

Chief Executives report in Relation to the Draft
Ministerial Direction to the Kerry County
Development Plan 2022-2028



Planning Policy Unit
Kerry County Council
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1. Background – Draft Ministerial Direction

Context.

The Minister for State for Local Government and Planning, Mr. Peter Burke, T.D. issued a Draft Ministerial Direction to Kerry County Council pursuant to Section 31(3) and 31(4)(b) of the Planning & Development Act 2000 (as amended).

Section 31 (8) of the Planning & Development Act 2000 (as amended) requires that a Chief Executive's Report on Submissions Received in Relation to the Draft Ministerial Direction to the Kerry County Development Plan 2022-2028 be submitted to the elected members, OPR and the Minister.

Draft Ministerial Direction.

On 12th August 2022, Kerry County Council received notification from the Minister for Housing, Local Government and Heritage of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended), consequent to a recommendation made to him by the Office of the Planning Regulator under Section 31 AM(8) of the Planning and Development Act 2000 (as amended).

The Draft Ministerial Direction related to the adoption of the Kerry County Development Plan 2022-2028.

The Draft Direction states that the Planning Authority is directed to take the following steps:

- a. Reinstate Map 12.4 of Volume 1 and Map 5 of Volume 4 to that of the draft Plan (amended under MA 12.9);
- b. Amend the reinstated Map 12.4 of Volume 1 and Map 5 of Volume 4 to change the designation of all areas identified as 'Open-to-Consideration' to 'Permitted in Principle';
- c. Amend the reinstated Map 12.4 of Volume 1 and Map 5 of Volume 4 to designate the following areas as 'Permitted in Principle':
 - i. those areas of the county identified as 'areas for further assessment' in Map 6.25 of the Wind Zoning Methodology (Appendix 6 of the Development Plan) and identified as of 'Low/Medium' or 'Medium' visual sensitivity in the Landscape Review (Appendix 7 of the Development Plan); and
 - ii. those areas identified as practical resource constraints relating to the 1km buffer zone identified for each settlement in the Wind Zoning Methodology;
- d. Replace references to 'Open-to-Consideration' with 'Permitted in Principle' throughout Volume 1 and 4 of the Development Plan consistent with a. and b. above;
- e. Delete material amendments MA 14.20 and 14.21.

Reasons stated for the Draft Direction:

I. Pursuant to section 31(1)(ba)(i)

The Kerry County Development Plan 2022-2028 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);

II. Pursuant to section 31(1)(c)

Introduces a mandatory 1km setback distance for wind turbines from settlements through the Wind Zoning Methodology which significant constraint was not included as a material consideration in the Strategic Environmental Assessment Environmental Reports when taking into account likely significant effects on climatic factors.

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. Specifically, the Development Plan as made, whilst informed by a step-by-step analysis of areas suitable for wind energy (or sieve analysis), the planning authority in conducting the analysis did not have adequate regard to section 3.5 of the guidelines. Specifically, in determining 'the most suitable location for wind energy development' the planning authority did not apply the landscape sensitivity ratings determined by the planning authority in its Landscape Review and provided no or no adequate reasons as to why the outcome of the review could not be implemented. Specifically, the Development Plan as made does not identify in the Development Plan maps key areas where there is significant wind energy potential and where, subject to criteria such as design and landscape planning, natural heritage, environmental and amenity considerations, wind energy development will be acceptable in principle.

IV. Pursuant to section 31(1)(c)

The Development Plan as made identifies, through material amendment MA 12.9, land where wind energy development is 'Open-to-Consideration' which was determined as unsuitable for wind energy development in the Wind Zoning Methodology carried out by the planning authority, and for which the SEA Environmental Reports concluded that significant effects could not be ruled out and the Natura Impact Reports concluded that potential direct and/or indirect adverse impacts on the conservation objective of European sites could not be ruled out;

V. Pursuant to section 31(1)(ba)(i)

The Development Plan as made does not support the achievement of the national strategic outcomes contained in the National Planning Framework, specifically NSO 2, to maintain 'the strategic capacity and safety of the national roads network';

VI. Pursuant to section 31(1)(c)

The Development Plan as made does not have adequate regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) that the development plan must 'implement the policy ... to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply ... for all categories of development', and to the limited exceptions provided for under the guidelines. Specifically, the Development Plan as made includes objectives to facilitate and support planning applications for development that will result in the creation of new access points from new development and the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kilometres per hour (kmh) apply.

VII. Pursuant to section 31(1)(c)

Further, the statement under Section 28(1A)(b) attached to the Development Plan as made fails to include information that demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives outlined at (II), (III) and (VI), above, as contained in the guidelines, because of the nature and characteristics of the area or part of the area and to give reasons for the forming of that opinion and to explain why it is not possible to implement the policies and objectives, contrary to Section 28(1B)(b);

VIII. Pursuant to section 31(1)(c)

No adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the wind energy strategy and the policy for access to national roads are consistent with an overall strategy for the proper planning and sustainable development of the area.

IX. 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.

2. Public Consultation

A copy of the Draft Direction was available for a period of 2 weeks from 24th August 2022 to 7th September 2022 (inclusive) online at <https://consult.kerrycoco.ie/> and at the following locations:

- Kerry County Council, County Buildings, Rathass, Tralee, County Kerry V92 H7VT
- Killarney & Listowel Area Offices
- All public libraries

785 submissions were received during the 2-week public consultation period.

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.

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 by the elected members to the OPR (and copied to the Minister) 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.

5. Summary of submissions received in relation to the draft Ministerial Direction.

Submission No. **Name:**

[KE-C5-MD-1](#) Ruth McCarthy

This submission welcomes the Draft Ministerial Direction and refers to the climate crisis that is happening globally and stresses the potential that Wind Energy generation at a local level in reducing CO2 emissions.

Submission No. **Name:**

[KE-C5-MD-2](#) Transport Infrastructure Ireland

In relation to the proposed Material Amendments, TII's observations remain as set out in the Authority's submission on the Proposed Material Alterations to the Draft Kerry County Development Plan, 2022 – 2028, June 2022. In that regard, TII wishes to confirm support for the Draft Direction relating to Material Amendment no. 14.20 and Material Amendment no. 14.21.

(Note: This submission last June was opposed to Material Amendments 14.20 and 14.21)

Submission No. **Name:**

[KE-C5-MD-3](#) Paul O'Sullivan

This submission is not relevant to this consultation as it refers to the repair and lease scheme.

Submission No. **Name:**

[KE-C5-MD-4](#) Kate Carmody

This submission is opposed to the Draft Ministerial Direction.

This submission states that the direction to reinstate Map 12.4 is a travesty to justice, the environment and the community as a whole. The areas shown in Map 12.4 are peatland areas and therefore large carbon stores, in their own right. Peatland is not a stable platform as is seen from the many bog slides, both nationally and internationally. At the very least, wind turbines need a solid

anchor of rock, which you will not find in peatland, by their very nature. It should be noted that this whole region is a bedrock of shale, which will easily fracture.

