



**Comhshaol, Pobal agus Rialtas Áitiúil**  
Environment, Community and Local Government

15 February 2014

For the Attention of: Barry Kehoe, County Manager, Westmeath County Council.

County Buildings,  
Mullingar,  
County Westmeath

**Section 31 of the Planning and Development Act 2000, as amended  
by the Planning and Development (Amendment) Act 2010  
Notice of Intent to Issue a Direction relating to the  
Westmeath County Development Plan 2014-2020**

Dear Manager,

I am writing to you in connection with the Westmeath County Development Plan 2014-2020, as adopted by the Council on 21 January 2014 and request that you bring this notice to the attention of the elected members of the County Council on or before Tuesday 18 February 2014.

TAKE NOTICE that I am considering issuing a direction pursuant to Section 31 of the Planning and Development Act 2000, as amended. A draft of the proposed direction is attached to this letter. As appears therefrom, I have formed the provisional opinion (i) that the Planning Authority has ignored or not taken account of a submissions made on my behalf in November 2013 in respect of the proposed amendments or material alterations to the then draft Development Plan; (ii) that the Plan is not in compliance with the requirements of s.9, s.10, s.12 and s.28 of the Planning and Development Act 2000, as amended. The reasons for the proposed direction are set out in the attached draft.

**BACKGROUND**

My Department wrote to your Council, under my direction as statutory consultee under the Planning Acts, in relation to the proposed material alterations to the draft Westmeath County Development Plan on 15 November 2013, outlining issues arising out of the proposed amendments and that consideration needed to be given to ensuring the adopted Development Plan is compliant with the Planning and Development Act 2000, as amended, and with relevant departmental guidelines.



This written submission drew attention, *inter alia*, to the Departments concerns regarding the proposals by the members to alter the policies and objectives in regard to wind energy as well as zoning objectives in areas located within Flood Risk Zones.

The Department is of the opinion that the Planning Authority has ignored, or has not taken sufficient account of the said written submission, in that the Planning Authority proceeded to adopt the material amendments proposed and have resolved to make the plan including most critically the objective (P-WIN 6) requiring a setback distance from residential dwellings of ten times the height of industrial wind turbines defined as having a height (to blade tip) of over 100m, and a scale of 5 turbines of generation output of greater than 5 mw. (See Appendix B)

In doing this the Planning Authority have not taken sufficient account of the Wind Energy Development Guidelines 2008 which do not provide for a specified setback distance save for a minimum distance of 500 metres for amenity reasons. The Department is of the view that, taking account of the dispersed pattern of housing in rural areas in many parts of Westmeath, the cumulative effects of such proposed amendments would be to effectively rule out the consideration of wind energy projects of any scale in the County of Westmeath.

In requiring the setback distance above, the Planning Authority also rejected the advice of the Department of Communications, Energy and Natural Resources, which the Planning Authority are obliged to address in the context of the policies of the Minister and/or any Minister of the Government under Section 12(11) of the Planning and Development Act, as amended. In addition, the Planning Authority did not address the implications of this for adjoining authorities as required under Section (5) of the Planning and Development Act, as amended.

Furthermore given that the Planning Authority proceeded to adopt the material amendments proposed it is the view of the Department that the Westmeath County Development Plan as made is significantly inconsistent with:

- o the Midland Regional Authority Regional Planning Guidelines, in relation to the areas identified as suitable for wind energy/renewable energy development;
- o National targets for generation of energy consumption from renewable energy sources by 2020, (as derived from EC Directive 2009/28 on the promotion of the use of energy from renewable resources);
- o National Government policy commitments to increase on and offshore wind energy production indicated in the Strategy for Renewable Energy 2012-2020; and
- o as already mentioned the Wind Energy Development Guidelines 2006.

In addition to above the Planning Authority has also made the Westmeath County Development Plan 2014-2020 inclusive of the retention of 6 sites zoned "Consolidation Site" in Glasson which represents a unmerited level of over-provision of this category of potential development and for a small and historic village, when such development should be directed otherwise to the nearby Gateway of Athlone.

Despite the Department's concerns on the matter, and indeed the Executive, the members of the planning authority have decided not to address these matters in the now adopted Development Plan. Accordingly, and as detailed above, in making such a plan, the members of the planning authority have failed in their statutory duty to set out in their plan, a strategy for the proper planning and development of the area.

### **MEASURES PROPOSED UNDER THE DRAFT DIRECTION**

In light of the foregoing, the plan which sets out the objectives for the County of Westmeath is to be amended as follows:

- i. Amend the written statement in respect of the Wind Energy Policies and Objectives (Chapter 10 - Energy & Communications; Section 10.6 - Wind Energy Policies and Objectives) by deleting the following text that makes up the zoning objective "P-WIN6".

*To require a setback distance from residential dwellings of ten times the height of Industrial Wind Turbines. In the context of this policy, industrial/large-scale energy production projects are defined as follows: Projects that meet or exceed any of the following criteria:*

- *Height: over 100m to blade tip, or*
- *Scale: More than 5 turbines, or*
- *Output: Having a total output of greater than 5MW*

- ii. Remove the 6.No sites identified as a "Consolidation Site" zoning objective from the plan/map referenced as Map 38 of October 2013 entitled "Glasson Zoning Map" which sets out the zoning objectives for Glasson as included in the Westmeath County Development Plan 2014-2020 approved on 21 January 2014.

