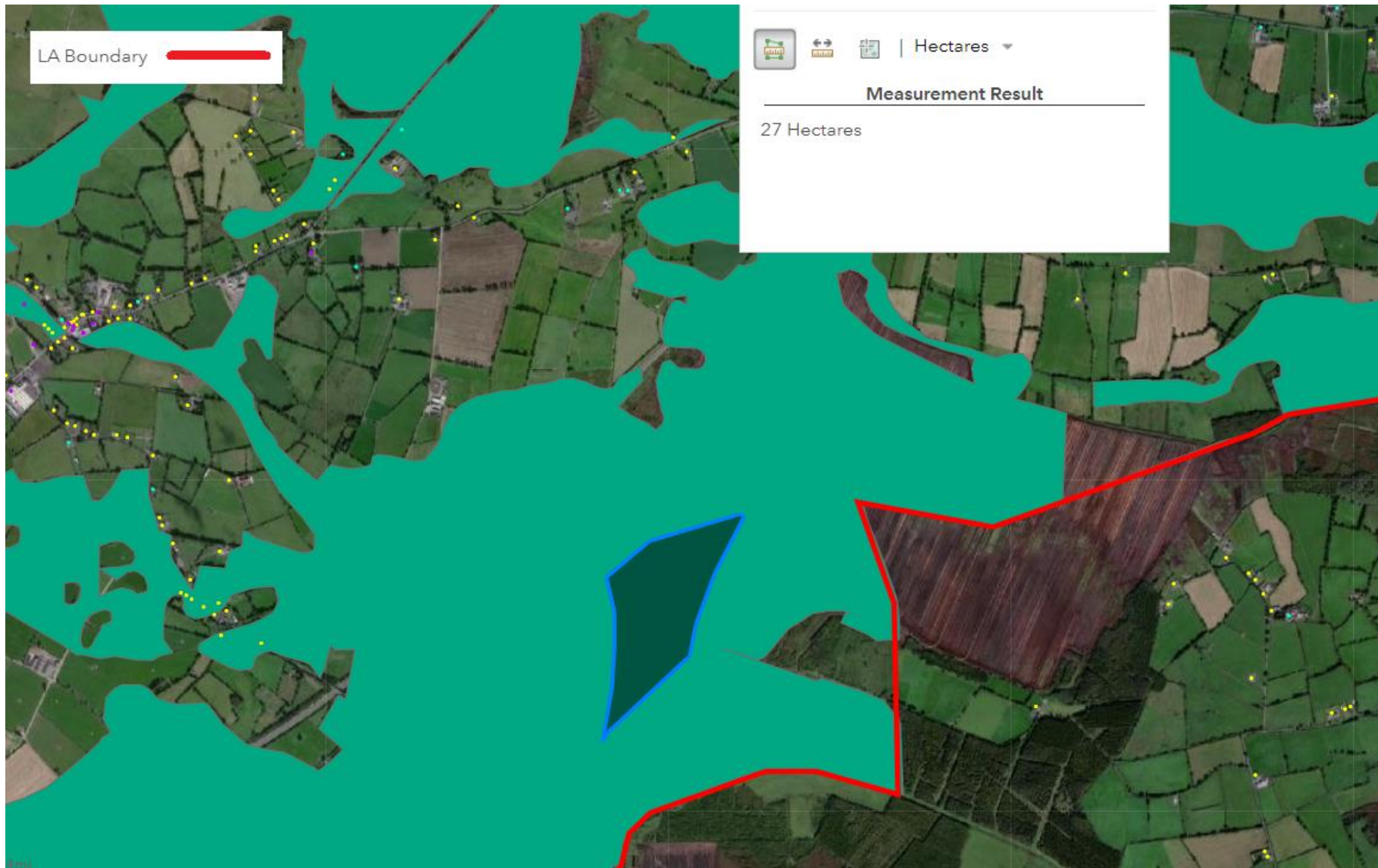
It is fully traversed by benefitting lands.