It should also be noted that the wind zoning methodology is flawed as it is based on the Landscape review, which while being an improvement on the previous one, still does not recognise the intrinsic nature and beauty of our peatland areas.

In the opinion of the submission, replacing references to "Open to Consideration" with "Permitted in Principle" is an affront to democracy.

The Ministerial direction also refers to NSO2, to maintain the strategic capacity and safety of the national roads network. It should be noted that the cumulative effect of the many wind turbines already built in North and East Kerry has had a deleterious effect on all of our roads as water tables and peatland have been disturbed.

Local people are devastated by the destruction of their communities, where autocratic decisions are being made by individuals who place no value of the concept of people and place. North and East Kerry already have too many turbines. There are better solutions such as a policy of facilitating solar panels on all buildings. Community-led land use policy would also be a step in the right direction, rather than wind farms to facilitate green-washing by polluting companies. A bio-economy hub could also provide renewable energy and sustainable solutions to waste.

Submission No. **Name:**

KE-C5-MD-5 M Shanahan

This submission states that the climate crisis will continue and alternative ways of generating renewable energy should be considered including community led initiatives

Submission No. **Name:**

KE-C5-MD-6 Lyreacrompane Heritage Group

This submission is not in favour of locating Wind turbines on bogland and states that wind turbines cause damage to this natural carbon sink and, even if the turbines were removed in the morning, the damage would continue unless a rewetting of bogland scheme was put in place. The submission also states that the height and efficiency of modern turbines should make it possible to keep them off the skyline of blanket bog hills and mountains without any appreciable loss in carbon-free energy production.

Submission No. KE-C5-MD-7 was withdrawn

Submission No.	Name:
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KE-C5-MD-8	Peadar O Fionnáinn
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This submission states that communities should benefit from renewable energy and that the profits of wind energy could be distributed through sustainable community funds or ownership of wind farms.

Submission No.	Name:
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KE-C5-MD-9	Kerry Wind Awareness
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KE-C5-MD-10

KE-C5-MD-11

KE-C5-MD-13

KE-C5-MD-14

KE-C5-MD-16

KE-C5-MD-31

KE-C5-MD-37

This submission from Kerry Wind Awareness Group is formed of 8 parts. It includes submissions from 755 individuals.

The submissions express concerns regarding the proposed increase in land specifically zoned for wind turbine development in Kerry.

These 755 submissions state that:

- Kerry has already made an enormous contribution to Ireland's renewable energy targets contributing over 16% to Ireland's wind energy production. Vast areas of Kerry are already saturated with windfarms.
- Kerry's land mass of 6.8% currently contributes 18%-22% of national onshore wind energy and that the Draft Ministerial Direction has not taken the impact imposed on Kerry resident's by this contribution into consideration.
- Kerry is leading the way in European renewable energy production when compared with megawatt production per square kilometre. The Minister fails to acknowledge and appreciate the contribution Kerry has already made in National Renewable Energy targets in the draft direction.

- The Wind Energy Development Guidelines 2006 are no longer fit for purpose due to advances in technology, and new guidelines need to be published. The delay in publishing suitable and appropriate wind energy guidelines is impacting on communities.
- The Minister's Draft Direction does not consider the crucial role and development of Biodiversity in Kerry and does not offer, protect or safeguard the county's boglands, flora and fauna. Kerry is home to endangered protected species including the Hen Harrier and Freshwater Pearl Mussel. Large tracts of the regions proposed to be zoned for wind energy include bog land which has proven to be an unsuitable location for wind turbine development.

The Minister is asked to acknowledge these important concerns contained in these submissions and to reconsider the Draft Direction given to Kerry County Council.

Submission No.	Name:	Organisation:
KE-C5-MD-12	Niall Horan	N/A

This submission disagrees with expanding the existing wind farm in Scartaglin.

Submission No.	Name:
KE-C5-MD-15	Scartaglin Wind Awareness Group

This submission states that the Minister for Housing and Local Government has failed to acknowledge the huge contribution Kerry has already made to onshore wind energy and that the Castleisland Local Electoral Area already contains 48% of the wind turbines in the county of Kerry, which equates to the Castleisland region contributing a massive 10% of the overall national wind energy production currently to the grid.

The submission also states that Kerry as a county has made a significant contribution to wind energy, providing 20% of the national wind energy production, despite having only 6% of the landmass.

Submission No.	Name:
KE-C5-MD-17	James Fogarty

This submission acknowledges that a move away from fossil fuel dependence is required. However, the submission states that Kerry has contributed enough in terms of wind energy and that all counties should have an equal role.

Submission No. **Name:**

KE-C5-MD-18 Patricia Holbein

This submission supports the adoption of the draft Ministerial Direction.

Submission No. **Name:**

KE-C5-MD-19 Green Party Kerry

This submission supports the Draft Ministerial Direction.

In relation to wind, this submission states that the Draft Kerry County Development Plan 2022-2028 has failed to support Ireland's transition away from fossil fuels by inadequately zoning lands for the development of renewable energy infrastructure, specifically wind turbine generation. The submission highlights the need to increase energy security, and that Kerry with an abundant wind resource must continue to lead the development of wind energy. The submission also highlights that current exceptional high electricity costs and specifically high fossil fuel prices can only be tackled by developing our own sources of electricity generation.

In relation to access onto National Roads, the submission supports the concept of compact development and the need to improve and rebuild services in towns and villages. The submission states that allowing access onto National Roads where speed limits are above 60km/h will only serve to further the decline of towns and villages.

Submission No. **Name:**

KE-C5-MD-20 FuturEnergy Ireland

This submission questions the adequacy of the adopted Plan and Draft Direction to satisfy National Planning Framework NPO 55 and claims it does not promote wind energy development at appropriate locations in the County. The submission also questions whether the plan complies with Section 28(1C), Specific Planning Policy Requirement of the Interim Guidelines for Planning Authorities, 2017 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

The submission also states that the proposed draft direction fails to make effective provision for County Kerry to facilitate onshore wind in suitable locations.

The submission has analysed the effect of the draft Ministerial Direction and conclude that it fails to achieve what is intended and results in only one, highly constrained, commercially sized site in the County which would be extremely difficult to develop in practice, because it is severed by the Cashen

River Estuary pNHA. A re-evaluation from first principles of the entire County Development Plan Wind Energy Strategy is required to address this.

The submission requests the final Direction of the Minister remove constraints as included in the Wind Zoning Methodology from the adopted Plan and allow a site identified in the submission and others that emerge to be considered 'permitted in principle' or at a minimum, 'open to consideration'.

Submission No. **Name:**

[KE-C5-MD-21](#) Fionán Hickey

This submission is not relevant to this consultation as it refers to the Pre-Draft Consultation for the Kenmare Municipal District Local Area Plan.

Submission No. **Name:**

[KE-C5-MD-22](#) Eibhlis O'Connell

This submission welcomes the wind energy policy that formed part of the adopted Kerry County Development Plan 2022-2028. It sets out how it is undemocratic to replace references to "open to consideration" with "permitted in principle".

The submission also highlights the requirements of the SEA Directive and that the draft direction does not explore the implications of changing the designations for wind development on the receiving environment.

