



27th March 2026

For the Attention of: Mr. Lar Power, Chief Executive

Kilkenny County Council
County Hall
John Street
Kilkenny
R95 A39T

**Section 31AN(1) of the Planning and Development Act 2000 –
Decision Not to Issue a Draft Direction to Kilkenny County Council regarding
Variation No.5 to the Kilkenny City and County Development Plan 2021-2027**

Dear Lar,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator ('the Office') on 13th March 2026 in connection with *Variation No.5 to the Kilkenny City and County Development Plan 2021-2027* ('the Variation') as made by the elected members of Kilkenny County Council on 16th February 2026, and further to section 31AN(1) of the Planning and Development Act 2000 ('the Act'), I write to give notice that I have decided not to issue a direction to Kilkenny County Council in relation to the Variation, for stated reasons.

Process to Date

The proposed variation was on public display from 30th May 2025 to 27th June 2025. The Office of the Planning Regulator made a submission on the proposed variation on 27th June 2025 containing 3 recommendations which addressed a range of matters, including Flood Risk Management.

The elected members, having considered the proposed variation and the Chief Executive's report on submissions received, decided to amend the proposed variation. The proposed material alterations were on public display from 19th December 2025 to 30th January 2026. The Office made a submission on the proposed material alterations on 30th January 2026 containing 1 recommendation.

Having considered the submissions received and the report of the Chief Executive, the elected members of Kilkenny County Council made Variation No.5 on 16th February 2026. Subsequently, the planning



authority issued a section 31AM(6) notification to the Office advising of the making of the Variation and indicating that the recommendations of the Office had been complied with.

Having reviewed the Chief Executive's reports on the proposed variation and the proposed material alterations, and the planning authority's section 31AM(6) notification, the Office concluded that, with the exception of the item below, the recommendations of the Office were responded to and/or have been addressed to its satisfaction, or are otherwise considered satisfactory within the legislative and policy context. The outstanding matter related to the following:

- *Recommendation 3(iii) – Flood Risk Management.*

Summary of Issues

Recommendation 3(iii) – Flood Risk Management.

This OPR recommendation requested the planning authority to review and amend the Strategic Flood Risk Assessment to ensure that the Plan Making Justification Test is fully consistent with *The Planning System and Flood Risk Management Guidelines* (2009), in particular with respect to whether Justification Test criteria were satisfied and whether specified mitigation measures can effectively reduce the risks to an acceptable level, while not exacerbating flood risk elsewhere. The planning authority was advised that any zoning objective for highly vulnerable development (Flood Zone A or B) or less vulnerable development (Flood Zone A) that does not pass the Justification Test in accordance with the Flood Guidelines should be omitted from the Variation.

The planning authority amended the proposed variation to include a requirement for a site-specific Flood Risk Assessment at planning application stage in relation to a number of specified areas. It did not, however, provide a zoning-level assessment to demonstrate that flood risk to development facilitated under the relevant zoning can be appropriately managed, nor that the use or development of the lands will not cause unacceptable adverse impacts elsewhere.

The Office subsequently issued a notice to me, as Minister, under section 31AM(8) of the Act recommending that I issue a draft Direction for reasons including that identified zoning objectives included in the Variation are inconsistent with National Policy Objective 78 of the National Planning Framework. This notice letter is available to view on the website of the Office at the following link: <https://www.opr.ie/wp-content/uploads/2026/03/1-OPR-Proposed-draft-Direction-Variation-5-Kilkenny-CDP-2021-2027.pdf>.



Decision

On review of the recommendation issued by the Office, corresponding documents and analysis, I have decided not to issue a draft Direction to Kilkenny County Council in relation to the Variation as recommended by the Office, for the reasons set out in the enclosed Statement of Reasons, prepared under section 31AN(1)(b) of the Act of 2000. This letter and the enclosed statement of reasons marks the conclusion of the section 31 direction process in relation to Variation No.5 under the Act of 2000.

Next Steps

Noting the detailed and specific reasons set out in the enclosed statement, I have decided to notify the Office in accordance with section 63(2)(b) of the Planning and Development Act 2024 of my belief that certain land use zoning objectives of the Kilkenny City and County Development Plan 2021-2027 pertaining to Castlecomer are materially inconsistent with the National Planning Framework, specifically National Policy Objective 78 thereof.

Accordingly, the Office shall be required to carry out an assessment of the development plan concerned under section 63 of the Planning and Development Act 2024, in respect of zoned lands located within Flood Zones A and B in Castlecomer. In accordance with section 63(8) of the 2024 Act, the Office shall consult with the Chief Executive and members of Kilkenny County Council, and may require the planning authority to provide such information as it considers necessary to inform its assessment.

The Office will be in touch in due course in relation to the assessment that it is now required to undertake under section 63 of the Act of 2024.

Yours sincerely,

John Cummins TD

Minister of State for Local Government and Planning

Copied to:

- Cathaoirleach, Kilkenny County Council, County Hall, John Street, Kilkenny, R95 A39T.
- Director, Southern Regional Assembly, Assembly House, O'Connell Street, Waterford, X91 F8PC.
- Office of the Planning Regulator, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.