**PUBLIC NOTICE
COMHAIRLE CHONTAE AN LAOISE
LAOIS COUNTY COUNCIL**

**Planning & Development Act 2000 (as amended)
&
Planning & Development Regulations (as amended)**

**Laois County Development Plan 2017-2023, as made by the Council on 26th June 2017**

**Draft Direction in the matter of section 31 of the Planning and Development Act 2000 (as amended)**

On 18th July 2017, the Minister for Housing, Planning, Community and Local Government (DoHPCLG) notified Laois County Council of his intent to issue a Direction, pursuant to Section 31 of the Planning and Development Act 2000 (as amended), in relation to the Laois County Development Plan 2017-2023.

 **WHEREAS** the Minister, for the reasons set out in the Statement of Reasons hereto, is of the Opinion that

(i) Laois County Council in making the Laois County Development Plan 2017-2023 has ignored or has not taken sufficient account of the submissions made by the Minister in November 2016 and in May 2017,

and

(ii) the Laois County Development Plan 2017-2023 is not in compliance with the requirements of s.10(2)(n), s.10(5) and s.10(5A), s.28 (1B)(b) and s.31(1)(c) of the Planning and Development Act 2000 (as amended).

**NOW, THEREFORE** in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister hereby directs as follows:

1. This Direction may be cited as the Planning and Development (Laois County Development Plan 2017-2023) Direction 2017.
2. The County Council Laois County is hereby directed to take the following steps with regard to the Laois County Development Plan 2017-2023 (“the Development Plan”).

(i) The text in Policy EN7 is to be deleted as shown below:

~~Ensure a setback distance of 1.5 km of Wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for wind farm development~~

(ii) The text in Section 6.1 of Appendix 5- Wind Energy Strategy is to be deleted as shown below:

~~‘Ensure a setback distance of 1.5 kms of wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for windfarm development.’~~

(iii) The Map 1.6.5 – Wind Energy *as adopted* is to be removed. For ease of reference a copy of the said map is attached as Appendix 1 to this direction.

And

The Map 1.6.5 – Wind Energy as included in the Draft Laois County Development Plan 2017-2023 is to be included. For ease of reference a copy of the said map is attached as Appendix 2 to this direction

**STATEMENT OF REASONS**

1. The Laois County Development Plan 2017 – 2023 is not consistent with relevant guidelines to planning authorities issued by me under Section 28 of the Planning Development & Act 2000 (as amended) specifically the wind energy guidelines 2006 and insufficient grounds have been stated for such departures as required under Section 28(1B)(b) of the Planning and Development Act 2000 (as amended). The Plan is therefore in breach of Section 31(1)(c) of the Planning and Development Act 2000 (as amended).
2. (a) The Laois County Development Plan 2017-2023 does not meet with the requirements of Section 10(2)(n) of the Planning and Development Act 2000 (as amended), as the effect of PolicyEN7, Section 6.1 (Appendix 5) and revised wind energy map 1.6.5, is to severely undermine and negate practical measures to adapt to climate change and reduce reliance on fossil fuels and;

(b) The Environmental Report does not include information on “*any measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing*” Policy EN7 even though it will effectively run contrary to Policy EN1 and Aim 13 in the Development Plan, as adopted.

Consequentially, the Plan is not in compliance with the requirements of Sub sections 10(5) and (5A) of the Planning and Development Act 2000 (as amended) due to the fact that the environmental report which is required to accompany the plan (and without which the plan would be in breach of Directive 2001/42/EC) does not include information on mitigation to offset any significant adverse effects on the environment of implementing Policy EN7 .

The Plan is therefore in breach of Section 31 (1)( c) of the Planning and Development Act 2000(as amended)

1. The planning authority was advised in a submission made on 5th May 2017 under section 12 of the Planning & Development Act 2000 (as amended) of my opinion.
2. The inclusion of a wind turbine set-back stipulation in Policy EN7 and in Section 6.1 of Appendix 5, coupled with the requirements of Map 1.6.5 of the Laois County Development Plan 2017-2013, results in the introduction of an arbitrary and mandatory exclusion or setback distance of a minimum of 1.5 kilometres from schools, dwellings, community centres and all public roads in all areas open for consideration for windfarm development and effectively designates the vast bulk of the County as not open for considering wind energy proposals. These requirements are in clear breach of Sections 5.6 and 5.12 of the Wind Energy Guidelines 2006 and in that they remove the capability for a case by case assessment of wind energy applications based on objective analysis of their impact on the specified product types. Furthermore in practical terms the setback requirement introduces a setback distance considerably in excess of the non mandatory guidance setback referred to in the statutory guidelines.
3. The mandatory and arbitrary exclusion zones introduced by Policy EN7 and Section 6.1 of Appendix 5, coupled with the requirements of revised Map 1.6.5 are in breach of the planning policy guidance contained in the Wind Energy Guidelines 2006, as they do not maximize wind energy potential in the county and are in direct conflict with the requirements of Section 3.4 of the guidelines ‘to secure the maximum potential from wind energy resources of the Planning Authority’s area commensurate with supporting development that is consistant with the proper planning and sustainable development.

The effect of the mandatory setback requirement and the requirements of Map 1.6.5 is to significantly restrict the potential for wind energy development in the county which is contrary to national energy policy supporting development of renewable energy resources including wind energy infrastructure.

1. The planning authority has not demonstrated sufficient and evidentially based reasoning, relating to the nature and characteristics of Laois, for the above significant policy departures from the guidelines on wind energy and has therefore failed to comply with the provisions of Section 28(1) and Section 28(1B)(b) AND Section 31 (1)(c) of the Act.
2. This deficiency in the evidential basis of the policy is contrary to the guidelines above which are intended to ensure a consistency of approach throughout the country in the identification of suitable locations for wind energy development and the securing of the maximum potential from the wind energy resources of the planning authority’s area and to underpin wider Government policy in relation to meeting binding international legal obligations with regard to renewable energy production and tackling the drivers of climate change.
3. Such a requirement on future wind energy projects would seriously restrict the potential for the development of wind energy infrastructure in County Laois. The changes would be significantly in conflict with national and regional policy objectives to support the development of wind energy as a crucial component of meeting Ireland’s commitments to reducing greenhouse gas emissions and increasing renewable energy resources.

A copy of the Draft Direction is available to view at the Planning Department, Laois County Council, Aras an Chontae, James Fintan Lalor Avenue, Portlaoise and at all branches of the Laois County Libraries during normal opening hours or may be downloaded via the link below for a period of 2 weeks from 1st August 2017 to 15th August 2017:

<http://www.laois.ie/departments/planning/development-plans/draft-laois-county-development-plan-2017-2023/>

Written submissions or observations in respect of the **draft direction only** may be made to the planning authority during the stated period and shall be taken into consideration by the Minister before they direct the planning authority pursuant to Section 31 of the Planning and Development Act, as amended.

Written submissions regarding the Draft Ministerial Direction should be sent to “**Laois County** **Development Plan 2017-2023 – Draft Ministerial Direction**”, *Forward Planning Department, Laois County Council, Aras an Chontae, James Fintan Lalor Avenue, Portlaoise, Co. Laois*or can be emailed to devplan@laoiscoco.ie before 4.00 p.m**. on 15th August 2017** and should state the name and address of the person, group or public body making the submission.

The deadline for receipt of submissions is **4.00 p.m. on 15th August 2017.**

**SIGNED**

 **Kieran Kehoe**

**Director of Service**

**Planning and Economic Development**