A query is raised in relation to wind zoning in the Inny Valley, and the submission concludes by stating that sites zoned open to consideration need to be dezoned.

The second part of the submission is not relevant to this consultation as it refers to the birthplace of Daniel O'Connell in Cahersiveen.

Submission No. **Name:**

[KE-C5-MD-23](#) Niall Marshall

The submission states that designating areas as 'permitted in principle' will damage landscape areas identified for protection in the Kerry County Development Plan 2022-2028.

The submission references the “National Landscape Strategy 2015-2025”. The submission also highlights that areas in the draft direction include parts of Currow, Kilcummin and Scartaglin, and that these areas are also in the Kerry Biosphere Reserve and are sensitive in terms of flora and fauna.

Submission No. **Name:**

KE-C5-MD-24 John O'Sullivan

The submission goes into detail on issues relating to government policy, wind and other forms of energy, and the electricity market.

These issues include:

1. Wind energy is being dispatched down which confirms over-capacity by wind compared to what can be absorbed by the network.
2. 18% of national wind energy capacity is installed in Kerry, ⅓ of which installed in North and East Kerry.
3. 225 wind turbines built in the Stack's SPA, protected by EU law.
4. Wind is 25% efficient, i.e. turbines are working only 25% of the time.
5. Government policy relies on the future export of excess wind generated electricity and then importing electricity when there is no wind.
6. The new wind energy development guidelines will restrict onshore windfarms and it is clear why they have not been finalised.
7. BESS storage will discharge their power quickly which will not keep the lights on.
8. Coillte's land use policy is to sell their wind farms as soon as they are built.
9. Government carbon reduction targets for renewable electricity have increased compared to targets in other sectors.
10. Landscape Character Assessment of Kerry
11. Data Centres and their demand for electricity.
12. Export of electricity when there is little wind generation might need to be investigated.
13. Power cuts might happen at night time yet demand at night is half that of during the day.

Submission No. **Name:**

KE-C5-MD-25 Mary O'Connor

This submission is opposed to the Draft Ministerial Direction and states that North Kerry has accepted its fair share of wind turbines.

Submission No. KE-C5-MD-26 from the SRA, see Part 6 of this document.

Submission No. Name:

KE-C5-MD-27 National Transport Authority

The NTA acknowledges receipt of referral of the Draft Ministerial Direction on the Kerry County Development Plan, 2022-2028 and notes that the Draft Ministerial Direction includes recommendations relating to the adoption of Material Amendment no. 14.20 and Material Amendment no. 14.21.

In relation to the proposed Material Amendments, the NTA observations remain as set out in the Authority's submission on the Proposed Material Alterations to the Draft Kerry County Development Plan, 2022–2028, of 16th June 2022.

(Note: This submission last June was opposed to Material Amendments 14.20 and 14.21)

In this regard, the NTA wishes to confirm support for the Draft Direction relating to Material Amendment no. 14.20 and Material Amendment no. 14.21.

Submission No. Name:

KE-C5-MD-28 Danny Healy-Rae

This submission is opposed to the draft direction, states that wind turbines should not be allowed near residential properties, schools, community buildings and churches in areas of Scartaglin, Gneeveguilla, Headford, Kilcummin and Killarney. The submission states that Kerry is a leader in wind energy and that alternative areas have been provided under MA 12.9 in Kilgarvan.

The submission is opposed to the draft direction to delete MA 14.20 and 14.21.

Submission No. Name:

KE-C5-MD-29 SSE plc

This submission welcomes the draft direction and requests that the area designated in Kilgarvan be retained. The submission questions the amendment of the original wind zoning map (which resulted in the removal of areas open to consideration) and requests that the wind zoning methodology be reviewed.

The submission also makes recommendations in relation to repowering areas and the wording of objectives/text subject of material amendments.

Submission No.	Name:
KE-C5-MD-30	Department of Housing, Local Government and Heritage – Development Applications Unit

This submission outlines the Nature Conservation observations/recommendations co-ordinated by the Development Applications Unit. Without prejudice to the outcome of any ecological assessment of these changes, the submission recommends the following to avoid or reduce potential impacts:

1. Include a definition of 'permitted in principle'. For example, 'Permitted in Principle' is defined as "generally acceptable, subject to compliance with the relevant policies, standards and requirements set out in [the] plan" In the Dún Laoghaire–Rathdown County Development Plan 2022-2028 (p. 307). The Wind Energy Development Guidelines (2006) do not provide such a clear, plan-related, definition, so to ensure clarity in relation to assessing impacts at project level, this definition is recommended.
2. As the Revised and Amended Map 12.4 is very small scale, accompanying text is recommended stating that the boundaries of the 'Permitted in Principle' zones will be at least 250m from the boundaries of Special Protection Areas (SPAs). This 'buffer' zone is recommended as there is considered to be a 250m 'disturbance displacement' effect for foraging hen harriers near operational wind turbines, and this has been applied to wind energy developments in County Kerry in the past.

Submission No.	Name:
KE-C5-MD-32	MKO on behalf of Orsted

The submission welcomes the Minister's intervention on the Draft Plan but expresses concern that the direction issued will not make enough areas available for wind farm development.

The submission recommends that the Minister includes a direction that areas identified as "Medium" and "Low/Medium" in table 7.2 of Appendix 6 be classified as "Open to Consideration" in the County Development Plan.

The submission states that this 'Open to Consideration' designation would allow projects in these areas be considered on their merits and go through a full constraints exercise at project feasibility stage prior to any planning application being lodged with the relevant competent authority.

Submission No. **Name:**

[KE-C5-MD-33](#) Denis Quilter

The submission is supportive of wind energy generally, highlights the benefits of electricity to the community historically, and how in particular electricity prices have increased recently. The submission highlights that hydrogen technology is a long way off, that offshore wind is extremely costly and that local communities/clubs will benefit from community funds that wind farm developers must now put in place.

Submission No. **Name:**

[KE-C5-MD-34](#) Maura Healy-Rae

This submission is opposed to the draft direction, states that wind turbines should not be allowed near residential properties, schools, community buildings and churches in areas of Scartaglin, Gneeveguilla, Headford, Kilcummin and Killarney. The submission states that Kerry is a leader in wind energy and that alternative areas have been provided under MA 12.9 in Kilgarvan.

The submission is opposed to the draft direction to delete MA 14.20 and 14.21.

Submission No. **Name:**

[KE-C5-MD-35](#) Cork Airport

Cork Airport (daa Group) had no comment to make on the draft ministerial direction.

Submission No. **Name:**

[KE-C5-MD-36](#) Jodie Keane

This submission highlights recent media coverage of the energy crisis, and states that this is related/linked to climate change and energy shortages. The submission states that the concerns of young people are being ignored who feel that Ireland can be self-sufficient in energy supply. To do this the submission outlines that we have to move to renewables, particularly wind and solar energy.

Submission No. **Name:**

[KE-C5-MD-38](#) Wind Energy Ireland

This submission welcomes the Draft Direction. This submission raises concerns that the Draft Directions will not achieve the intended goal of increasing wind energy development in County Kerry or appropriately exploit the wind energy development potential of the County.

