

Section 31 (8) Chief Executive's Report on Submissions
Received in Relation to the Draft Ministerial Direction
to the Westmeath County Development Plan
2021-2027

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1. Introduction & Overview of the Chief Executive's Report

1.1 Background – Draft Ministerial Direction

On 29 April 2021, the Minister of State at the Department of the Housing, Local Government and Heritage, consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Planning and Development Act 2000 (as amended) (the Act), issued a Draft Ministerial Direction to the Westmeath County Development Plan 2021-2027, as outlined in Appendices A-C.

The Draft Ministerial Direction relates to the Westmeath County Development Plan 2021-2027(WCDP) and requires the following steps to be taken:

- (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”.

1.2 Public Consultation

Notice of the Draft Ministerial Direction was published on 11 May 2021 (see Appendix D). A copy of the Draft Direction was made available for inspection and submissions or observations were invited between 11 May 2021 and 24 May 2021.

1.3 Purpose of the Chief Executive's Report

Section 31 of the Act, sets out the requirement for the Chief Executive to prepare a report on any submissions or observations received.

In this regard the report of the Chief Executive must:

- (a) summarise the views of any person who made submissions or observations
- (b) summarise the views of and recommendations (if any) made by the Elected Members
- (c) summarise the views of and recommendations (if any) made by the Regional Assembly
- (d) make recommendations in relation to the best manner in which to give effect to the draft direction.

The report of the chief Executive must then be furnished to the Elected Members of the Planning Authority, the Office of the Planning Regulator (OPR) and the Minister, no later than four weeks after the expiry of the public consultation period.

1.4 Next Steps

In accordance with the provisions of Section 31AN(4) of the Act, the OPR shall consider the report of the Chief Executive on the submissions, together with any submission made under section 31(10) of the Act, and shall recommend to the Minister that he or she issue the direction with or without minor amendments or where the Office is of the opinion that:

- (a) a material amendment to the draft direction may be required
- (b) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or
- (c) it is necessary for any other reason, then the Office may, for stated reasons, appoint a person to be an inspector no later than 3 weeks after the date of receipt of the Chief Executive's Report

If the Minister agrees with the Recommendation, then he shall issue the Direction with or without minor amendments. Pursuant to Section 31(17) of the Act, the direction issued by the Minister is deemed to have immediate effect and its terms are considered to be incorporated into the Plan, or, if appropriate, to constitute the plan.

2. Summary of Submissions Received in Relation to the Draft Ministerial Direction

Following a period of public consultation, between 11 May 2021 and 24 May 2021 (inclusive), 13 (no.) submissions were received in relation to the Draft Direction.

A list of all the persons/bodies that made submissions or observations during the prescribed consultation period is provided in Appendix E.

Submissions are summarised as follows:

Ref No. WM-C18-1: Statkraft Ireland

The submission notes the potential for community benefit in local communities and supports the Draft Ministerial Direction.

Concern is raised that CPO 10.143, setback distances from residential dwellings, leaves a negligible amount of land in Co. Westmeath for wind energy development. It is submitted that such policy is not in line with the adopted Wind Energy Guidelines (WEGs) (2006) which specify a setback of 500m, or the draft revised WEGs (December 2019) which specifies a separation distance of 4 times the tip height between turbines and occupied residential dwellings. The submission supports the removal of CPO 10.143 as per the Draft Ministerial Direction.

The submission notes a reduction in the identification of high and medium wind energy capacity areas within the county over the past three Development Plan review periods. It is submitted that the identification of such a limited area as 'medium capacity' with the majority of areas identified as 'low capacity' contradicts the aspirations and obligations on the Council under CPO 10.133 which seeks to *'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 is requested that the Council undertake a clear and methodical approach to its landscape character assessment with designation of geographical areas in terms of capacity for wind energy development

supported by reasoning and a clear evidence base. Furthermore, it also considers that CPO 10.135 which seeks to strictly direct wind farms onto cutover / cutaway bogs limits wind energy potential and denies communities the opportunity to earn additional income.

The submission notes disparities in the alignment of wind energy policies across the local authorities of Westmeath, Meath and Offaly, particularly in relation to wind energy capacity and suggests that cross-county committees for issues of mutual concern be established between County Westmeath and its neighbours, with wind energy being a key issue.

Ref No. WM-C18-2: Val Martin

This submission highlights difficulties experienced when logging onto the Council portal and claims a breach of rights under the Aarhus Convention.

It is submitted that the Irish National Renewable Energy Action Plan and the Westmeath County Development Plan for wind energy is proceeding in contravention of Article 3(2) of Directive 2001/42/EU (SEA Directive). Attention is drawn to the Belgium equivalent of Irish Wind Energy Development Guidelines and a ruling by the EC Court of Justice that such guidelines constitute a Plan or Programme under the SEA Directive and that a wind farm granted planning permission under it must have its permission quashed. The submission also suggests that existing Irish wind farms must be dismantled because they are unlawful.

Ref No. WM-C18-3: Beverley Bate

This submission refers to legal requirements to comply with European Directives namely, SEA, EIA and Habitats Directive. It is submitted that the Irish Wind Energy Development Guidelines 2006 and the National Renewable Energy Action Plan are not in compliance with the SEA Directive as required by Article 3(2) of the SEA Directive. Supporting information is provided in reference to EU Court of Justice case ruling C-24/19.

It is submitted that a grid connection along public roads is in contravention of Statutory Instrument No. 9 of 2021.

The submission provides that Ireland has already surpassed its renewable energy targets with 3,800 megawatts installed.

Reference is also made to the making of energy policy by national or local politicians is a legal error.