Please note that these provisions will not now come into effect until the Section 31 procedure has been completed.

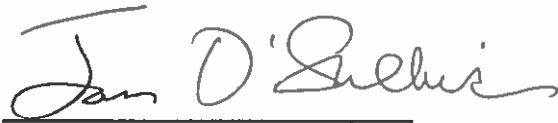
### **PROCEDURAL REQUIREMENTS**

I would draw your attention to the public consultation obligations under Section 31 of the Planning and Development Act 2000, as amended by the Planning and Development Amendment) Act 2010, and the initial requirement for you, as manager, under section 31(7) to

publish notice of the draft direction no later than 2 weeks after receipt of this notice. I look forward to receipt of the report which has to be prepared by you on foot of this public consultation under Section 31(8), including on any views of the elected members, to be furnished to me no later than 4 weeks after the public consultation process is completed, for my further consideration.

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

Yours sincerely,

A handwritten signature in dark ink, reading "Jan O'Sullivan". The signature is fluid and cursive, with the first name "Jan" and the last name "O'Sullivan" clearly distinguishable. It is written on a white background.

Jan O'Sullivan, T.D.,  
Minister for Housing and Planning,  
Department of the Environment, Community and Local Government

Copied to:

Cathaoirleach, Westmeath County Council, County Buildings, Mullingar, County Westmeath

Director, Midlands Regional Authority, Bridge Centre, Bridge Street, Tullamore, County Offaly

## **DRAFT DIRECTION**

### **DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2010)**

#### **WESTMEATH COUNTY DEVELOPMENT PLAN 2014-2020 DIRECTION 2014**

“Development Plan” means the Westmeath County Development Plan 2014-2020

“The Planning Authority” means Westmeath County Council

**WHEREAS** the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter 1 of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2012 (S.I. 148 of 2012).

**WHEREAS** the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Westmeath County Council in making the Westmeath County Development Plan 2014-2020 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in November 2013,

and

- (ii) the Westmeath County Development Plan 2014-2020 is not in compliance with the requirements of s.9, s.10, s.12 and s.28 of the Planning and Development Act 2000 (as amended).

**NOW, THEREFORE** in exercise of the powers conferred on her by s.31 of the Planning and Development Act 2000 (as amended), the Minister of State at the Department of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Westmeath County Development Plan 2014-2020) Direction 2014.

(2) The County Council of Westmeath is hereby directed to take the following steps with regard to the Westmeath County Development Plan 2014-2020 ("the Development Plan").

- i. The written statement in respect of the Wind Energy Policies and Objectives (Chapter 10 - Energy & Communications; Section 10.6 - Wind Energy Policies and Objectives) is to be amended by deleting Policy P-WIN6 and the following text in the Westmeath County Development Plan 2014-2020

<i>P-WIN6</i>	<i>To require a setback distance from residential dwellings of ten times the height of Industrial Wind Turbines. In the context of this policy, industrial/large-scale energy production projects are defined as follows: Projects that meet or exceed any of the following criteria: - Height: over 100m to blade tip, or - Scale: More than 5 turbines, or - Output: Having a total output of greater than 5MW</i>
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- ii. The plan/map entitled "Glasson Zoning Map" (Date: October 2013, Map Ref: 38) which sets out the zoning objectives for Glasson is to be removed. For ease of reference a copy of the said plan/map indicating lands outlined by red-dotted lines with the zoning objective "Consolidation Site" is attached as Appendix 1 to this direction.

And

A new map referenced entitled "Glasson Zoning Map" (Date: February 2014, Map Ref: 38) is to be inserted removing the zoning objective of "Consolidated Site". For ease of reference a copy of the said plan/map is attached as Appendix 2 to this direction.

The effect of this amendment will be that the lands with zoning objective of "Consolidation Site" as included in the adopted Westmeath County Development Plan 2014-2020 will revert to no zoning objective.

#### STATEMENT OF REASONS

- 1) A written submission on the proposed material alterations to the draft development plan was made to Westmeath County Council on behalf of the Minister for the Environment, Community and Local Government in November 2013.

The written submission outlined that the proposed amendments concerning the Planning Authority's policy framework for wind energy projects would be significantly inconsistent with:

- The Wind Energy Guidelines, (issued under section 28 of the Planning and Development Acts, in 2006);
- The Midland Regional Authority Regional Planning Guidelines, in relation to the areas identified as suitable for wind energy/renewable energy development;
- National targets for generation of energy consumption from renewable energy sources by 2020, (as derived from EC Directive 2009/28 on the promotion of the use of energy from renewable resources); and
- National Government policy commitments to increase on and offshore wind energy production indicated in the Strategy for Renewable Energy 2012-2020.

The written submission raised concerns with the consolidation sites at Glasson having regard to the prioritisation for development at gateway settlements and compliance with the justification test under the Planning System and Flood Risk Management Guidelines (November 2009)

- 2) The decision by the members to alter the policies and objectives in regard to the wind energy objectives and the proposed rezoning of land as outlined in this direction does not provide for proper planning and sustainable development and therefore the Westmeath County Development Plan 2014-2020 is not in compliance with the requirements of s.9, s.10, s.12, and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,



Minister of State

at the Department Environment, Community and Local

Government

this 15<sup>th</sup> day of February 2014

# APPENDIX 1