The submission also requests that the wind zoning methodology be reviewed.

Submission No. **Name:**

[KE-C5-MD-39](#) Mary Coyne

This submission is opposed to the rezoning of land as suitable for wind farms, in comparison to the previous designation as open to consideration.

The submission also highlights that Kerry contains more than its fair share of wind turbines, that the scenic quality of the county should be protected along with its flora and fauna and that wind turbines should be 2km from a house.

6. Summary of the views and recommendations of the Southern Regional Assembly (SRA)

Submission No.	Name:
KE-C5-MD-26	Southern Regional Assembly

At the Material Amendment stage of preparing the KCDP 2022-2028, the SRA noted it is critical to achieve the Climate Action Plan targets for renewable energy and the contribution of wind energy and repowering areas is an essential contributor to achieve these targets. Additionally, wind energy is necessary to achieve our net zero future and to achieve objectives for a lower carbon future through the Development Plan, principally Chapter 2 Climate Action & Achieving a Sustainable Future.

Regarding Direction 2 (a) – (d) on matters relating to Wind Energy, the SRA observe the Direction is aligned with our Regional Spatial and Economic Strategy (RSES), Regional Policy Objective (RPO) 87 Low Carbon Energy Future, RPO 95 Sustainable Renewable Energy Generation, RPO 96 Integrating Renewable Energy Sources and RPO 221 Renewable Energy Generation and Transmission Network.

This submission also notes that RPO 99 Renewable Wind Energy (as contained in RSES), aligns with the Draft Direction's Statement of Reasons I-IV:

RPO 99 Renewable Wind Energy

It is an objective to support the sustainable development of renewable wind energy (on shore and offshore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines.

Regarding Direction 2 (e) and Statement of Reasons V- VI referring to the strategic capacity, safety and access points to the national road network, the following RPOs align:

RPO 153 Capacity of Inter-Urban Road Connections

It is an objective to protect, improve and maintain the operation of the National and Strategic Regional inter-urban road connections within and between the cities, settlements, ports and airports by providing effective policies in Local Authority County Development Plans (CDP), Local Area Plans (LAP) and Strategic Development Zones (SDZs) promoting effective traffic management and transport demand management. It is a requirement for CDP's, LAP's and SDZ's to consider all alternative modes and public transport options in tandem with traffic demand options.

RPO 156 State Investment

It is an objective to strengthen Steady State Investment in our existing regional transport networks to ensure that existing networks are maintained to a high level to ensure quality levels of safety, service, accessibility and connectivity to transport users of all transport modes.

7. Summary Views and Recommendations of the Elected Members of Kerry County Council

a. Summary of Views and Recommendations of the Elected Members as expressed at a Special Planning Meeting on September 26th 2022.

Cllr. Tom Barry

- Highlighted that Kerry has done more than enough for wind energy and that wind turbines are visible from nearly every road in North Kerry.
- Referenced that the first turbines in the County were acceptable but in recent years turbines have increased in size, are closer to people and are now dividing communities.
- Highlighted the need to adhere to the adopted plan in which alternative areas are proposed.

Cllr. Robert Beasley

- Supportive of renewable energy however 18-20% of National wind energy is coming from north and east Kerry.
- Highlighted that it is unreasonable to ask communities to accept more turbines and that wind energy has divided communities in Kerry.
- Referenced other solutions to deal with current energy and climate challenges, including grants for solar panels on public buildings and houses.
- Referenced the current energy challenges, and that as far back as 2016 gas dependency from Russia was highlighted as an issue. Considering current energy challenges, wind is not the solution, the proposed LNG facility in Ballylongford should be supported.

Cllr. Michael Cahill

- Referenced the current energy and cost of living crisis and that there should be subsidies for businesses and people.
- Highlighted that there are pockets in the County that would be suitable for wind energy.
- Highlighted offshore wind resources and that same should be encouraged.
- Questioned whether the Energy Regulator has a role in relation to wind energy and whether other Counties should be targeted for wind energy.
- Questioned the role of the Energy Regulator in relation to increased energy bills and that the matter of energy bills should be raised with the Minister and Ombudsman.

Cllr. Patrick Connor Scarteen

- Highlighted that Kerry has done its fair share for national wind energy.
- Referenced the quantum of wind energy in the County and the current Energy crises and would like to see Kerry businesses and people benefit more.

- Highlighted the bureaucracy and time involved in offshore projects however Kerry is a tourism county and offshore is the way forward.

Cllr. Charlie Farrelly

- Highlighted that 48% of Kerry wind energy is produced in Castleisland LEA, which would be 10% of national wind energy.
- Highlighted the fact that 33 councillors have stood together in relation to the adopted plan.
- Referenced draft directions relating to other Counties which have yet to be signed by the Minister.

Cllr. Jim Finucane

- Highlighted that Kerry is providing 18 - 20% of National wind energy and that the Regulator and Minister should focus on counties that aren't contributing.
- Highlighted that there are areas designated for wind energy in the Plan so Kerry has complied with National policy.
- Referenced the regulation in relation to offshore wind and this has led to one international energy company pulling out of an Irish offshore wind energy project.
- Referenced current energy policy and that this is isolating groups like farmers. National policy should focus on solar panels.
- Referenced the current energy crises in Ireland and Europe in relation to gas and that wind energy is not the solution.
- Referenced that there are simple things that could be done in relation to the current energy challenges; e.g. the night rate of electricity should be brought forward to 9pm to enable people to use appliances.

Cllr. Brendan Fitzgerald

- Highlighted the absence of any benefit to people and businesses from the production of wind energy particularly those communities where wind turbines are located.
- Referenced standing charges and that the National Grid structure needs to be looked at.
- Referenced the current energy crises and that businesses and individual should not be paying crippling charges.
- Referenced that wind energy is profiting in comparison to oil and gas and that the LNG project may help in the longer term.

Cllr. Fionnán Fitzgerald

- Highlighted that the cumulative amount of wind energy installed separates Kerry from other countries, and this is tearing communities apart.
- Referenced the 2006 guidelines, that wind turbines have been constructed in the County under these guidelines, but the situation has changed drastically in recent years.

- Highlighted that the wind farms constructed to date have a cumulative effect. Individually each wind farm development complies with the 2006 guidelines but when these developments are looked at cumulatively, they are not.
- Stated that the process in relation to the draft Direction makes it look like the Council are against renewable energy, but this is incorrect. Fair and proper Wind energy guidelines are needed to ensure that there is a balanced National approach.
- Referenced the war in Ukraine and that same cannot be used to further renewable energy in Kerry under the 2006 guidelines.

Cllr. Cathal Foley

- Highlighted that wind energy has led to habitat loss in our peatlands and that a quarter of all species are at risk of being lost in Ireland.
- Highlighted that KCC has used scientific evidence in relation to the formulation of wind energy policy in the plan and we cannot go back on this analysis.
- Stated that peatlands should be out of bounds for wind energy projects due to their beneficial role as carbon sinks.
- Stated that the Council should not amend what was agreed by Council in relation to wind energy policy.