Ref No. WM-C18-4: Eco Advocacy

This submission supports the inclusion of CPO 10.143 in the Plan. It considers that as county councillors are the elected representatives of the people, they are entitled to make appropriate policy decisions to suit their County. It is submitted that, for a minister to attempt to interfere with such a decision is an abuse of process and an attack on democracy and thereby imposes a dictatorship on a regional assembly and renders it useless.

It is alleged that the proposed setback of 10 times the height of the turbine is in line with international best practice.

It is noted that wind energy is not effective during frosty or sunny conditions and in the case of the latter gives rise to the use of air condition units which put a heavy draw on electricity which is met by the use of gas fired plants.

Concern is raised that wind energy is being prioritised over other forms of renewable energy and in this regard, it queries why Deep Bore Geothermal energy, which is less invasive on humanity and on the environment, is not given due consideration. In this regard the advantages of Deep Bore Geothermal energy over wind energy are listed as below:

- No visually obtrusive issues
- No property devaluation
- No health issues
- No fluctuations in the availability of energy
- No spinning reserve (backup) requirement
- No wastage of finite natural resources such as sand and gravel, steel etc
- There are numerous suitable geological bedrock areas in Ireland.

Reference is made to the increased demand for data centres which generates a huge demand for electricity and is therefore driving the push towards wind energy which is considered to be unsustainable. Furthermore, it is stated that data centres require the storage of lithium batteries which is rare resource and should be conserved.

The submission states that wind turbines by reason of their construction are resource hungry in terms of the use of finite resources. In this regard, the use of steel, concrete, roads and rare metals is discussed.

It is submitted that the separation distances proposed in CPO 10.143, as opposed to those stated within the Wind Energy Guidelines 2006, which are considered out of date and based on smaller turbine heights, or the Draft Wind Energy Guidelines 2019, are appropriate.

An article which references set back distances from a medical perspective is cited alongside reference to an example from Bulgaria where 10 times the tip height is applied.

The submission informs that wind farms are extremely resource hungry, adversely impact the visual amenity of the landscape and in consequence the touristic potential of Ireland. It submits that tourist numbers in Scotland (where there has been much development of wind) have already been significantly impacted.

It is submitted that wind energy developments are unviable and constitute a waste of finite resources.

Reference is made in the submission to a list of four online articles which discuss the social and environmental cost of earth mining.

Concern is raised that a back up supply is required in event no wind is available and given the use of aggregates and concrete in the construction of turbines, the potential for run off and flooding and disturbance to bogs.

It is suggested that if wind energy is to be pursued, it should be at the very least be prohibited in the populated and predominantly flat landscape of the midland counties.

Reference is made to the lack of public consultation on wind energy, which is contrary to basic democratic principles and more recently to the Aarhus convention and the Public Participation Directive.

The submission concludes with an extract of the Energy Matrix from the Eirgrid Dashboard which shows the system demand together with the contribution from wind energy on random dates November 2020.

Ref No. WM-C18-5: Michael & Liz Collins

This submission states that “we fully support Westmeath County Council stands on these issues, and we also support the Submission made by Eco Advocacy”

Ref No. WM-C18-7: Anthony Maguire

The submission states that the notification of public consultation in the matter is inadequate and contravenes international and EU law on participation by citizens on environmental matters.

It is suggested that the Irish National Renewable Energy Action Plan was never subjected to SEA Directive 2001/42/EU in accordance with Article 3(2) and accordingly the Minister is acting beyond his powers. Reference is also made to the Wind Energy Guidelines 2006 in terms of their Belgium equivalent and whereby the EC Court of Justice ruled that a Plan or Programme within the meaning of Article 3(2) must be subjected to an assessment under the SEA Directive.

It is further submitted that grid connections along public roads are in contravention of Statutory Instrument No. 9 of 2021.

Ref No. WM-C18-8: North Westmeath Turbine Action Group (NWTAG)

The submission outlines the background to NWTAG which was formed in mid 2017 in response to concerns associated with an application for a wind farm development at Coole, Co. Westmeath.

Support is set out for the inclusion of CPO 10.143 as part of the Westmeath County Development Plan 2021-2027 and in carrying on the provisions of PWIN 6 from the previous Westmeath County Development Plan. It is submitted that the policy provides an essential safeguard that will help protect rural communities, the environment and important wildlife habitats from the worst effects of industrial scale wind farms. Local support for this positional stance is highlighted as reflected by recent submission to An Bord Pleanála as part of a recent application for wind farm development at Coole.

Concern is expressed that local planning provisions will be discarded by a government that seems to insist that wind generation, in a low wind county is the only way to generate sustainable, green energy. It is submitted that such a move will render meaningless the years of hard work the majority of councillors in Westmeath undertook to protect their constituents from industrial turbines. Reference to CPO 10.148 is highlighted in this regard.

The submission also sets out opposition to the inclusion of CPO 10.146, which identifies the preferred locations for large scale energy production, in the form of wind farms, is onto cutover cutaway peatlands in the County.

The submission considers that County Westmeath is entirely unsuitable for large scale wind energy production, as the topography of the county which is generally flat and low lying does not generate the type of consistent high wind speeds that are needed to justify the erection of commercial wind turbines. It is submitted that the scale and setting of turbines in a generally very flat countryside will result in significant planning blight and untold ecological damage. As such, it is suggested that the flat low-lying land of the Midlands bogs are the least suitable locations for erecting industrial wind farms as turbines need to be built on stabilised and dried out peatland and as bogs dry out stored carbon are emitted into the atmosphere thus contributing to global warming.

It is considered that turning peatlands into carbon sinks is a favourable approach to reducing our carbon emissions. The rewetting and reseeded of the worked-out bogs and peat lands, not only to as carbon sinks but also developing peatways for eco tourists to the region is also promoted.