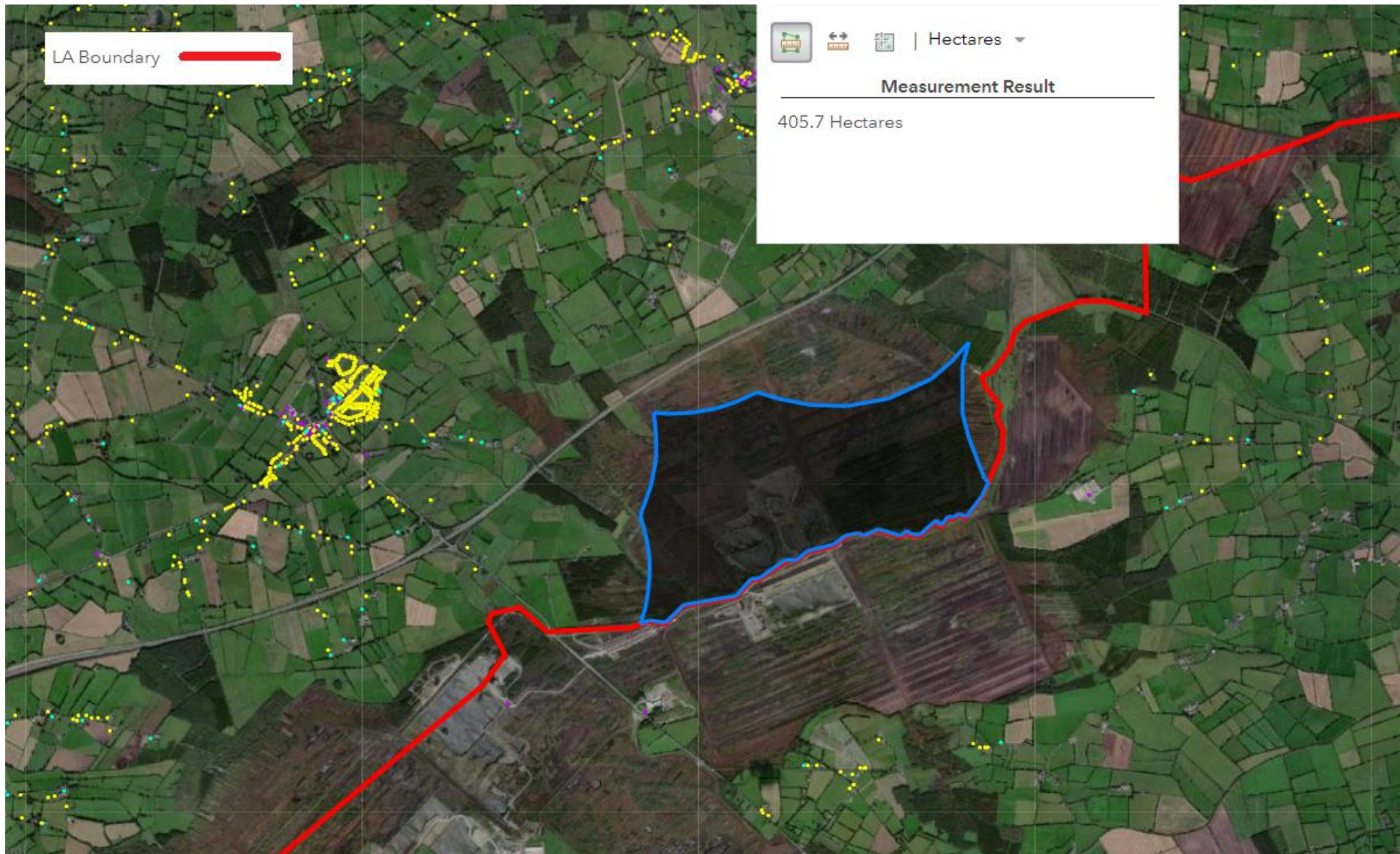
**Site 7** – An area of peatland (approx. 27 Ha) in the east of the county is left unconstrained by the 1.5KM separation distance.



It is fully traversed by benefitting lands.



**Site 8** – A large area of peatland (approx. 406 Ha) near Rochfortbridge in the east of the county is left unconstrained by the 1.5KM separation distance.