Cllr. Michael Foley

- Stated that the facts in relation to wind energy in the County need to be taken into account.
- Referenced that there are 364 turbines producing over 740 MW of energy installed in the County with an additional 12 with planning consent and another 24 wind turbines waiting a decision from planning process.
- Highlighted that the greatest concentration of these turbines is in north Kerry.
- Highlighted that the draft Direction seeks to designate 736 square km as permitted in principle – nearly size of County Louth which has 6 wind turbines.
- Referenced the land mass of the County and that as a result of the draft Direction it looks like its going to be designated for wind turbines or SAC/SPA's.
- Stated that what is in the adopted Plan in relation to wind energy is the right approach for Kerry.

Cllr. Donal Grady

- Stated support for other speakers.
- In favour of offshore wind.

Cllr. Jackie Healy-Rea

- Referenced that the rated output of a wind turbine is rarely met and that with over 700 megawatts of power installed in the county, it would be interesting to see a study done to see how many times this has been met. The capacity of over 50% of the installed output is seldom reached and that wind energy is unreliable.

- Questioned who is benefiting from wind energy and that local people are certainly not
- Referenced the mapping undertaken as part of the wind zoning methodology and that if this was considered it would further reduce the areas in the draft Direction.
- Questioned why renewable energy must consist of more wind turbines. Questioned whether it is due to cost as it is cheaper than other forms of energy.
- Stated that there are other Counties who should step up more and that new guidelines are needed in relation to this area.
- Highlighted the need for financial incentives for solar panels on houses and farms and that this would benefit people on the ground.

Cllr. Mike Kennelly

- Highlighted the unanimous view of the Council last April and July that there should be no more turbines.
- Expressed opposition to the draft Direction and that in comparison to other counties it is not fair or equitable.
- Highlighted that small business and shops in North Kerry are paying more for electricity and that there is no benefit from having turbines located close by.
- Stated that it was hypocritical of energy groups not to support communities.

Cllr. Sam Locke

- Referenced the promises of electricity supply to business which was a significant reason wind turbines were tolerated when they were first introduced into the county, however this failed to materialise.
- Referenced the current energy challenges and that household electricity bills have tripled.
- Highlighted the significant sums of money need to install turbines and that if this money was set aside instead to install solar panels it would take the pressure of homes/businesses.
- Referenced the Ballylongford / Shannon LNG project and that this is one of the biggest energy alternatives the Country has. Criticised the lack of Government support for this project.

Cllr. Marie Maloney

- Highlighted that Kerry is saturated with wind turbines but that doesn't mean the County doesn't have to do its bit.
- Highlighted that solar energy and offshore wind are the way forward.
- Referenced the Moneypoint offshore connection application which was submitted in 2021. States that this application has not yet been made available to the public by the foreshore licence unit however this offshore application is another onshore wind alternative.

Cllr. Jimmy Moloney

- States that the Council should stay on course in relation to its opposition to wind energy.

- Referenced the Ballylongford / Shannon LNG project and that there is a disconnect between National policy on LNG and Europe's approach to the current energy crisis.
- Highlighted that the 2006 Wind Energy Guidelines are out of date and that technology has advanced since then.
- Stated that the scientific approach in the Plan to protecting areas has been disregarded; referencing the importance of tourism, sensitive landscape areas, the cumulative impact of wind turbines and that state bodies should not disregard these matters.

Cllr. Terry O'Brien

- Highlighted that the Council collaboratively considered and adopted the County Development Plan together.
- Highlighted that if one was to drive to Tralee the skyline is covered in wind turbines from the North of the county.
- Stated that Kerry has done enough for wind energy.

Cllr. Niall O'Callaghan

- Highlighted that the Plan does contain alternative areas open to consideration for wind energy and that it is disappointing that this area has not been considered.
- Stated that the Council and the Plan have not said no to wind energy and that this is not fair on a lot of people.

Cllr. Michael O'Shea

- Expressed concern in relation to the draft Direction on wind energy and supports the plan as adopted in July.
- Referenced companies seeking to construct an offshore wind development and the challenges in relation to obtain the necessary licenses from the state.
- Highlighted the paradox in that the draft Direction deems areas of Mid Kerry as a suitable location for wind energy but the Plan has designated these areas as under significant urban pressure for rural housing.
- Stated that wind energy is not the answer due to its variability.
- Highlighted that Kerry is over populated with wind turbines and cannot support more, especially when a foreshore licence isn't being given to companies to investigate offshore.
- Highlighted that there are significant gas terminals being built in Europe to prevent the energy crisis and that National policy is ignoring the planned LNG facility and existing power plant in Tarbert.

Cllr. Mikey Sheehy

- Expressed frustration that members are seeing people's energy bills rise when as a County we could offer energy security utilising other forms of energy other than wind.
- Highlighted that even by 2030 60% of the Countries energy will be derived from gas and in order to secure energy supply we need the LNG facility in north of the county.

- Highlighted that bureaucracy was holding up these types of infrastructure projects in the Country while France, Germany and Italy are opening up LNG plants.
- Stated that the current energy crises is an emergency situation.

Cllr. Aoife Thornton

- Referenced the number and content of submissions and that a significant population of the County agrees with the Councils decision.
- Highlighted that there are 364 wind turbines constructed in the County and that Kerry is leading in terms of output nationally and on a European level.
- Referenced that the cumulative impact of installed turbines has not been taken into consideration in relation to the draft Direction and questioned how any planning system cannot take into account what's on the ground already.
- Highlighted the lack of guidelines and questioned how a decision on the Direction could be made in the absence of finalised guidelines.

Cllr. Johnnie Wall

- Highlighted that there were 3 days of debate on the plan in April, that the Council made its decision in relation to wind energy and need to maintain that position.
- Stated that offshore/solar had nothing to do with Council's decision.
- Expressed opposition to any more wind turbines.

b. Submissions of the Elected Members as submitted directly to the Office of the Planning Regulator and copied to the Minister which have been requested to also be included in this Chief Executive's Report.

Submission by Fianna Fáil Councillors on Kerry County Council to the OPR/Minister

The Fianna Fáil councillors in Kerry recognise and understand the necessity of the development of renewable energy for this nation as a whole as we come to terms with challenges such as climate change and carbon emissions to name but a few. Linked to that is the international scene and the effects war has on the price of fuel and energy. We fully recognise and appreciate the necessity to explore every possibility towards a reduction of the nation's dependence on imported energy going forward.

The above is a strongly held viewpoint of the Fianna Fáil grouping in Kerry County Council. Given that we lay great emphasis on the above it must be objective questioning from other bodies who have a responsibility towards a robust County Development Plan for Kerry over the coming years. One must ask if the above statements are true then why the Fianna Fáil councillors of Kerry have such a difficulty with the proposed recommendations as outlined recently by The OPR to The Minister's Office. The paragraphs below outlines why and call on other parties involved to reflect on the reasons being put forward.