The submission sets out support for community owned micro and small-scale wind energy. Support is also provided for CPO 10.145 of the plan which seeks to *“encourage and support the development of small-scale wind energy development and single turbines in urban and rural areas and Industrial Parks, provided they do not negatively impact upon environmental quality, landscape, wildlife and habitats or residential amenity”*.

The submission indicates support for developing alternative sources of renewable energy such as solar, biomass, hydro and small micro producers of wind energy, which it is suggested provides a clean energy without destroying large tracts of rural countryside and blighting communities and the environment for generations to come.

The submission opposes any attempt at local or national level to allow North Westmeath to become a Strategic Energy Zone suitable for larger energy generating projects.

It is submitted that NWTAG strongly champions the development of a National Peatlands Park and peatways in the Midlands together with proposals to protect and develop Mayne bog and the late Bronze Age walkway as archaeological and eco- tourist destinations of national importance.

The submission considers that the installation of industrial scale wind-turbines into the landscape of North Westmeath would damage the context, detract from the interpretation and destroy the character of the archaeological and historic sites of the area.

Ref No. WM-C18-9: Daryl Kennedy, Delvin-Raharney-Ballivor Wind Action Group

The submission notes that the Planning (Interim) Guidelines issued in July 2017 “for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change” as referred to in the Ministerial Direction, is specific to the development of “wind energy production and the potential wind energy resource (in megawatts)” i.e. guides exclusively towards the development and target potential of wind energy production. In this regard it is submitted that the guidelines, as developed for informing County Development Plans, are fundamentally flawed and, as such, it would be irresponsible of any County Development Plan to adhere to same.

The submission queries the appropriateness of wind energy as the use of a single, intermittent energy (fuel) instead of a well-designed renewable fuel mix e.g. a mix of solar, biomass, wind, wave, hydro, geothermal. It is submitted that it is incomprehensible why Government policy would single out one source of renewable energy input (wind) while ignoring the potential contribution of all others. In this regard it is submitted that biomass is classified as the most important renewable energy fuel in the EU. The submission considers that wind energy production is ideally suited to offshore locations where wind speeds are significantly higher when compared towards the middle of a landmass. A table detailing average summer and winter wind speeds is provided with comparison between coastal and the Midland counties of Westmeath and Offaly.

It is suggested that the Minister and the Department of the Environment, Climate & Communications must consider and make available a suite (or menu) of defined renewable energy options, which, when taken in balanced totality, can and will make the required contribution to national and international carbon (GHG) emissions reductions. The submission suggests solar energy and biomass as suitable options for Westmeath.

The submission considers that the Wind Energy Guidelines 2006 are outdated and queries the ability of draft revised guidelines 2019 to protect citizens when considering wind energy development, which it is submitted are based on flawed national policy (lack of balance in relation to renewable energy sources). It is further considered that noise guidelines are complex and appear open to subjectivity and accordingly the setback distances provided for in the draft guidelines are questionable. Hence a setback of 10 times tip height is appropriate, and as such CPO 10.143 should be retained as part of the Plan.

Ref No. WM-C18-10: Aldona Gad-Jordan

The submission considers that the provisions of CPO 10.143 are fit for purpose and ensure the safety and preservation of the quality of life of people, animals and the ecosystem of the locality.

The submission, in objecting to the deletion of CPO 10.143 from the Plan, suggests that if it is not possible to progress a wind energy turbine project with a turbine top height of over 150 meters under the current Plan then such an approach is not a suitable way of producing renewable energy in the area.

It is stated that current national targets/plans for Westmeath are not considered suitable and not realistic and that further research around alternative methods of renewable energy production is required.

Ref No. WM-C18-11: Owen Martin

This submission considers that the Wind Energy Guidelines currently in force have not been assessed properly in compliance with EU law.

It is submitted that a European Court of Justice ruling (Case C-24/19) in June 2020 declared that similar wind energy guidelines issued by the Belgian local authority should be subject to a Strategic Environmental Assessment (SEA). It is suggested therefore that Ireland's guidelines are not in compliance with the Strategic Environmental Assessment Directive, specifically, Article 2(a) of Directive 2001/42/EC.

Ref No. WM-C18-12: Irish Wind Energy Association

The submission supports the Ministerial Direction and considers that CPO 10.143 contravenes national and regional policy efforts to increase renewable energy to help meet climate action targets.

It is suggested that this policy departs from the adopted Wind Energy Guidelines 2006 and the Draft Wind Energy Guidelines 2019 which states 4 times tip height be the minimum distance between turbines and residential dwellings. It considers that the imposing separation criteria as set out under CPO 10.143 will exclude otherwise potentially suitable areas for wind development.

The submission provides a chronological account of modifications to the Wind Energy Capacity Map from 2008 to the current CDP and suggests that such changes are in the absence of any formal justification. Accordingly, the submission requests restoration of the 2008 wind energy capacity map and updating of the Landscape Character Areas using a weighted landscape sensitivity matrix as part of a Renewable Energy Strategy for Westmeath.

The submission notes that CPO 10.135 specifically identifies the preferred locations for industrial wind farms to cutaway peatlands, subject to nature conservation and habitat protection requirements being fully addressed. It is considered that such provision is not appropriate as it restricts wind energy development to cutover and cutaway peatlands.

It is considered that in order to establish consistencies and positive wind strategies among neighbouring local authorities, a transition from a local approach to the spatial planning of wind to a regional approach, where renewable wind energy targets are established in the form of Regional Renewable Energy Strategies (RRES), is required to ensure a consistent approach is used nationally, in line with Government policy.

