

**DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Kilkenny City & County Development Plan 2021-2027**

“Development Plan” means the Kilkenny City & County Development Plan 2021-2027

“Planning Authority” means Kilkenny 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 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 (Kilkenny City & County Development Plan 2021-2027) Direction 2021.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the ‘wind energy strategy’ within the Development Plan:
 - a. Reinstate sections 11.4 and 11.5.1 of the draft Development Plan, including the identification of 201 MW renewable energy to meet the objective for the generation of 100% of electricity needs from renewable sources for the county by 2030 consistent with the Climate Action Plan.
 - b. Amend the adopted wind energy strategy map (reference Figure 11.4) to ensure consistency with the renewable energy target at (a) above as follows:

- i. Reinstate areas designated at Templeorum/Mullenbeg to 'acceptable in principle' in accordance with the 'draft wind energy strategy' of the draft Plan.
- ii. Reinstate areas designated at Castlebanny to 'acceptable in principle' in accordance with the 'draft wind energy strategy' of the draft Plan.
- iii. Reinstate the 3 no. smaller areas to the south of the county as 'acceptable in principle' in accordance with the 'draft wind energy strategy' of the draft Plan.

STATEMENT OF REASONS

- I. The Development Plan as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically 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)*, which sets out 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 renewable energy targets (in megawatts) which Kilkenny can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period.

- II. The Development Plan contains conflicting objectives on renewable energy sustainable development and climate action such that the adopted Plan, without providing sufficient compensatory measures, significantly reduced the extent of the areas indicated as 'acceptable in principle' that were identified in the draft Development Plan as being necessary to achieve the target of 201MW required to ensure that 100% of electricity demand for Kilkenny is met from renewable sources by 2030 and to ensure consistency with the climate action plan.

III. 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 fails to set out an overall strategy for the proper planning and sustainable development of the area.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of October, 2021.