



**STATEMENT OF REASONS WITH REGARD TO A DECISION TO NOT AGREE  
WITH A NOTICE ISSUED BY THE OFFICE OF THE PLANNING REGULATOR  
UNDER SECTION 31AM(8) OF THE  
PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)**

**VARIATION NO.5 TO THE  
KILKENNY CITY AND COUNTY DEVELOPMENT PLAN 2021-2027**

27<sup>th</sup> March 2026

As Minister of State at the Department of Housing, Local Government and Heritage, and in exercise of the powers conferred on me, I advise under section 31AN(1) of the Planning and Development Act 2000 ('the Act') as follows:

- (1) I have considered the recommendations of the Office of the Planning Regulator ('the Office') in the notice issued to me on 13<sup>th</sup> March 2026 under section 31AM(8) of the Act regarding Variation No.5 to the Kilkenny City and County Development Plan 2021-2027.
- (2) I have decided not to issue a Draft Direction in relation to Variation No.5 to the Kilkenny City and County Development Plan 2021-2027.

In accordance with section 31AN(1)(b)(i) of the Act, my reasons for not agreeing with the recommendation of the Office to issue a Draft Direction in respect of the aforementioned Variation to the Development Plan are as follows:

1. Having regard to the requirements of section 31(1) of the Act, I am not satisfied that the measures recommended by the Office, comprising the undertaking of a Flood Risk Justification Test for Development Plans after the issuing of a Direction, and without certainty as to the outcome of such Justification Test and any associated necessary amendments to the Development Plan, can satisfactorily ensure compliance with the Act, including consistency with National Policy Objective 78 of the National Planning Framework.



2. The measures recommended by the Office do not benefit from a defined statutory procedure to enable public consultation or assessment for the purposes of relevant EU environmental directives. In this regard, I am cognisant that the River Dinin is designated as part of the River Barrow and River Nore Special Area of Conservation (SAC: 002162).
  
3. The eight locations subject of the recommended Draft Direction are identified in general terms in the mapping prepared by the planning authority and the relevant boundaries are not clearly delineated. This uncertainty militates against the issuing of a Draft Direction in the recommended form as the precise extent and area of the lands that would be affected is not sufficiently clear, and accordingly the recommended Draft Direction could not satisfactorily require the Plan to be amended.

Noting Reasons 1, 2, and 3, 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.

John Cummins TD

Minister of State for Local Government and Planning