



**STATEMENT OF REASONS
WITH REGARD TO A DRAFT DIRECTION
IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
KERRY COUNTY DEVELOPMENT PLAN 2022-2028**

15th August 2022

As Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on me by section 31 of the Planning and Development Act 2000 (as amended) ('the Act') and having carefully considered a recommendation from the Office of the Planning Regulator ('the Office') under section 31AM(8) of the Act, I advise that:-

- (1) I have issued a Notice of Intention to Direct (Draft Direction) on the Kerry County Development Plan 2022-2028 to effect recommendations (2)(b),(c),(d),(e) and (f) of the Office to amend various wind energy map objectives and delete material amendments MA 14.20 and 14.21, and
- (2) I have decided not to include Recommendation 2(a) issued by the Office within the Notice of Intention to Direct in respect of the Kerry County Development Plan 2022-2028, which would have required the inclusion of the following additional policy objectives:

“(2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

a. Indicate, based on relevant and meaningful metrics, 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)”;

In accordance with Section 31AN (1)(b) of the Act, my reasons for not issuing a Draft Direction on recommendation 2(a) are set out as follows:



1. There have been a number of significant and critical developments in relation to climate change and renewable energy to which I have given due consideration to in the context of my decision, namely;
 - i. Through the Climate Action and Low Carbon Development (Amendment) Act 2021 and the National Development Plan 2021 – 2030, the Government has committed to a binding target to reduce greenhouse gas emissions by 51% and increase the share of electricity generated from renewable sources by up to 80% over the decade (2021 – 2030), and to achieving net-zero emissions no later than 2050.
 - ii. The publication of the Climate Action Plan 2021 and the associated Annex of Actions identifies precise and targeted measures to ensure that Ireland achieves a 51% reduction in overall greenhouse gas emissions by 2030 and also to reach net-zero emissions by no later than 2050. The delivery of Action 102 set out in the Annex of Actions, commits to delivering clear and specific outputs that are required in order for development plans to accurately and proportionately address targets at a local authority level.
 - iii. In particular, the commitment to publish a framework to set out targets for onshore renewable electricity development to inform spatial plans will be a significant output to enable the disaggregation of national targets to a scale that can be applied at local authority level. The timeline for the publication of the framework is Q4 2022. It is desirable that such outputs and targets would be available to inform county development plans and that potential for renewables would not be prescribed prematurely, particularly given the life-cycle of development plans, which span six years. This will be applied to development plans when the framework to set regional and local targets for onshore renewable electricity development is available.
 - iv. The publication of the Climate Action and Low Carbon Development (Amendment) Act 2021 makes provision for local authorities to prepare statutory Climate Action Plans for their own administrative area within 12 months of the receipt of a request from the Minister for the Department of the Environment, Climate and Communications. A local Climate Action Plan is required to specify the mitigation measures and the adaptation measures to be adopted by the local authority as well as being consistent with the most recent approved climate action plan. Provision to align the Local Authority Climate Action Plans with the planning system is ultimately through Section 10(2)(n) of the Planning and Development Act 2000 (as amended), which requires that a development plan shall include objectives for:
 - the promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to —



- reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resources,
 - reduce anthropogenic greenhouse gas emissions and address the necessity of adaptation to climate change, taking account of the local authority climate action plan (within the meaning of section 14B of the Climate Action and Low Carbon Development Act 2015), where such a plan has been made for the area in question; in particular, having regard to location, layout and design of new development.
2. The developments highlighted in Section 1. above supersede those documents listed in Section 3¹ of the Section 28 *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* published in 2017. The developments highlighted above are also referenced in more recent Section 28 Guidelines, *Development Plans Guidelines for Planning Authorities*, issued in July 2022, which provide updated planning policies and objectives with regard to climate action, renewable energy and development plans. Chapter 8 and section 8.1.6 of the Development Plans Guidelines emphasise the role of Local Authority Renewable Energy Strategies to inform development plans, which will be applied to development plans when the framework to set regional and local targets for onshore renewable electricity development is available.
 3. These developments will generate a nationally and regionally integrated capacity assessment for renewable energy that will facilitate co-ordination with adjoining authorities, provide metrics to inform the development of local targets and enable a broader range of potential measures to be applied, on a statutory basis. In this context, I consider that it would not be in accordance with proper planning and sustainable development, that the Kerry County Development Plan 2022-2028 address the issue at this stage in the manner recommended by the Office as this could preclude local scope for climate action, within the framework of updated national policy as outlined in section 1.
 4. Furthermore, in response to the Russian invasion of Ukraine, the European Commission has proposed an immediate joint European action programme, REPowerEU, to terminate the dependence on imported fossil fuels from Russia before 2030 while ensuring more affordable, secure, and clean energy for Europe. Recommendations include that the “...*planning, construction and operation of plants for the production of energy from renewable sources, their connection to the grid and the related grid itself are considered as being in the overriding public interest and in the interest of public safety and qualify for the most favourable procedure available in their*

¹ The National Renewable Energy Action Plan 2010 (Irish Government submission to the European Commission); • The Government’s Strategy for Renewable Energy 2012 – 2020 (DCENR); • The Government’s White Paper on Energy Policy - Ireland’s Transition to a Low Carbon Energy Future 2015-2030 (DCENR); and • The Government’s National Mitigation Plan, July 2017 (DCCA).



planning and permitting procedures". On the acceleration of Europe's clean energy transition, Member States are to establish "go-to" areas for renewable energy development. Given the ongoing efforts to address both energy security and the Commission's proposal to terminate the dependence on imported fossil fuels, the inclusion of recommendation 2(a) of the Office in the Draft Direction could preclude such action, which will require the rapid deployment of renewables.

The National Energy Security Framework, published in April 2022, sets out the Government's response to Ireland's energy security needs in the context of the war in Ukraine. This Framework identifies a number of potential measures under the planning system that could better support the timely delivery of additional renewable energy sources and the required supporting infrastructure. One such measure identified is the provision of greater regulatory certainty, including timeframes, in relation to decarbonised generation which requires Government policy on relevant aspects of energy supply. These policies are currently being developed, one of which includes a national policy on renewables (solar and wind) as a specific energy type. Consequently, the detail of such a relevant and significant national renewable energy policy will need to be given effect through integration and implementation in the planning system, including the statutory plan-making process and is required to be completed to ensure the correct sequencing of policy formation at regional and local level can then be followed.

In light of the considerations and influencing factors set out above, I consider it is prudent and appropriate to allow for the scheduled and sequential preparation and publication of the relevant nationally and regionally integrated frameworks and plans to inform the Kerry County Development Plan 2022-2028, particularly where statutorily provided for, to give the required effect to determining targets and potential measures that can be proportionately and reasonably applied at local authority level.

Furthermore, the resource requirements and efforts related to the preparation of the local authority climate action plans should be prioritised to effectively inform the development plan, having had regard to the most up-to-date national policy and legislation; Ireland's energy security requirements, which include the need for the diversification and rapid deployment of renewables.

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Peter Burke T.D.,

Minister of State with responsibility for Local Government and Planning