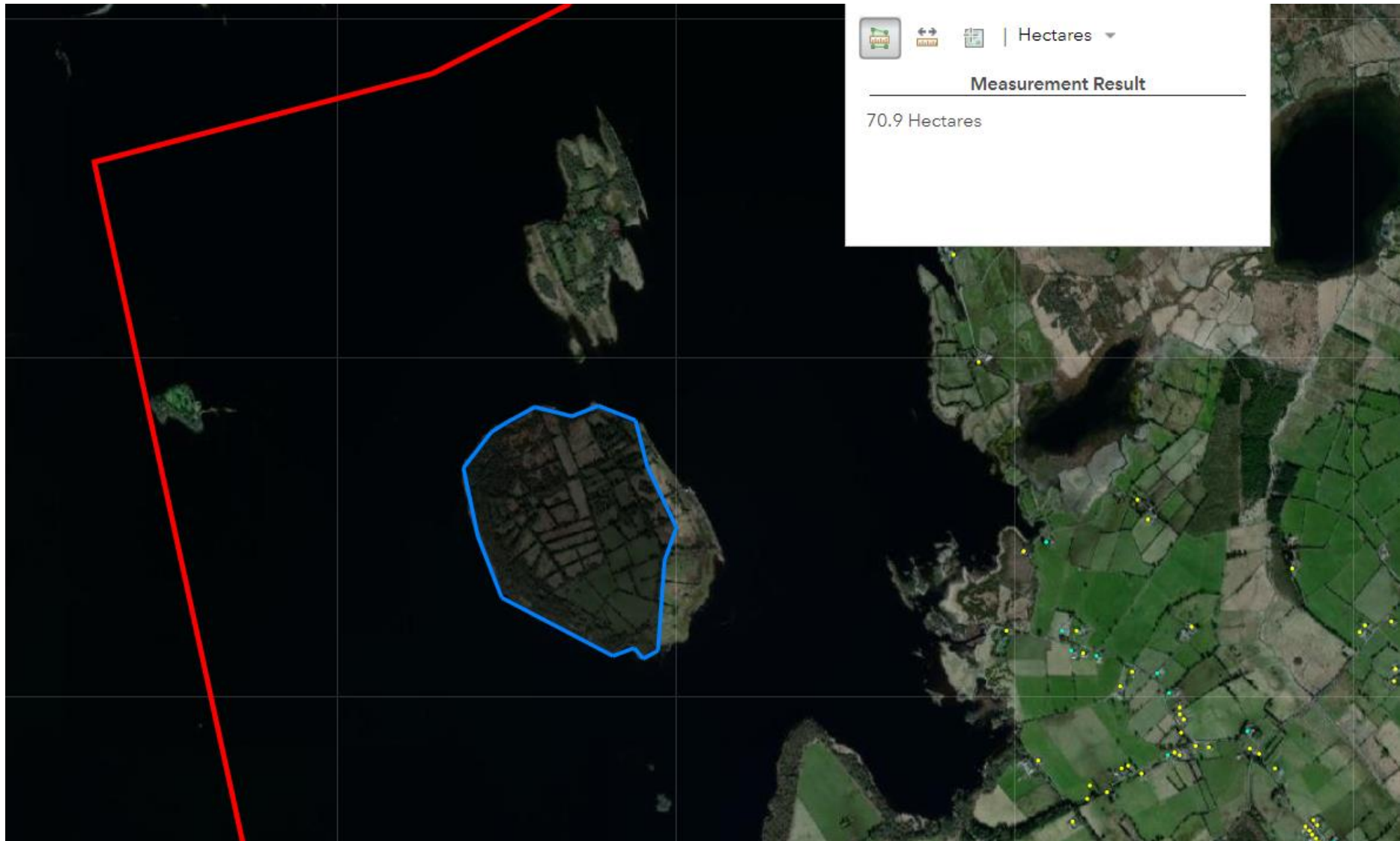


It is fully traversed by benefitting lands.

