



28th September 2022

For the Attention of: Mr. Pat Gallagher, Chief Executive

Westmeath County Council,
Áras An Chontae
Mount Street,
Mullingar,
N91 FH4N

Section 31 of the Planning and Development Act 2000, as amended
Decision to Issue a Direction to Westmeath County Council on the
Westmeath County Development Plan 2021 - 2027

Dear Pat,

I am writing to you to inform you of the following in relation to the Section 31 Draft Direction issued to Westmeath County Council on 29th April 2021, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report and the submissions made directly to the Office in connection with Westmeath County Development Plan 2021 – 2027, as adopted by the elected members of Westmeath County Council on 22nd March 2021.

The Office notified the Minister pursuant to Section 31AN(4) of the Planning and Development Act 2000 (as amended) on 9th July 2021 and recommended that I, as Minister, issue the Direction, as attached to the Notice of Intent dated 29th April 2021, with minor amendments.

PROCESS TO DATE

As you are aware, the Draft Direction consisted of two parts; the deletion of wind energy policy objective CPO 10.143 in its entirety from the Development Plan and the requirement for Westmeath County Council to identify, on an evidence-basis, 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. On foot of this analysis, it was indicated that revisions to the Wind Energy Capacity Map and Landscape Character Assessment may be necessary.

Subsequently, the Office in their notification letter pursuant to Section 31AN(4) of the Planning and Development Act 2000 (as amended), recommended that the proposed final Direction be issued as follows:

(2)(i) Delete wind energy policy objective CPO 10.143 in its entirety from Section 10.23.2 of the Development Plan as per the Chief Executive's recommendation.

(2)(ii) Include the following additional policy objectives:

“Carry out an assessment of how the implementation of the Development Plan 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) within 6 months of the date of the Minister's Direction, such assessment to be carried out on an evidence-basis and using appropriate and meaningful metrics, and on a coordinated basis with neighbouring authorities.

Review and amend the Wind Energy Capacity Map to ensure that it is consistent with the assessment above.”

DECISION

Having reviewed and considered the following:

- the Office's notification letter under 31AN(4),



- your report on the draft Direction, and
- the submissions made directly by the elected members of Westmeath County Council to the Office,

I, as Minister, am of the opinion to issue the Direction to effect recommendation (2)(i) i.e. Delete wind energy policy objective CPO 10.143 in its entirety from Section 10.23.2 of the Development Plan as per the Chief Executive's recommendation and in that regard, I refer you to the Statement of Reasons set out in the enclosed Direction.

I am of the opinion not to include (2)(ii) in the Direction for the following reasons:

1. Subsequent to the issuing of the notice of the intention to direct on 29th April 2021, 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 Westmeath County Development Plan 2021-2027 address the issue at this stage in the manner recommended by the Office as this could preclude local

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).



scope for climate action, within the framework of updated national policy as outlined in Section 1.

4. Furthermore, also subsequent to the issuing of the notice of intention to direct on 29th April 2021, 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 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(ii) of the Office in the Final 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 Westmeath County Development Plan 2021-2027, 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.

DIRECTION

Accordingly, Westmeath County Council should **TAKE NOTICE** that on the 28th day of September 2022, I as Minister, have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

Pursuant to Section 31 (17) of the Planning and Development Act 2000, as amended, this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan.

A copy of this Direction is attached to this letter.



STEPS TO BE TAKEN

In light of the foregoing Westmeath County Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Westmeath County Development Plan 2021- 2027 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,

Peter Burke, T.D.,

Minister for Local Government and Planning

Copied to:

- Cathaoirleach, Westmeath County Council, Áras An Chontae, Mount Street, Mullingar, N91 FH4N.
- Mr. Jim Conway, Director, Eastern & Midland Regional Assembly, 3rd Floor North, Ballymun Civic Centre, Main Street, Ballymun, Dublin 9, DO9 C8P5.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.

**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 at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

WHEREAS the Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by Section 31 of the Planning and Development Act 2000 (as amended) ("the Act"), and consequent to a recommendation made to him by the Office of the Planning Regulator under Section 31AN(4) 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 2022.
- (2) The Planning Authority is hereby directed to take the following steps:
 - (i) Delete wind energy policy objective CPO 10.143 in its entirety from Section 10.23.2 of the Development Plan as per the Chief Executive’s recommendation.

STATEMENT OF REASONS

I. Pursuant to Section 31(1)(a)(i)(II) and Section 31(1)(b)

The Minister is of the opinion that the Development Plan has failed to implement a recommendation made to the planning authority by the Office and that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

II. Pursuant to Section 31(1)(ba)(i)

The Westmeath County Development Plan 2021-2027 is inconsistent with the policy objectives of the National Planning Framework, specifically NPO 55, which states that it is an objective to ‘promote renewable energy use and generation at appropriate locations.....to meet national objectives towards achieving a low carbon economy by 2050’, and the requirements for the planning authority to comply with, and the development plan to be consistent with, the aforementioned National Policy Objective under Sections 10(1A) and/or 12(11) read in conjunction with Section 12(18);

III. Pursuant to Section 31(1)(c)

The Development Plan does not have adequate regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under the Wind Energy Development Guidelines for Planning Authorities (2006) that the development plan must achieve a reasonable balance in responding to overall Government Policy on renewable energy, enabling the wind energy resources of the planning authority’s area to be harnessed in a manner that is consistent with proper planning and sustainable development in order to provide a plan-led context to the assessment of individual wind energy development proposals.

IV. Pursuant to Section 31(1)(ba)(i) & (ii)

The Development Plan contains conflicting objectives on wind energy development such that the Policy objectives supporting wind and renewal 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.

GIVEN under my hand,

A handwritten signature in blue ink, appearing to read "Peter Burke". The signature is written in a cursive style with a large initial "P".

Minister for Local Government and Planning

28th Day of September 2022.