

**DIRECTION IN THE MATTER OF SECTION 31**

**OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**LAOIS COUNTY DEVELOPMENT PLAN 2021-2027**

“Development Plan” means the Laois County Development Plan 2021-2027

“Planning Authority” means Laois County Council

**WHEREAS** the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

**WHEREAS** the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by Section 31 of the Planning and Development Act 2000 (as amended) ("the Act"), and consequent to a recommendation made to him by the Office of the Planning Regulator under Section 31AN(4) of the Act hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Laois County Development Plan 2021-2027) Direction 2022.

(2) The Planning Authority is hereby directed to take the following steps:

- a. Delete the setback distance of 1.5 km from Section 6.1 – Buffer Zones which is contained in the Development Control Standards for wind farms in County Laois

in Section 6 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.

- b. Delete policy '*Developments shall be no more than 3 storey on greenfield sites*' from the adopted Development Plan.
- c. Reinststate the following zoning objectives to that of the draft Plan:
  - (i) Zoning amendment 85 (Portlaoise) – reinststate the zoning status of the subject land to that of the draft Plan i.e. the subject land reverts to not zoned.
  - (ii) Zoning amendment 86 (Portlaoise) – reinststate the zoning of the subject land to that of the draft Plan i.e. the subject land reverts to Transport & Utilities.
  - (iii) Zoning amendment 92 (Stradbally) – reinststate the zoning status of the subject land to that of the draft Plan i.e. the subject land reverts to not zoned.

## **STATEMENT OF REASONS**

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

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

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

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

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

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

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

The Development Plan contains conflicting objectives on wind energy development such that the Policy objectives supporting wind and renewal energy development of the adopted Development Plan cannot be achieved having regard to the separation distances required by Section 6.1 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.

**V. Pursuant to Section 31(1)(ba)(ii) and Section 31(1)(b)**

The Laois County Development Plan 2021 – 2027 as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically Specific Planning Policy Requirement 1 contained in the *Urban Development and Building Height Guidelines (2018)*, and the requirement for the planning authority to comply with the aforementioned Specific Planning Policy Requirements under Section 28(1C) and 12(18) of the Act. The Development Plan as made therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

**VI. Pursuant to Section 31(1)(ba)(i), Section 31(1)(b) and Section 31(1)(c)**

The Development Plan as made includes material amendments to the draft Plan, that are inconsistent with the evaluation of the Strategic Environmental Assessment and which individually and cumulatively are not consistent with the Core Strategy,

national and regional planning policy, and the proper planning and sustainable development of the area, including:

- a. Land zoned for residential development located in peripheral locations remote from the existing settlement, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2, and the sequential approach to development having regard to Section 4.19 of *Development Plans Guidelines for Planning Authorities* (2007) & subsequently *Development Plan Guidelines for Planning Authorities, 2022*.
- b. Land zoned for residential development in excess of that needed to meet the Core Strategy housing supply targets for Portlaoise and Stradbally in the adopted Development Plan, and which would further undermine the achievement of the brownfield development targets in the Core Strategy Table.

GIVEN under my hand,

A handwritten signature in blue ink, appearing to read 'Peter Burke', is written over a horizontal line.

**Peter Burke T.D.,  
Minister of State with responsibility for Local Government and Planning**

28<sup>th</sup> Day of September 2022