It is submitted that the Council need to establish a clear strategy for wind energy development which supports key national policies at a local level based on evidence, consistent with the relevant guidelines and which allow for the identification of geographical areas for wind energy development. The submission considers that the Westmeath has not made a substantial contribution to wind energy output compared to other counties considers that a renewable energy strategy is required to support the transition to a low carbon society.

Support is provided in relation to Plan provisions which promote further renewable energy development in the County. The submission concludes that expansion of the Irish wind industry has resulted in greater job creation, as well as increased local authority income through commercial rates and development contributions with significant benefits to local communities.

Ref No. WM-C18-13: Galetech Energy Services

The submission fully supports the Draft Ministerial Direction and considers that in addition to Section 10.23.2 being inconsistent with national and regional policy, it is contradictory with regard to suggested separation distances between wind turbines and dwellings as set out under CPO 10.142 and CPO 10.148 (requirement to comply with Ministerial Guidelines with respect to setback distances).

The submission suggests that Plan policy is at odds with the Wind Energy Development Guidelines for Planning Authorities 2006 (WEG 2006) which do not specify separation distances between residential dwellings and wind turbines. It is submitted that the practical application of Policy Objective 10.143 is such that the vast majority of County Westmeath would be deemed unsuitable for wind energy developments on the basis of an arbitrary 'dwelling-setback' calculation, provided without any evidential basis and such setback distances therefore constitutes a de facto ban on wind energy developments in County Westmeath.

As such, it is recommended that Policy Objective 10.143 be removed from the Westmeath County Development Plan 2021-2027 in its entirety.

The submission advocates for a revised Wind Energy Capacity Map and sets out a suggested approach for the preparation of same.

A revised Landscape Character Assessment (LCA) is also promoted as is the application of a landscape sensitivity matrix to inform the identification of potentially suitable lands for designation as part of the Wind Energy Capacity Map. In this regard, the implications of CPO 10.146, to 'strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands' is also considered inappropriate in the absence of an updated evidence-based evaluation of peatlands in the county particularly given the suggested suitability of other lands for wind energy development.

It is considered that such an approach denies private landowners and communities the opportunity to contribute to the delivery of renewable energy developments at otherwise suitable locations solely on the basis that their lands do not comprise peatlands.

3. Summary of Elected Members Submission

The following observations were made by the Elected Members at the Special Meeting of Westmeath County Council held on 17 May, 2021, recorded and submitted as part of the public consultation on the Draft Ministerial Direction by way of the Westmeath Public Consultation Portal.

Cllr. Glynn: Collectively, the position of the current and previous Councils has been very strong in representing the message from the people of Westmeath. This has been achieved by putting measures in place, through the Development Plan, to address the concerns expressed across the County regarding wind energy and particularly wind farm development. This is consistent with my approach over the course of the previous two Development Plan review periods.

Past issues associated with wind energy developments was highlighted at the Lakeland Windfarm Action Group meeting at Bloomfield House Hotel where a video was presented to the attendees by a couple in Co. Roscommon. This demonstrated the effect of wind turbines on their lives and showed how mattresses in windows and doors were required to block out noise. Ultimately the couple's lives were ruined by the horrendous structures that were inflicted on them and this should be remembered.

Cllr. Leonard: (on behalf of Cllr. Leonard and Cllr. Penrose) read a submission to the Meeting as follows:

'It must be noted that Westmeath County Council is open to all forms of renewable energy and has strong objectives in our new county development Plan 2021-27 to ensure a fair balance of solar, wind, hydro, biogas, geothermal, biomass, waste to energy, biofuels, retrofitting etc, so not to end up with too much reliance on one form of renewable energy that might adversely affect local communities.

Considering the recent launch of large scale wind energy projects by SSE and ESB and other firms to promote large scale offshore wind farms in the Irish Sea to power up to 4 million people, and with our ocean on the west coast also one of the most suitable areas on the planet for wave energy, it seems that Westmeath can make a very sizeable contribution in many of the other renewable development areas: like solar where we have some of the largest solar farms in Europe, in anaerobic digestion with our extensive farming community and in hydro, geothermal and biofuels, etc. We also have embarked on an ambitious retrofitting programme under Just Transition and have explored many new public transport options to cut transport emissions and our dependency on fossil fuels. We are also open to wind energy on our cut away bogs where colocation of solar farms at these sites would also maximise their output. The fact is that the topography of our very flat county does not lend itself to largescale industrial wind farm development in our very populated rural areas. In this regard the only option to achieve a sustainable mix of all our renewable energy projects is to limit wind development to areas where the following set back distances can be maintained from residential dwellings:

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

The following factors are also relevant on wind turbines built too close to residential dwellings and sensitive areas which is why other renewables are our more preferred options:

- Visual Impact, to get sustainable wind speeds you would need to build some of the highest turbines in the world as we have the lowest wind speeds in Ireland here in the Midlands. Areas like our lakes here in the Lake County, and Uisneach which is a proposed World Heritage site would be left very vulnerable with very high turbines. New tourist initiatives like Hidden Heartlands and Irelands Ancient East can be left very compromised.
- Considerable Noise Pollution: especially at night and during high winds causing sleep deprivation, noise induced sleep disturbance, depression, migraines and high blood pressure.
- Shadow flicker: very problematic on rural roads with high turbines.
- Other Effects: include aircraft clearance, decommissioning costs, transporting them on many narrow roads, effects of birds and wildlife, etc.

In essence, we in Westmeath will more than play our part with the development of a full range of renewable energy resources in our county, but it must be the right development in the right location'.

Further, there is a need to be practical about the right development in the right location.

