



27th February 2026

Senior Planner,
Kilkenny County Council,
John Street,
Kilkenny.

**Re: Material Alterations to 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 Material Alterations (material alterations) to Variation No. 6 (proposed Variation) to the Kilkenny City and County Development Plan 2021-2027 (City and 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 accordingly¹.

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.

¹ Chapter 5 of Part 3 of the Planning and Development Act 2024, which relates to the preparation of development plans and variations by planning authorities and the assessment by the Office, was commenced on 31st December 2025. However, section 69(2) provides that the variation of a development plan under section 13 of the Act of 2000 shall continue under that Act after the repeal of section 13 of the Act of 2000.

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 can also 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

As outlined in the Office's submission to the proposed Variation at draft stage, the Office acknowledges 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).

The Office's submission to the proposed Variation at draft stage included five recommendations. The Office acknowledges the efforts of the Planning Authority in considering and responding to the Office's recommendations and to implementing the NPF Implementation: Housing Growth Requirements (2025) as part of the proposed Variation at material alternations stage.

The Office welcomes the approach to the updated Settlement Capacity Audit (SCA) in response to Recommendations 1 and 2 related to residential and employment zonings. However, the Office would welcome the inclusion within the SCA of new Strategic Reserve sites and consistency in relation to information presented in the SCA in relation to new employment zonings.

Furthermore, the Office welcomes amendments in response to Recommendation 3 related to the identification of active travel projects with policy support for their implementation and appropriate land use zoning for Gorteens Castle lands to ensure the protection of built heritage at this location in response to Recommendation 5.

The Office recognises amendments to the Strategic Flood Risk Assessment (SFRA) in relation to Recommendation 4, but is concerned that not all elements of the recommendation have been addressed particularly in relation to stage 3 flood risk assessments and future risks of flooding. This matter should be highlighted in the Planning Authority’s notice letter upon adoption as per section 31AM(6) of the Act and will be fully considered by the Office at that stage. Furthermore, the material alterations introduce additional vulnerable land use zonings, again without proper consideration of flood risk. A recommendation is included below 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 one [1] recommendation and [1] one observation under the following key themes:

Key theme	Recommendation	Observation
Settlement Capacity Audit		Observation 1
Flood risk management	Recommendation 1	

1. Settlement Capacity Audit and land use zoning

The Office recognises that the proposed locations of residential and employment zoned land are underpinned by the evidence and rationale set out in the SCA, consistent with sections 4.5.2 and 6.2.5 of the Development Plans Guidelines for Planning Authorities (2022).

The Office notes that the SCA does not include the following two sites zoned Strategic Reserve (S/R) as part of proposed Material Alteration No. 12:

- Lands adjacent to the Waterford Golf Course (referred to at point 11. Appendix 4 Maps), and
- Lands at Milepost, Rathculliheen (not referenced in Appendix 4 Maps).

As such, the Office considers that these sites should be included in the SCA to ensure the proposed Variation provides a clear rationale for the zoning of these lands and to demonstrate the Strategic Reserve (S/R) zoning is consistent with sustainable planning and sequential development principles.

In addition, the Office considers that the SCA should clarify whether the Business Enterprise and Technology Parks zoning identified as site E-R in the SCA is classified as Tier 1 or Tier 2, as there is a discrepancy in the information set out in Table 5-1 and Table 6-2, to ensure the relevant servicing information has been considered.

Observation 1 – Settlement Capacity Audit

Having regard to the updated Settlement Capacity Audit (SCA) and the objective to provide for longer term expansion and the support of compact and sustainable development, 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 and 6.5.2 of the Development Plans, Guidelines for Planning Authorities (2022) to integrate infrastructure planning with new development,

the Planning Authority is advised to:

- i) review the SCA to include the Strategic Reserve sites included as part of Material Alteration No.12, namely:
 - (a) site adjacent to Waterford Golf Course,
 - (b) site at Mile Post, Rathculliheen, and
- ii) clarify in the updated SCA whether the Business Enterprise and Technology Parks zoning identified as site E-R is classified as Tier 1 or Tier 2.

2. Flood risk management

The Office recognises amendments to the SFRA in response to Recommendation 4 at the draft stage, however the Office is concerned that the review of the SFRA does not address

matters related to determining if stage 3 flood risk assessments are required to inform the land use zonings, and to providing clarity on areas at risk from climate change.

In addition, in line with the Flood Guidelines, the Office considers that the Planning Authority needs to address the following specific considerations in the assessment of flood risk related to land use zonings introduced at the material alterations stage, namely:

- Material Alteration No.12, sites 6, 8 and 9 (identified at Appendix 4 Maps of the proposed Variation) – As the sites are adjacent to watercourses for which there are no flood zones identified in the SFRA, 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, and
- Material Alteration No.12, sites 7 and 10 (identified at Appendix 4 Maps of the proposed Variation) are proposed to be rezoned from Regeneration to New Residential and from Passive Open Space to Business, Enterprise and Technology Parks, respectively, which while not within present day flood risk extents, could be at risk of flooding in the future. If this is the case, the precautionary approach should be applied in relation to future flood risk, in line with the Flood Guidelines.

Recommendation 1 - 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 review the Strategic Flood Risk Assessment to:

- (i) determine whether Stage 3 Flood Risk Assessments are required for sites 6, 8 and 9 of Material Alteration No.12, specifically for lands located along both sides

of watercourses outside of the Waterford Area for Further Assessment where no flood risk extents are shown on the flood zone mapping. Stage 3 Flood Risk Assessments should be undertaken if required, and where necessary re-zone the lands to an appropriate use in accordance with the Flood Guidelines; and

- (ii) determine if sites 7 and 10 of Material Alteration No.12 are at risk of flooding in the future and if so apply the precautionary approach in line with the Flood Guidelines.

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

Summary

The Office requests that your authority addresses the one recommendation and one observation as 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.

Please note that 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.

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.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015