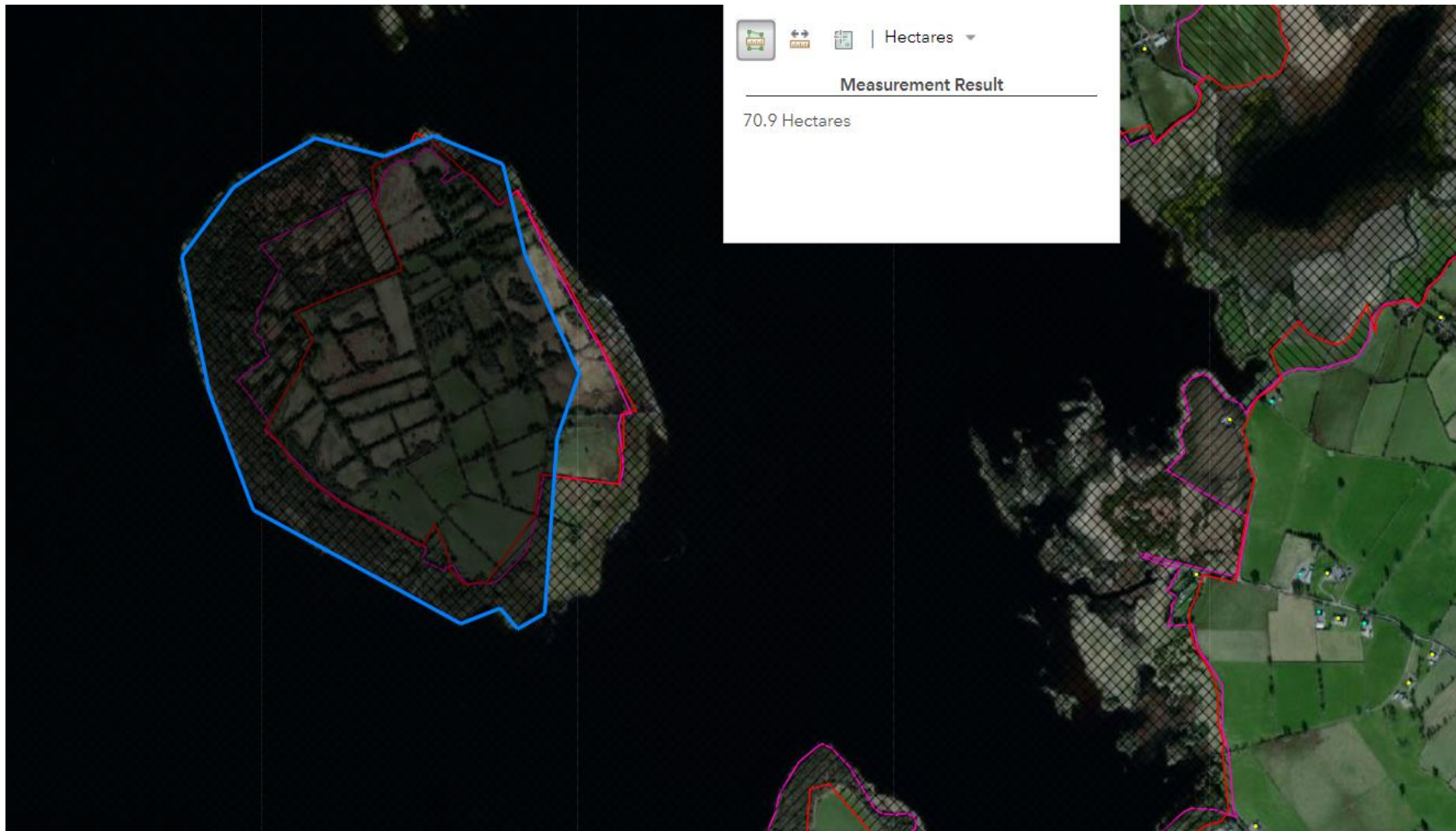




**Site 9** – An area of land (approx. 71 Ha) on an island in the Shannon in the west of the county is left unconstrained by the 1.5KM separation distance.



However, it is designated as a High Amenity Area and is traversed by a Special Area of Conservation (SAC) and a Special Protection Area (SPA).



In summary only **0.48%** ( $873\text{Ha}/183,830\text{Ha} \times 100$ ) of land within the county and within Landscape Character Areas identified as Low Wind Capacity areas in the Draft plan is viable for wind energy development at a **separation distance of 1.5KM** between residential addresses and any potential wind turbines. This is further constrained by other key geospatial data layers.