Wind energy developments create very little employment when compared to other renewable energy initiatives such as, for example, retrofitting programs. There is a need to reduce energy use, with much of this energy being directed to Data Centers. There should be support for farmers so that their enterprise is viable without the need for wind energy developments to be placed on agricultural lands. Significant

concerns also exist in relation to decommissioning and the impact of such structures (which become obsolete before the life end) on the landscapes, over a 30, 40, or 50 year period and this needs to be addressed.

Cllr. Penrose: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. It is vital to emphasise the importance of the role of elected councillors in representing the citizens of the County and reflecting their sentiments against wind energy developments. In this regard the views/recommendations of the Office of the Planning Regulator will be challenged on behalf of the people of Westmeath, through the courts if necessary.

Cllr. Shaw: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. Westmeath County Council has been consistent in its views on wind energy development over time. While there is support for renewable energy development there is a need for alternative renewable energy developments such as solar and anaerobic developments in Westmeath and the people of Westmeath need to be protected.

Cllr. McCormack: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. The submission provides a concise summary of the motions of the Elected Members as brought forward throughout the process of the County Development Plan review. The people of Westmeath have the same views on wind energy developments. There is a fixation with wind energy as being the sole means of achieving renewable energy targets and it is demonstrable that renewable energy targets in Westmeath can be achieved from other sources as can be seen by way of existing permitted solar farm developments across the County. In this regard renewable energy should be provided in a safe manner, to protect the health and welfare of our citizens (and animals) without posing a risk to them. The scale of these wind energy developments are not suitable for Westmeath and the Members have an important role to play in ensuring that appropriate set back distances to dwellings, together with policies directing industrial scale wind farms to cutaways bogs, are in place to protect the residents of the County.

Cllr. Smyth: In providing a counter narrative to the above sentiments, while supporting the submission that renewable energy should be balanced and that respect and consideration should be given to the residents of Westmeath and the impact on their lives, it should also be noted that there are people who are in favour of providing wind turbines on their lands - not everyone is against wind turbines. It may make sense for wind turbines to be erected in some locations in Westmeath depending on specific circumstances.

The role of public participation as part of the planning process and the opportunity for people to voice any concern they may have, to be considered by Planning Authority or An Board Pleanala, through the consent process and in accordance with the proper planning requirements, is also highlighted. Development Plan policy, as adopted, does not provide that wind will be prioritised over other forms of renewable energy projects. It is important that renewable energy targets are met in the coming years and wind turbines form part of this. In this regard, the success and importance that community led projects can play in this area is emphasised and such projects need to be supported and provided for.

Cllr. Farrell: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. The submission represents the views of the Members as expressed throughout the County Development Plan process. The need for other renewable energy developments to be considered throughout the County is imperative. In addition to the facilitation of wind energy developments on cut away bogs and forestry areas, an emphasis should be placed at a national level on providing for offshore wind developments. The approach to providing

renewable energy needs careful consideration with reference to, for example, the Council's current role in seeking UNESCO status for the Hill of Uisneach as part of the Royal Sites.

Cllr. Davitt: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. Concerns are being expressed by the public that wind speed testing is currently being undertaken on low-lying flat lands that are not suitable to accommodate wind energy proposals. The height of turbines necessary to support wind energy generation in these areas raises serious concerns in respect of associated shadow flicker, noise, and wildlife impact. Residents are very concerned about the uncertainty associated with such proposals, particularly in relation to density of the turbines and how this could impact on their livelihoods, including those with special needs. While everyone is in favour of the alternative methods of renewable energy there must be an emphasis on providing a balanced approach to such provision as opposed to relying solely on wind energy.

Cllr. Heavin: There is concern with the approach being advocated, as flagged by the Planning Regulator, in that Westmeath is saying (to a certain extent) that it is exceptional. Notwithstanding that this approach is based on representations and there is a need to represent the people of Westmeath, wind cannot be excluded as part of a balanced approach to providing renewable energy. Part of the opposition to wind energy developments in the past has been associated with the ultimate ownership of the energy and Cllr. Smyth's sentiment that community owned projects are not excluded from Development Plan policy is also endorsed in this regard. Directing projects exclusively to cutaway bogs is inappropriate as some bogs can be used for storing carbon and may not be suitable for large scale wind turbine developments. The local authority may require some element of wind to meet the renewable energy targets along with alternative methods. The planning process is part of a legislative process adhering to national guidelines and it is important that the public can participate in expressing their views as part of the planning process stage.

Cllr. Duncan: While not being able to review the submission of Cllr. Leonard and Cllr. Penrose, but given my extensive engagement on the matter over the years, an understanding of their perspective is expressed. The wind energy sector has engaged in extensive lobbying of the Oireachtas over the years relative to other renewable sectors. As such, it is a developer led process. This is evident through the wind energy guidelines review process, which is underway since 2014, and, despite numerous submissions, the process has yet to be concluded. In this regard, the Planning process cannot be relied upon to implement proper strategy in circumstances where national guidelines in the area are not in place. Thus, the Council should represent the views of the majority. It is acknowledged that some farmers do want turbines on their land; however, they are a minority compared to the residents in any given area. Examples are the rally in Dublin, solely relating to 2000 turbines to export electricity to UK, was attended by a large public gathering to oppose the developers on the erecting of large-scale wind energy developments. Based on experience in the auctioneering industry, properties within 2km of wind energy developments are devalued. In such circumstances the equity in a person's home being transferred to someone else's pocket. As such, Members need to offer these people protection, and the solution, as adopted in the last County Development Plan, is to direct Wind energy to cut away peatlands.