The development of wind-generated renewable energy in Kerry has gone ahead with great pace in recent decades given that the county is coastal, at the south-western tip of the country and therefore exposed to strong winds year round. Developments have gone ahead under the 2006 wind energy guidelines. If Kerry were considered a country and placed amongst those of Europe in order of renewable energy production, then it would rank 3rd highest after Denmark and Germany. The question may well be asked does this fact then halt further development of wind energy production by inland turbines in the county going forward. In regard to this key question, we submit that the cumulative impact of wind turbines on the county need to be and of a right ought to be factored into any consideration of further onshore renewable energy development. It is possible for a number of wind farms to each be constructed that are compliant with the 2006 guidelines but cumulatively have an impact on the county's landscape that far outweighs anything these 16-year-old guidelines were drafted to handle or encompass. The situation in Kerry is far advanced and has moved forward in the interim since the publication of these guidelines.

This issue of the cumulative impact of wind energy sites on the Kerry landscape is further bore out when one compares it to the output of other counties within the state. Kerry holds approximately 6.8% of the republic's landmass and produces approximately 20% of our onshore wind energy being generated by some 365 onshore wind turbines. These figures further highlight the amount of wind turbines already in the county and the significant impact they have on the landscape. Other counties have much to do before ever coming close to the figures applicable to Kerry.

The coming on-stream of offshore wind projects provide a massive potential for renewable energy production. Developments such as this and the production of energy through solar panels provide alternatives for the production of energy going forward for the country. We submit that methods of renewable energy production such as these be supported and developed rather than an over-emphasis on inland renewable energy production through wind turbines.

Kerry is a county that is home to many endangered species and flora & fauna. Kerry is a home to the Hen Harrier, Freshwater Pearl Mussel and has many Special Areas of Conservation and Special Protected Areas which are all unique to our county, need our protection and help lend to Kerry its

own identity. None of these factors have seem to have been considered by The OPR and The Ministers Office.

Kerry also prides itself as being the tourism capital of Ireland. Tourism has always and will continue to be a major economic driver in the county employing 20% of the workforce directly. We are very keen to preserve and protect the many wonderful views and prospects in the county for natives and visitors alike. The proposed zoning from the OPR and Ministers Office will further undermine the aims of our Development Plan, Area Plans and Tourism Strategy which have been developed, passed and implemented by Kerry County Council.

We submit the above for consideration and ask for lengthy reflection on same.

Submission by Fine Gael Councillors on Kerry County Council to the OPR/Minister

The greatest concentration of wind energy development in our County is overwhelmingly in the northern part. There are currently 362 wind turbines in the county with a potential of producing 742MW (Mega Watt). Further to this, planning permission exists for additional 12 wind turbines with a potential output of 42MW which are yet to be constructed. In addition, numerous other wind energy developments are currently going through the planning process which totals 24.

Going by our current contribution to renewable power we have contributed hugely to the national policy on wind energy. For instance, if every county in the state generated the same MW of electricity per square kilometre as our County, it would add an additional 6,631MW of wind power to the grid. Also, if one could include Kerry on a table of EU Countries in an analysis of MW (Mega Watt) per sq.km then we would be 3rd largest Country in the EU.

One must compare our contribution to wind energy to that of other counties. Our nearest neighbours Cork have currently 305 wind turbines producing 679MW, Limerick 107 producing 215MW, Clare 106 producing 244MW, all well short of what we are producing. All Leinster counties from 6 to 96 producing 1.2MW to 182MW with Longford, Westmeath and Kildare having not one single wind turbine. Many Connaught and Ulster counties with half and most with a fraction of what we are producing. This again showing the huge contribution we are making to national policy on wind energy with the rest of the country lagging well behind our efforts.

In our previous County Development Plan we designated 545 km² of our County 'Open for Consideration' for wind turbine development for which 150 km² designated as 'Strategic Site Search Areas'. Which is contributing hugely to the National Grid. We must not forget that 35% of our County's landmass is designated as either-or Special Areas of Conservation (SAC), Special Protection Area (SPA), Natural Heritage Areas (NHA) or Proposed Natural Heritage Areas (pNHA).

The Office of the Planning Regulator is insisting that 736 km² of our County is 'Permitted in Principle' for wind turbine development which is not sustainable. Especially when this 736 km² is concentrated in one area which is the northern part of the County. This equates to nearly the land mass of county Louth where currently has 6 wind turbines. This insistence by the Office of the Planning Regulator is totally ignoring the wind zoning methodology in the plan. Also ignoring in this County Development Plan the new designation of large track of ground in the Kilgarvan area for wind development.

When adopting the County Development Plan 2022-2028 we as a group and other elected members took cognisance of the important role that the current wind energy development in our County

provides to environmental issues, electricity supply to the National Grid and the role we have in adhering to National Policy. As wind turbine technology continues to advance, existing windfarms and sites developed today have the potential to greatly increase efficiency and capacity by upgrading older turbines with more efficient technology or their replacement with larger capacity turbines in the future. Understanding this importance, we unanimously agreed to the insertion of 12.5.4.1.7 Repowering Areas.

It is accepted that wind energy development is a tax driven industry. Electricity supplied by wind energy is inconsistent and unreliable as wind fluctuates. An example of this according to EirGrid Smart Grid Dashboard on the 27/08/2022 showed the system required 3,415MW, wind energy (renewables) provided 12MW, a 1.38% contribution to the national grid. Many other examples also exists. Many experts in the industry believe that on shore wind development has reached its peak and the future is in offshore wind development.

There is a huge emphasise throughout the County Development Plan on alternative energy sources such as the use of bioenergy which is covered in Chapter 2 Climate Change & Achieving a Sustainable Future, Chapter 9 Economic Development and Chapter 12 Energy. This Plan supports the project on the Tarbert/Ballylongford Landbank which is currently going through the planning process and if granted the backers of this project has plans to turn this area into an energy hub and in future when technology advances use offshore wind to develop hydrogen.

On the announcement process of this County Development to the people of Kerry it was described as "this is your plan and you should have your say". When submissions/observations were requested to the draft plan nearly 1,500 was received of which approximately 1,000 was on Chapter 12 Energy and specifically Wind Energy. Taking into account as Public Representatives we were elected by the people in our area to represent them to the best of our ability and any decision made by us on their behalf must at all times reflect their views. This County Development Plan that we adopted has reflected those views. Our Party Councillors and in fact the combined Councillors elected to Kerry County Council did not take this task flippantly as we debated the many issues over 3 days accumulating to over 30 hours. From those debates we adopted the County Development Plan 2022-2028 in its current form which we believe reflect the views of the people of Kerry while adhering to National Policy.

Minister, we request you accept our mandate which was given to us Councillors by the citizens of Kerry to represent them on Kerry County Council to legislate issues which in this instance is the Kerry County Development Plan 2022-2028, as anything else would be a slap in the face to democracy.

Again, it must be noted the huge contribution our County has contributed to wind energy and the adherence to national policy. As we currently produce between 18% to 20% of the overall electricity supplied to the national- grid from wind energy in this Country.

