

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT
(AMENDMENT) ACT 2010)**

KILDARE COUNTY DEVELOPMENT PLAN 2011-2017 DIRECTION 2015

“Development Plan” means the Kildare County Development Plan 2011-2017

“The Planning Authority” means Kildare County Council

WHEREAS the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter 1 of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014).

WHEREAS the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Kildare County Council in making the Variation No.3 to the Kildare County Development Plan 2011-2017 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in September 2014,

and

- (ii) the Variation No.3 to the Kildare County Development Plan 2011-2017 is not in compliance with the requirements of s.13 of the Planning and Development Act 2000 (as amended).

In framing the said opinion, the Minister of State has considered the report and recommendations of the Chief Executive of the Planning Authority dated January 2015. Having considered the said report and recommendations has decided (i) that no material amendment to the draft direction of December 2014 is required, and (ii) that further investigation is not necessary in order to clarify any aspects of the report.

NOW, THEREFORE in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister of State at the Department of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Kildare County Development Plan 2011-2017) Direction 2015.
- (2) The County Council of Kildare is hereby directed to take the following steps with regard to the Kildare County Development Plan 2011-2017 ("the Development Plan").
 - i. The written statement in respect of the Energy and Communications (Chapter 8, Section 8.11 – Energy Policies) in the Kildare County Development Plan 2011-2017 is to be amended by:

Deleting the following text:

HT 11

To ensure that proposals for high tension overhead wires have due regard to health and residential amenity a minimum separation distance will be informed by the Department of Communications, Energy and Natural Resources 2007 publication “Health Effects of Electromagnetic Fields” and in particular page 12, box 3.3 which sets out magnetic field strengths from given voltage levels, or as may be reviewed. It would be expected that magnetic field strengths would not exceed 0.30 microtesla in assessing minimum distances.

Types of transmission lines	Usage	Magnetic field (μT)					
		Maximum on Right-of-Way	Distance from lines				
			15m	30m	61m	91m	
115 kV	Average	3.0	0.7	0.2	0.04	0.02	
	Peak	6.3	1.4	0.4	0.09	0.04	
230 kV	Average	5.8	2.0	0.7	0.18	0.08	
	Peak	11.8	4.0	1.5	0.36	0.16	
500 kV	Average	8.7	2.9	1.3	0.32	0.14	
	Peak	18.3	6.2	2.7	0.67	0.30	

Table 8.1 Box 3.3 Electric and Magnetic Field Strengths in the vicinity of power lines (NRPB, 2001) Source: DCENR “Health Effects of Electromagnetic Fields”, 2007

STATEMENT OF REASONS

- 1) A written submission on the proposed material alterations to the Variation No. 3 of the development plan was made to Kildare County Council on behalf of the Minister for the Environment, Community and Local Government in September 2014.

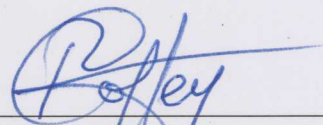
The written submission outlined that the proposed amendments are contrary to national policy as set out by:

- the Minister for Communication Energy and Natural Resources in relation to Transmission and Energy Infrastructure, namely, the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure.

The Planning Authority has ignored, or has not taken sufficient account of the said written submission, in that the Planning Authority proceeded to adopt a policy objective which would be inconsistent with national Government policy.

- 2) The decision by the members to alter the policy in regard to the Energy and Communications objectives as outlined in this direction does not provide for proper planning and sustainable development and therefore the Kildare County Development Plan 2011-2017 (as varied) is not in compliance with the requirements of s.13 of the Planning and Development Act 2000 (as amended), in particular, that the members of the authority are restricted to considering the proper planning and sustainable development and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

GIVEN under my hand,



Minister for Housing, Planning and
Co-ordination of Construction 2020
this 27 day of January 2015