Cllr. Collentine: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. While renewable energy targets should be met in Westmeath, careful consideration must be given to the appropriate method. In this context, tourism within the County must be protected, particularly the scenic offer of the County, given the scale and unattractiveness of these structures which are too large and unappealing for the midlands. There are also concerns regarding setbacks, density and height of the turbines, devaluation of properties

and the impact of imposing such large structures on the next generation needs to be considered. Solar energy should be considered as an alternative given solar farms are more efficient, cost effective and provide greater integration to the landscape.

Cllr. McDermott: The consistency of views as reflected in the submission of Cllr Leonard and Cllr Penrose is commended. There are concerns however in relation to the impact of CPO 10.143 and the associated separation distances under the Plan in terms of the potential for this policy to limit wind development potential in peatland areas. This policy has the potential to make wind energy development in Westmeath unviable in the cutaway bogs in instances where separations of more than 2,000 meters is required. In reference to the views of Cllr. Heavin and Cllr. Smyth, the importance of Community Energy projects is highlighted, particularly having regard to the scope for technological advances in this area. There is no issue with any form of renewable energy development subject to compliance with relevant legislative provisions.

Cllr. Wallace: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. Opposition to wind energy developments relates to 'industrial scale' developments near homes. There is support for renewable energy; however, Gaybrook should be considered as a precedent in terms of the need to protect people's homes from industrial scale wind turbines. Caution is needed in terms of the implications of such developments on homeowners including on their ability to sell their homes, land values, sterilisation and implications for farmers. Suitable development in a suitable location is crucial and residents must be considered as part of the process. A cautious approach to wind development is advocated and it is suggested that elected members need to support their communities who have a right to live in their own homes in a safe manner. As such peatlands are a suitable location for such developments.

Cllr. Keena: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. The importance of meeting renewable energy targets and to protect our environment into the future is fully recognised; however, there are alternatives to the overuse of wind turbines. These alternatives should be explored further with cut away bogs being the most appropriate location having regard to wildlife and flight path of birds. Community energy projects are also important, but these do not need to be focused on wind energy. Concern also exists in respect of the role of the County Development Plan in the assessment of this nature of planning application, by An Bord Pleanála, having regard to Ministerial Guidelines. Clarity is also required in relation to the extent of renewable energy required to meet our targets for the County and how these can be met through solar energy developments as opposed to wind farms.

Cllr. McDaniel: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed. Westmeath is not an ideal County in terms of suitability to contribute to wind energy. Such wind energy proposals are more suited to offshore and costal developments. In this regard it is important to highlight the requirement for back up energy to meet demand when wind generation is low and, as such, the role that alternative forms of renewable energy should play in meeting energy demands (noting that the opportunity for the conversion of two peat powered power stations recently represented a missed opportunity to generate biomass renewable energy) should be prioritised. Further clarity is also required in relation to the extent of wind energy in megawatts, that is expected by the Office of the Planning Regulator, to be provided from the County.

Cllr. Dolan: The joint submission of Cllr. Leonard and Cllr. Penrose is endorsed and the provision of renewable energy is fully supported; however, counties that are more favourable in terms of wind

generation capacity for wind energy should focus in that area and counties that are more suited to solar should focus in this area.

4. Views and Recommendations of the Regional Assembly

No submission was received from any Regional Assembly in relation to the Draft Direction.

5. Recommendation on the Best Manner to Give Effect to the Draft Direction

Having regard to:

- (i) The Planning and Development Act 2000 (as amended)
- (ii) Ministerial Guidelines issued under Section 28 of the Act the Planning and Development Act 2000 (as amended), including the Wind Energy Development Guidelines (2006) and Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)
- (iii) Submissions received on foot of public consultation in respect of the draft Ministerial Direction
- (iv) The views of the Elected Members of Westmeath Council at the Special Meeting of Westmeath County Council held on 17 May, 2021
- (v) The National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy
- (vi) The Climate Action Plan 2019 (DECC)
- (vii) The National Renewable Energy Action Plan 2010 (Irish Government Submission to the European Commission)
- (viii) The Government's Strategy for Renewable Energy 2012-2020 (DCENR)
- (ix) The Government's White Paper on Energy Policy – Ireland's Transition to a Low Carbon Energy Future 2015-2030 (DCENR)
- (x) The Government's National Mitigation Plan, July 2017 (DCCA)

and further, having regard to the previous advice of the Chief Executive provided at the meetings of Westmeath County Council to consider the Chief Executive's Report on the Draft Westmeath County Development Plan (September 2020) and the Chief Executive's Report on the Proposed Material Amendments to the Draft Westmeath County Development Plan (February 2021), it is considered that the Westmeath County Development Plan 2021 – 2027 should be altered as follows:

- (i) **Delete wind energy policy objective CPO 10.143 in its entirety from section 10.23.2 of the Development Plan.**

Consideration

The Wind Energy Guidelines 2006 do not contain a specific setback distance for wind turbines from residential dwellings. The Guidelines indicate that, in general, noise and shadow flicker is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres.

Draft Revised Wind Energy Development Guidelines were issued in December 2019 for public consultation. The purpose of the guidelines is to ensure a consistency of approach throughout the country for the treatment of planning applications for wind energy developments. The guidelines were also prepared within a wider national and EU energy policy context in line with binding EU and international obligations on Ireland to play its part in tackling both the causes

and effects of climate change. As such, the Plan recognises the importance of wind energy, in addition to other renewable energy sources, in achieving national targets in relation to reducing fossil fuel dependency and greenhouse gas emissions.

The Draft Revised Wind Energy Development Guidelines, December 2019 prescribe a setback requirement for visual amenity purposes of 4 times the tip height to be applied between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory minimum setback of 500 metres.