Submission by Cllr. Charlie Farrelly to the OPR/Minister

I am sending this submission regarding the Co. Kerry Development Plan and especially the Wind Energy Section of the Plan. We as councillors have been briefed by our Chief Executive about the correspondence that she has received from your Office and the very strong opinion that has been expressed by you with regards reinstating section 12.4 of the plan. It has become quite clear to me that not alone are you demanding that this section be reinstated in the Plan, but you are also

suggesting that another huge chunk of the County Kerry be now classed as Permitted in Principle for Wind Energy.

It is also quite clear to me that you have not studied the Plan in detail, because if you did you would have observed that some of the additional areas that you are now proposing as Permitted in Principle, are Areas that have been identified as Areas of Significant Urban Influence. I would also like to point out that Co. Kerry has 366 Wind Turbines with most of them in my Municipal District of Castleisland /Corca Dhuibhne area. I would like to find out from your Office what Scientific Analysis have your Office carried out for the proposed changes that you have now forwarded to Kerry Co. Council for implementation by your Department. Special Areas of conservation in Co. Kerry have not been taken into consideration by you before you asked for these Areas to be now included as Areas of Permitted in Principle. We as 33 Councillors put a lot of time and effort into our Co. Development plan, and we certainly did not use the approach that the Deputy Planning Regulator Anne Marie O Connor said earlier in the year 'back of a fag packet approach by some Councillors when she addressed a Dublin City Council Seminar. It is my strong opinion that this Co. Development Plan should be left to the 33 Co. Councillors in Co. Kerry to decide without a Ministerial order been made to alter it.

Submission by Cllr. Fionnán Fitzgerald to the OPR/Minister

I fully recognise and appreciate the necessity for the development of production of renewable energy in this country. I greatly appreciate the value of a reduction of carbon emissions and a move towards a carbon neutral economy. This is a challenge and an aim for the nation as a whole – as one country - as a republic.

It is to me an aim, ideal, aspiration, and challenge to be met by us all as a people. It is one that the people of Kerry take on, have engaged with and will contribute further to in the future. But the challenge is one that the whole country should meet. It is not for a small number of counties, such as Kerry, to take on the responsibility of onshore wind production, on behalf of the rest of the country. The approach must be united in its aim, its process, it's development and underlying philosophy.

That one county could rank 3rd in Europe, as a country, as to its production of onshore renewable energy and yet be asked to give more of its landmass to the same project is to me to risk it's heritage, beauty, tourism potential, unique biodiversity and character. It is to risk the identity of Kerry.

Developments have gone ahead in recent years under the 2006 Guidelines. These guidelines have been in existence for some 16 years and the situation has changed dramatically in Kerry over that time. The county is now producing approximately 20% of the countries renewable energy and has some 365 wind turbines within it. Underlying the difficulties with further wind farm development is the cumulative effect these wind farms have on the landscape of Kerry. Other counties are not in the situation that Kerry finds itself in. I submit that laws and directives should be applied to a situation in an even-handed and just manner rather than in an objective 'one size fits all' approach. Other counties have much to do before coming close to the figures that apply to Kerry. This differentiation in situation should be reflected in Kerry's County Development Plan as distinct from those of other counties. The rationale of why the Kerry CDP is shaped as it is needs to be reflected upon by other bodies who have a say in its final drafting.

The coming on-stream of offshore wind projects provide a massive potential for renewable energy production. Developments such as this and the production of energy through solar panels provide alternatives for the production of energy going forward for the country. We submit that methods of renewable energy production such as these be supported and developed rather than an over-emphasis on inland renewable energy production through wind turbines.

Kerry is a county that is home to many endangered species and flora & fauna. Kerry is a home to the Hen Harrier, Freshwater Pearl Mussel and has many Special Areas of Conservation and Special Protected Areas which are all unique to our county, need our protection and help lend to Kerry its own identity.

Kerry also prides itself as being the tourism capital of Ireland. Tourism has always and will continue to be a major economic driver in the county employing 20% of the workforce directly. We are very keen to preserve and protect the many wonderful views and prospects in the county for natives and visitors alike. The proposed zoning from the OPR and Ministers Office will further undermine the aims of our Development Plan, Area Plans and Tourism Strategy which have been developed, passed and implemented by Kerry County Council.

Overall, there is a sense of frustration amongst the people of Kerry which is unusual amongst a community that is proud to contribute much to the progress of the nation and historically has given much to the country's development on many levels. This frustration is borne out of a sense of weariness as the county continues to be dotted with wind turbines which are having a cumulative effect on the landscape while other parts of the country lag behind. If each county in Ireland is to have a development plan, then surely the plan has to and should reflect the unique situation of that county. National guidelines should support the framework and drafting of a County Development Plan rather than dictate the terms and body of it.

I submit the above for consideration and ask for lengthy reflection on same.

Submission by Cllr. Cathal Foley to the OPR/Minister

Wind Energy

Blanket bogs accumulate and store millions of tonnes of carbon and play a vital function in controlling the greenhouse gases that cause climate change. Blanket bogs also contain in excess of 90% water and act as vast reservoirs. They have a vital role to play in the management and distribution of water within river catchments. Disturbance of peat can, and has had, catastrophic consequences on biodiversity and habitats, most especially of our extremely rare and iconic species of Curlew and Hen Harrier. Fish kills are also a consequence of peat disturbance and resultant bog slides and thousands of Brown Trout, Sea Trout and Atlantic Salmon have been killed as a result. Our peatlands should be out of bounds for any future wind farm developments.

Draft Ministerial Direction

The areas that were included as open to consideration were only decided after a detailed scientific assessment. To dismiss out of hand these considerations flies in the face of all procedural norms of proper and sustainable planning. Any revisions to reinstate Map 12.4 of Volume 1 and Map 5 of Volume 4 should only be made on sound scientific analysis, this should be published by the OPR.

Kerry has led the way in providing much needed wind energy to the national grid and will continue to do so, offshore, in the immediate future.

Submission by Cllr. Jackie Healy-Rae to the OPR/Minister

I write this email in relation to the draft direction given by the minister to Kerry County Council in recent weeks.

When reading the ministers draft directions, one could be forgiven for mistaking in believing that Kerry as a county was not contributing enough in relation to Wind Farm development, nothing could be further from the truth.

Both the regulator and the minister should recognise Kerry's enormous contribution to wind energy development in this country.

The ministers recent direction lacks all scientific analysis and is extremely dismissive of SPAs, SACs, Cumulative Impact, Views and Prospect and the effect that such development would have on communities. Why is it that everyone else in this country has to obey by those measures except the Minister? It's unethical and I would question the legality of this measure being imposed on our county especially without taking the above into account first.

The minister may not be aware but wind energy development in County Kerry has been met with opposition in almost all cases, simply because of their location within communities and peoples primary residence. It's a damning indictment on wind energy companies that they have been unable to bring communities with them when applying for permission for developments, instead all almost end up in An Bord Pleanála and many are ending up in judicial reviews, this is not right or fair. Communities are having to raise hundreds of thousands of euro to protect their homes and communities from companies who do not care what effect their development will have on people or their homes.

