

19<sup>th</sup> September 2025

Forward Planning,  
Kilkenny County Council,  
John Street, Kilkenny,  
Co. Kilkenny.

**Re: Proposed Variation No. 6 to the Kilkenny City and County Development Plan  
2021-2027**

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 6 (proposed Variation) to the Kilkenny City and County Development Plan 2021-2027 (County Development Plan).

As Kilkenny County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (Office) is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and 31AM(2) of the Planning and Development Act 2000, as amended (Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, planning authorities are requested to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. Planning authorities are advised by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. Planning authorities are requested by the Office to give full consideration to the advice contained in a submission.

On adoption of the proposed Variation, the Office will consider whether the plan has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and development of the area concerned.

## **Overview**

The Office acknowledges at the outset that the benefits of the proposed Variation are far reaching and will enable the objectives of the Waterford Metropolitan Area Strategic Plan to be realised by delivering the compact growth of the Ferrybank / Belview area in a sustainable and infrastructure led manner and thus achieving the strategic objectives of the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly and the National Planning Framework First Revision (2025) (NPF).

In particular, the Office notes and welcomes the overall approach of your authority in the preparation of the proposed Variation and in the detailing of a clear development strategy for the plan area including development and urban design principles for key areas, and in addressing the NPF and the RSES in accordance with section 13 of the Act.

The Office generally considers that the approach to zoning is consistent with the compact, sequential and proportionate growth of Ferrybank / Belview. The Office, however, recommends amendments to ensuring consistency between the Settlement Capacity Audit (SCA) findings and proposed residential and employment zonings to demonstrate that the proposed zonings are underpinned by a robust evidence case.

The Office also recommends amendments in relation to sustainable transport and mobility which will be important in terms of reducing greenhouse gas emissions, and in relation to flood risk to ensure that risk of flooding to people and property is avoided and managed.

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out five (5) recommendations under the following key themes:

Key theme	Recommendation	Observation
<a href="#">Residential land supply</a>	<a href="#">Recommendation 1</a>	-
<a href="#">Economy and employment</a>	<a href="#">Recommendation 2</a>	-
<a href="#">Sustainable transport</a>	<a href="#">Recommendation 3</a>	-
<a href="#">Flood risk</a>	<a href="#">Recommendation 4</a>	-
<a href="#">Built heritage</a>	<a href="#">Recommendation 5</a>	-

## 1. Residential land supply

The Office welcomes the zoning of R2 – New Residential lands which are well located and will facilitate the compact and sustainable growth of Ferrybank / Belview in a sequential manner.

The preparation of an SCA, including engagement with the relevant statutory bodies as part of the proposed Variation, included in Appendix 1 Ferrybank Belview Technical Appendix, provides an evidence-based approach to zoning as outlined in chapter 4 of the Development Plans, Guidelines for Planning Authorities (2022) (Development Plans Guidelines).

The Office notes the site assessment findings summarised at table 6-6<sup>1</sup> of the SCA includes proposed zonings in the draft Ferrybank / Belview Framework Plan 2025-2027, taking account of the SCA and strategic considerations. As the proposed zonings identified in table 6-6 are not consistent with the proposed zonings illustrated on figure 5-4 draft zoning map, the Office considers that the site assessment findings identified in table 6-6 and the draft zoning map should be reviewed to ensure that the proposed zoning objectives take account of the SCA findings, consistent with section 4.5.2 of the Development Plans Guidelines.

<sup>1</sup> Pg.89 of the Settlement Capacity Audit refers to the site assessment findings for sites with potential for residential development are summarised in table 6-1, however, the table is labelled as table 6-6 Site Assessment Findings.

## Recommendation 1 - Residential zoning and Settlement Capacity Audit

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of housing delivery and infrastructure, and in particular to:

- NPO 101, NPO 102, and NPO 103 of the NPF to consider the serviceability of land zoned for development;
- RPO 4 of the RSES to align infrastructure investment with the spatial strategy of the RSES; and
- section 4.5.2 of the Development Plans, Guidelines for Planning Authorities (2022) to integrate infrastructure planning with new development,

the Office recommends that the Planning Authority reviews table 6-6 Site Assessment Findings of the Settlement Capacity Audit (SCA) (Appendix 1 Ferrybank Belview Technical Appendix) and figure 5-4 Draft Zoning Map, and where there are inconsistencies, lands should be re-zoned to ensure that the findings of the SCA informs the proposed zoning objectives and that housing can be realistically achieved on the zoned lands.