It is considered that the separation distances as set out under CPO 10.143 of the Plan are contrary to that set out under the 2006 Wind Energy Guidelines and the Draft Revised Wind Energy Development Guidelines, December 2019 and, as such, the inclusion of specific separation distances under the Westmeath County Development Plan 2021-2027 is considered premature pending the adoption of any further Guidelines and associated prescribed set back distances with regard to wind energy development.

- (ii) **Alter the Plan by way of inclusion of an additional CPO (in line with the Chief Executive’s Report on the Draft Westmeath County Development plan 2021-2027, recommendation CE OPR 1.12) as follows:**

“Carry out an assessment of how the implementation of the 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)”.

Consideration

It is considered that the inclusion of the above recommended CPO is sufficient to ensure consistency with Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, 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.

Numerous policy objectives have been included in the Westmeath County Development Plan 2021-2027 to support renewable energy and climate change mitigation. Section 10.22 of the plan provides the policy context for renewable energy sources and in this regard, policy objectives have been included to promote the development of wind energy, solar energy, geothermal, bio-energy and hydro energy. Climate Action comprises one of the recurring themes of the Plan and as such, has been afforded a stand alone chapter in the plan, with numerous policy objectives in relation to both climate adaptation and mitigation included throughout the document.

Whilst the information on how the Plan will contribute to realising overall national targets on renewable energy is not available at this time, enhanced policy should be provided which commits to the carrying out of an assessment of how the implementation of the Plan will contribute to realising overall national targets on renewable energy and climate change.

In this regard, it should be noted that CPO 10.161 of the Plan outlines a commitment to *‘Prepare a Renewable Energy Strategy for the County over the lifetime of this plan and subject to the availability of resources. This strategy will support the development of renewable energy infrastructure to deliver government objectives in relation to energy efficiency and the transition to a low carbon future’*. Accordingly, it is considered that this strategy is the appropriate mechanism under which to give effect to the above recommended CPO.

It should be noted that the Westmeath Landscape Character Assessment, included as part of the Plan, has been developed using a robust methodology and as such it is not considered that a revision of same is appropriate. The commitment set out under the Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy to prepare a regional landscape strategy should also be noted in this regard.



18 June 2021

Pat Gallagher

Date

Chief Executive

Appendix A: Office of the Planning Regulator Section 31 AM (8) Notice



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 10.143¹);
- 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.

¹ Policy CPO10.132 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 15th December 2020 to the 20th 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 10.132² 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.

² 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 DCCA 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 10.132³ consistent with the Office's Recommendation 6 and not make the Development Plan with material alteration CH 10.38⁴, 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

³ Page 154 of the CE's report on submissions to the Draft Plan

⁴ 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 23rd 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 31AM(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 29th 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.

Yours sincerely,



Niall Cussen

Planning Regulator

076 100 2747

niall.cussen@OPR.ie

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 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.
- 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.

GMEN under my hand,

Minister for Housing, Local Government and Heritage

day of April, 2021.

Appendix B: Minister's Notice of Draft Direction

**An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht**
Department of Housing,
Local Government and Heritage



29 April, 2021

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

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

Re. Section 31 of the Planning and Development Act 2000 (as amended)
Notice of Intention to Issue a Direction to Westmeath County Council
Westmeath County Development Plan 2021 – 2027

Dear Pat,

I write consequent on a recommendation made to me by the Office of the Planning Regulator on 16th April 2021, in connection with Westmeath County Development Plan 2021 - 2027 as adopted by the elected members of Westmeath County Council on 22nd March 2021.

In writing to you I am giving notice of my intention to issue a direction pursuant to section 31 of the Planning and Development Act 2000 (as amended) (the Act), to Westmeath County Council to take certain measures specified in this notice. A draft of the proposed Direction is attached to this letter and I request that you publish notice of this draft Direction, no later than two weeks after receipt of this letter.

On consideration of the recommendation made to me by the Office of the Planning Regulator, I have formed the opinion that:

Oifig an Aire Stáit don Rialtais Áitiúil agus Pleanáil	Minister of State for Local Government and Planning
Teach an Chustaim, Baile Átha Cliath, D01 W6X0	Custom House, Dublin D01 W6X0
T +353 1 888 2405 ministerofstate@housing.gov.ie	www.housing.gov.ie



- (i) Westmeath County Council has failed to implement recommendations made to it, as planning authority, by the Office of the Planning Regulator (the Office), in January 2021, under section 31AM of the Act;
- (ii) The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iii) The Plan is not consistent with specific planning policy requirements specified in guidelines issued by the Minister under subsection (1) of section 28 of the Act;
- (iv) The Plan, as made, is not in compliance with the requirements of the Act.

The reasons for the proposed Direction are set out in the Statement of Reasons section of the attached draft direction.

PROCESS TO DATE

The Office wrote to Westmeath County Council, in relation to the material amendments to Westmeath County Development Plan 2021 - 2027 on 20th January 2021.

The submission made by the Office set out recommendations under four key themes including, core strategy; wind energy; rural housing; and, compact growth and sequential development.

The planning authority was advised by the Office that the recommendations related to significant breaches of policy and failure to address the matters raised prior to adoption of the county development plan could lead the Office to determine that the plan fails to set out an overall strategy for proper planning and sustainable development of the area concerned.

A Chief Executive's report was prepared on the submissions received, including the submission made by the Office. It is noted that your report accepted the majority of recommendations and observations of the Office and recommended changes in response to the issues raised, but that some of these were not accepted by the elected members of the planning authority.



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.

Westmeath County Council informed the Office of its decision not to comply with some of the Office's recommendations on 29th March 2021, in accordance with section 31AM(6).