There are counties in this country that are not contributing anything in terms of wind energy in our country, yet Kerry is head and shoulders above the rest, but you want us to do more? We are not against renewable energy, far from it, we are leaders in renewables in Co. Kerry, but, we want to now explore other forms of renewables outside of onshore wind. Onshore Wind is extremely unreliable, wind turbines rarely if ever meet their capacity, they are inefficient and I cannot understand why we are so insistent in them instead of exploring other forms of renewables, what will happen in 10/15 years when these wind farms are outdated and need to be taken down? Who will do that? Who will pay for it?

I plead with the Minister to not make this mistake, because that's what it is, a mistake, you're wrong not to allow us Councillors who are democratically elected to do what is best for our people and our county. I believe it is not democratic for you to interfere in our plan in this way, you're not respecting the wishes of the over 1,500 people who made submissions from Co. Kerry on this very subject of wind energy development.

I hope you will reconsider your position.

Submission by Cllr. Marie Maloney to the OPR/Minister

I wish to once again make a submission with regard to Kerry County Development Plan, in particular with regard to areas to be designated as suitable for wind energy.

Presently we are saturated with wind turbines in Kerry with over one third of all wind turbines in Ireland located in Kerry. I feel Kerry has done its fair share and that no further area be dedicated as suitable for wind energy in the county apart from the areas in Kilgarvan as indicated by the members of Kerry County Council.

I believe the way forward is off shore or solar energy farms. The ESB submitted a Foreshore Licence Application to the Department of Housing, Local Government and Heritage for the proposed Moneypoint Offshore Wind project in February 2021. The application for the proposed site, consisting of Moneypoint One (located 16km offshore of southern County Clare and 22km west-northwest of Kerry Head in County Kerry) and Moneypoint Two (located approximately 40km from the County Clare and Kerry coastlines) has not been made available for public consultation by the Foreshore Unit as yet.

I would ask that you take into consideration the concerns of the locals who are extremely worried about areas in their localities being designated as suitable for wind energy and adhere to the wishes of members of Kerry County Council who voted for no further areas to be designated suitable for wind energy.

8. Best manner in which to give effect to the Draft Ministerial Direction

The Minister will be aware that the Elected Members of Kerry County Council were unanimous in their views in relation to wind energy policy and expressed these views on three occasions as part of the plan review process and the draft Direction. The Minister will also be aware from submissions received, from the Elected Members of Kerry County Council that alternative areas were designated as open to consideration for commercial wind energy development. In addition, supportive policy was also included to facilitate off-shore wind, solar energy projects, community based wind energy projects and small scale renewable micro-generation.


The specific requirements of Section 31(8) of the Act requires the Chief Executive to outline the best manner in which to give effect to the draft Ministerial Direction, as issued by the Minister on the 12th August 2022. In accordance with that obligation, I set out the following:

- a. Reinstate Map 12.4 of Volume 1 and Map 5 of Volume 4 to that of the draft Plan (amended under MA 12.9);
- b. Amend the reinstated Map 12.4 of Volume 1 and Map 5 of Volume 4 to change the designation of all areas identified as 'Open-to-Consideration' to 'Permitted in Principle';
- c. Amend the reinstated Map 12.4 of Volume 1 and Map 5 of Volume 4 to designate the following areas as 'Permitted in Principle':
 - i. those areas of the county identified as 'areas for further assessment' in Map 6.25 of the Wind Zoning Methodology (Appendix 6 of the Development Plan) and identified as of 'Low/Medium' or 'Medium' visual sensitivity in the Landscape Review (Appendix 7 of the Development Plan); and
 - ii. those areas identified as practical resource constraints relating to the 1km buffer zone identified for each settlement in the Wind Zoning Methodology;
- d. Replace references to 'Open-to-Consideration' with 'Permitted in Principle' throughout Volume 1 and 4 of the Development Plan consistent with a. and b. above;
- e. Delete material amendments MA 14.20 and 14.21.

The Elected Members have been provided with a revised wind zoning map that gives effect to the requirements of the draft Direction. This map has also been made available on the Councils website, as part of the public consultation process.

Kerry County Council, undertook as part of the draft Plan formulation process a detailed technical assessment, which included the cumulative impact of installed wind turbines, the detailed assessment of the 27 areas for further assessment and the detailed separate assessment of the visual sensitivity of the 40 areas in the landscape review. This analysis was also supported by a detailed Strategic Environmental Assessment and Appropriate Assessment (contained in a Natura Impact Report). In that context it is the view of the Chief Executive, that this valuable technical analysis be referenced as part of any further consideration by the Minister.

For clarification purposes in relation to part (c) (ii) of the draft Direction, the Wind Zoning Methodology was revised following the close of public consultation on the Draft Plan. (6th Dec 2021 – 23rd Feb 2022) As part of this revision the 1km setback around settlements which was identified as a practical resource constraint in the overlay mapping exercise was removed. Therefore part (c) (ii) of the draft Direction was complied with prior to consideration of the CE report on the Draft Plan on April 25th / 26th / 27th.



Ms. Moira Murrell,
Chief Executive
Kerry County Council.

Appendix I: List of submissions received from the public.

Submission No.	Author
KE-C5-MD-1	Ruth McCarthy
KE-C5-MD-2	Transport Infrastructure Ireland
KE-C5-MD-3	Paul O'Sullivan
KE-C5-MD-4	Kate Carmody
KE-C5-MD-5	M Shanahan
KE-C5-MD-6	Lyreacrompane Heritage Group
KE-C5-MD-7	<i>submission withdrawn</i>
KE-C5-MD-8	Peadar O Fionnáinn
KE-C5-MD-9	Kerry Wind Awareness *
KE-C5-MD-10	Kerry Wind Awareness *
KE-C5-MD-11	Kerry Wind Awareness *
KE-C5-MD-12	Niall Horan
KE-C5-MD-13	Kerry Wind Awareness *
KE-C5-MD-14	Kerry Wind Awareness *
KE-C5-MD-15	Scartaglin Wind Awareness Group
KE-C5-MD-16	Kerry Wind Awareness *
KE-C5-MD-17	James Fogarty
KE-C5-MD-18	Patricia Holbein
KE-C5-MD-19	Green Party Kerry
KE-C5-MD-20	FuturEnergy Ireland
KE-C5-MD-21	Fionán Hickey
KE-C5-MD-22	Eibhlis O'Connell
KE-C5-MD-23	Niall Marshall
KE-C5-MD-24	John O'Sullivan
KE-C5-MD-25	Mary O'Connor
KE-C5-MD-26	Southern Regional Assembly
KE-C5-MD-27	National Transport Authority
KE-C5-MD-28	Danny Healy-Rae
KE-C5-MD-29	SSE plc
KE-C5-MD-30	Department of Housing, LG and Heritage – DAC
KE-C5-MD-31	Kerry Wind Awareness *
KE-C5-MD-32	James Dineen
KE-C5-MD-33	Denis Quilter
KE-C5-MD-34	Maura Healy-Rae
KE-C5-MD-35	Cork Airport
KE-C5-MD-36	Jodie Keane
KE-C5-MD-37	Kerry Wind Awareness *
KE-C5-MD-38	Wind Energy Ireland
KE-C5-MD-39	Mary Coyne

* These submissions combined contain 755 signed submissions.