## 2. Economy and employment

The Office recognises that the proposed locations of employment zoned land are underpinned by the evidence and rationale set out in the SCA in Appendix 1 Ferrybank Belview Technical Appendix of the proposed Variation, consistent with section 6.2.5 of the Development Plans Guidelines.

The SCA finds that five employment sites identified as E-B, E-C, E-D, E-E and E-I are zoned Agriculture as they are deemed to not be suitable for development during the lifetime of the plan, considering their serviceability and assessment against sustainable planning and sequential development principles, primarily relating to agricultural lands adjacent to the River Suir, and to lands north of the greenway corridor. However, it appears that sites E-B, E-C, E-D, and E-E are zoned PFI – Port Facilities and Industry on the draft zoning map (figure 5-4) of the proposed Variation.

As such, the Office considers that the proposed Variation should provide a clear rationale for the proposed zoning of these lands including a pathway for the delivery of the required infrastructure and demonstrate the PFI – Port Facilities and Industry zoning is consistent with sustainable planning and sequential development principles.

### **Recommendation 2 - Employment zoning and Settlement Capacity Audit**

Having regard to the location of employment lands in locations that can support compact and sustainable development, and in particular to:

- NPO 18 of the NPF (locations for strategic employment development);
- RPO 62 of the RSES (locations for employment development); and
- section 6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022),

the Office recommends that the Planning Authority:

- (i) provides a clear rationale for the zoning of sites for PFI – Port Facilities and Industry identified as E-B, E-C, E-D, and E-E in the Settlement Capacity Audit (SCA), and demonstrates the potential serviceability of the lands and consistency with sustainable planning and sequential development principles; and
- (ii) if a clear rationale cannot be provided, figure 5-4 draft zoning map should be amended to omit the PFI zoning for the sites identified as E-B, E-C, E-D, and E-E in the SCA.

### **3. Sustainable transport**

The Office welcomes the preparation of the Local Transport Plan (LTP) using the Area Based Transport Assessment Advice Note (2018) methodology, which supports the integration of land use and transport planning by including a range of measures to improve sustainable transport.

The Office recognises the proposed Variation includes a clear mode share objective (MAT1) to assist with achieving the targets and the Office recommends the inclusion of an effective monitoring programme within the proposed Variation.

While the LTP sits alongside the proposed Variation, and local transport objectives MAT1 – MAT9 are included, the Office is concerned the LTP measures and strategy have not been adequately prioritised and integrated into the proposed Variation and recommends that more explicit policy support for the implementation of each preferred modal strategy and associated interventions is provided. The identification of priorities around existing deficits within the Ferrybank / Belview area are encouraged, and the Office recommends that priority projects to be progressed during the plan period are identified within the proposed Variation, together with implementation timeframes.

### **Recommendation 3 - Integration of land use and sustainable transport**

Having regard to the need for integration of land use and sustainable transportation, and in particular to:

- NPO 107 and National Strategic Outcome 5 of the NPF (sustainable mobility);
- NPO 93 of the NPF (air quality);
- RPO 151 of the RSES (integration of land use and transport);
- RPO 152 of the RSES (permeability for walking, cycling and public transport modes);
- RPO 157 of the RSES (preparation of Local Transport Plans); and
- the Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%, the Climate Action Plan 2025 and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021),

the Office recommends that the Planning Authority:

- (i) identifies priority active travel projects to be progressed during the plan period together with timeframes;
- (ii) includes policy support for the implementation of the proposed interventions, identifying connectivity for existing and proposed active travel networks and public transport networks for existing and proposed residential and employment lands and opportunity sites; and

(iii) includes an effective mode share target monitoring programme for the Ferrybank / Belview area.

#### **4. Flood risk**

The Office welcomes the preparation of the Strategic Flood Risk Assessment (SFRA) in accordance with National Policy Objective 1 of the NPF and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

In line with the Flood Guidelines, the Office considers that the Planning Authority needs to address the following additional considerations in the assessment of flood risk in the Ferrybank / Belview area.

Firstly, as the flood extents on lands either side of watercourses outside the Waterford Area for Further Assessment are not shown on flood risk mapping, it is not clear how land use zonings have been determined and as such the Planning Authority should review if stage 3 flood risk assessments are required to inform the land use zonings and the SFRA.

Secondly, as highly vulnerable development is not appropriate in Flood Zone A or B, and less vulnerable development is not appropriate in Flood Zone A, unless all criteria and sub criteria of the Plan Making Justification Test have been satisfied, lands on which there is existing development zoned PFI – Port Facilities and Industry and Public Utility, to the east of the plan area, should be assessed for flood risk and appropriately zoned.