On 16th April 2021, the Office notified the Minister for Local Government and Planning that the Westmeath County Development Plan 2021-27 had not been made in a manner consistent with the recommendations of the Office and that 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.

SUMMARY OF ISSUES

The recommendations set out by the Office require changes to the Westmeath County 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)* issued by the Minister under Section 28 of the Act.

Westmeath County Council made the Development Plan without indicating 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 and also introduced mandatory setback distances for wind turbines without demonstrating compliance with above. A planning authority is required to comply with specific planning policy requirements under Section 28(1C) of the Act.

OFFICE OF THE PLANNING AUTHORITY

Page 4

**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.

GMEN under my hand,

Minister for Housing, Local Government and Heritage

day of April, 2021.

Appendix C: Notice of Clarification from Minister

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage



30 April, 2021

For the Attention of: Pat Gallagher, Chief Executive

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

Re: Section 31 of the Planning and Development Act 2000 (as amended)
Notice of Intention to Issue a Direction to Westmeath County Council
Westmeath County Development Plan 2021 – 2027

Dear Pat,

I am writing to provide a clarification to the letter issued to you on 29th April last, regarding the Notice of Intention to Issue a Direction relating to the Westmeath County Development Plan 2021 – 2027.

The clarification relates to a procedural matter under the ‘Next Steps – Procedural Requirements’ heading on page 4 of the letter, to fully accord with Section 31(7)(c) of the Planning and Development Act (as amended) as follows:-

The notice must also state that written submissions or observations in respect of the draft direction may be made to the planning authority during the consultation period and that they shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the ~~me, as Minister, before any final direction.~~ on the matter.

Yours sincerely,

Oifig an Aire Stáit don Rialtais Áitiúil agus Pleanála
Teach an Chustaim, Baile Átha Cliath,
D01 W6X0
T +353 1 888 2405 | ministerofstate@housing.gov.ie
www.housing.gov.ie

Minister of State for Local Government and Planning
Custom House, Dublin
D01 W6X0





Peter Burke T.D.
Minister of State for Planning and Local Government

Copied to:

Cathaoirleach, Westmeath County Council, Áras An Chontae, Mount Street, Mullingar, N91 FH4N
Mr. Jim Conway, Director, Eastern and Midland Regional Assembly, 3rd Floor North, Ballymun
Civic Centre, Main Street, Ballymun, Dublin 9, D09 C8P5
Office of the Planning Regulator, Fourth Floor (West Wing), Park House, Grangegorman, 191-
193A North Circular Road, Dublin 7, D07 EWW4

Appendix D: Press Notice



NOTICE OF DRAFT MINISTERIAL DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) WESTMEATH COUNTY DEVELOPMENT PLAN 2021-2027

Notice is hereby given pursuant to Section 31 of the Planning and Development Act 2000 (as amended), that on 29 April 2021, the Minister of State at the Department of the Housing, Local Government and Heritage, consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Planning and Development Act 2000 (as amended), has delivered notice of the Minister's intent to issue a Direction to Westmeath County Council (being the Planning Authority for County Westmeath).

The Draft Ministerial Direction relates to the Westmeath County Development Plan 2021-2027.

The Reasons Stated for the Draft Direction are:

- 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.

Public Display:

A copy of the Draft Direction may be inspected from **11 May 2021 to 24 May 2021** (inclusive) at <https://consult.westmeathcoco.ie> and during normal office hours (in line with Covid-19 arrangements), at the offices of Westmeath County Council, Áras an Chontae, Mount Street, Mullingar.

Submissions or Observations in Respect of the Draft Direction:

Written submissions or observations, in respect of the Draft Direction, may be made (one medium only) to the Council between 11 May 2021 and 24 May 2021 (5.00pm) as follows:

Online via the Council's Public Consultation Portal: <https://consult.westmeathcoco.ie/en/browse>
or

In writing to: Administrative Officer, Central Planning, Westmeath County Council,
Áras an Chontae, Mullingar.

All submissions or observations made in respect of the Draft Direction, during this period, shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.

Please note that observations or submissions will be made public on the Council's website and at the offices of Westmeath County Council and will also form part of the statutory Chief Executive's Report subsequently published on Westmeath County Council's website. The details including the names of those making submissions may be shared with relevant Council and Government Departments or their agents involved in the process and may form part of reports linked to the making of any Direction.

The personal information (data) collected during the consultation process (which may include the collection of sensitive personal data) is collected for the purpose of receiving and dealing with submissions and any data collected is subject to Westmeath County Council's privacy statement which can be found at <http://www.westmeathcoco.ie/en/ourservices/yourcouncil/privacy/privacynotice/>

Deadline for Submissions: 5.00pm 24 May 2021.

Dated this 11 Day of May 2021

Appendix E: Written Submissions to Draft Ministerial Direction

Ref No:	Url:	Name:
WM-C18-1	WM-C18-1	Statkraft Ireland
WM-C18-2	WM-C18-2	Val Martin
WM-C18-3	WM-C18-3	Beverley Bate
WM-C18-4	WM-C18-4	Eco Advocacy
WM-C18-5	WM-C18-5	Eliza Breen
WM-C18-6	WM-C18-6	Elected Members of Westmeath County Council
WM-C18-7	WM-C18-7	Anthony Maguire
WM-C18-8	WM-C18-8	North Westmeath Turbine Action Group
WM-C18-9	WM-C18-9	Delvin-Raharney-Ballivor Wind Action Group
WM-C18-10	WM-C18-10	Aldona Gad-Jordan
WM-C18-11	WM-C18-11	Owen Martin
WM-C18-12	WM-C18-12	Irish Wind Energy Association
WM-C18-13	WM-C18-13	Galetech Energy Services