Finally, flood risks from all sources of flooding should be identified and considered in the SFRA including Planning Authority applications to the Office of Public Works (OPW) for minor works schemes, past flood events recorded by the OPW and by the Planning Authority, and any planned flood relief schemes.

In addition, it is difficult to understand the implications of flood risk across the Ferrybank / Belview area, as flood zone mapping is not overlaid on the land use zoning mapping, therefore the Office considers that flood zone mapping should be overlaid on the land use zoning maps, and included as part of the proposed Variation, in order to facilitate assessing if the sequential approach has been followed.

In relation to flood risk and climate change, the Office welcomes the discussion in section 3.4 of the SFRA, and the inclusion of future scenario extents at appendix II of the SFRA.

However, as these have not been overlaid on the land use zoning maps, it is difficult to fully understand the implications of flood risk across the plan area, and the Planning Authority is advised to overlay the future scenario mapping on the land use zoning maps, and include these as part of the proposed Variation, in order to provide clarity on areas at risk from climate change.

#### **Recommendation 4 - Flood risk management**

Having regard to:

- NPO 78 of the NPF (avoiding inappropriate development in areas at risk of flooding that do not pass the Plan Making Justification Test (Justification Test);
- RPO 116 of the RSES (considering future appropriate land-use policies in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)); and
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),

the Office recommends that the Planning Authority:

- (i) review the Strategic Flood Risk Assessment to:
  - a) determine if stage 3 flood risk assessments are required for lands along either side of watercourses outside of the Waterford Area for Further Assessment which have no flood risk extents illustrated on the flood zone mapping, if required undertake stage 3 flood risk assessments and if necessary re-zone lands for an appropriate use;
  - b) identify flood risks from all sources of flooding including detail provided in Appendix 1 Ferrybank Belview Technical Appendix and Office of Public Works (OPW) Minor Works Scheme applications to further inform the Strategic Flood Risk Assessment, and if necessary re-zone lands for an appropriate use; and
  - c) address existing development lands zoned PFI – Port Facilities and Industry and Public Utility where there is an overlap of Flood Zone A and B, and if necessary re-zone lands for an appropriate use to ensure that highly



vulnerable development is not located in Flood Zone A or B, and less vulnerable development is not appropriate in Flood Zone A, unless all criteria and sub criteria of the Justification Test have been satisfied;

(ii) overlay the flood zone mapping with the land use zoning mapping as part of the Proposed Variation No. 6 to the Kilkenny City and County Development Plan 2021-2027 (proposed Variation); and

(iii) overlay the flood zones maps and future scenario maps with the land use zoning maps as part of the proposed Variation.

The Planning Authority is advised to liaise with the OPW to address this recommendation.

## 5. Built heritage

The Office recognises that section 8.6 Appropriate Zonings of the proposed Variation highlights that Gorteens Castle is a recorded monument (Record of Protected Structures no. 31)<sup>2</sup> and states that agricultural zoning will be the most appropriate given the likely considerable underground medieval remains. However, it appears the Gorteen Castle lands are zoned PFI – Port Facilities and Industry on the draft zoning map (figure 5-4).

As such, the Office considers that the draft zoning map should be amended to confirm that the Gorteens Castle lands are appropriately zoned to reflect their protected structure status, and the potential for considerable underground medieval remains.

### Recommendation 5 - Gorteens Castle appropriate zoning

Having regard to the provisions for the protection of built heritage and in particular to:

- NPO 89 of the NPF (protect, conserve and enhance natural, cultural and built heritage);
- NPO 90 of the NPF (enhance, integrate and protect built heritage assets); and
- RPO 206 of the RSES (architectural heritage),

<sup>2</sup> Appendix 1 Ferrybank Belview Technical Appendix, Record of Protected Structures (pg.58) – Gorteens Castle: Record of Protected Structures no. 31, Protected Structure C659 and Record of Monuments and Places KK047-001.

the Office recommends that the Planning Authority amends the draft zoning map (figure 5-4) to ensure that the Gorteens Castle lands are appropriately zoned as set out at section 8.6 Appropriate Zoning of the Proposed Variation No. 6 to the Kilkenny City and County Development Plan 2021-2027.

## Summary

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within **five working days** of the decision of the Planning Authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

Is mise le meas,



**Anne Marie O'Connor**

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Designated Public Official under the Regulation of Lobbying Act 2015