



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Preliminary Assessment Report

Subject	Zoned lands located within Flood Zones A and B in Castlecomer
Statutory provision	Section 63(2)(b), Planning and Development Act 2024
Approved by	Anne Marie O'Connor, Deputy Regulator and Director of Plans Evaluation
Date	17 th April 2026

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Background

1. This report is prepared pursuant to section 63(6) of the Planning and Development Act 2024 (the Act) in the context of the Kilkenny City and County Development Plan 2021-2027, and arises from the notice issued by the Minister to the Office of the Planning Regulator (the Office) under section 63(2)(b) of the Act (section 63(2)(b) notice).
2. The section 63(2)(b) notice requested the Office to carry out an assessment of the Kilkenny City and County Development Plan 2021-2027 under section 63 of the Act, in respect of zoned lands located within Flood Zones A and B in Castlecomer.
3. These lands in Castlecomer were zoned by way of Variation No. 5 to the Kilkenny City and County Development Plan 2021-2027 (Variation No. 5). Variation No. 5 was adopted by Kilkenny County Council (the Planning Authority) on 16th February 2026.

Relevant Policy Context

4. National Planning Objective 78 (NPO 78) of the National Planning Framework First Revision (2025) (NPF) requires the avoidance of inappropriate development in areas that are at risk of flooding that do not pass the Justification Test, in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines). Consequently, zoning land at risk of flooding without passing the Justification Test is materially inconsistent with NPO 78.
5. The Flood Guidelines provide a robust basis for planning authorities to identify, assess and manage flood risk sustainably, with the key principle being to avoid development in areas at risk of flooding and to adopt a sequential approach to flood risk management.
6. Notwithstanding this, the Flood Guidelines recognise that while many established urban centres will continue to be at risk of flooding, development may still be appropriate to support compact, sustainable urban growth. Accordingly, the Flood Guidelines include a Justification Test to assess the

appropriateness of development in Flood Zone A (high risk) or Flood Zone B (moderate risk), and to identify how this can be achieved while flood risk to and from the development can be adequately managed.

7. The Justification Test in the Flood Guidelines includes two elements:
 - the Plan Making Justification Test, applied at plan preparation/adoption where it is intended to zone or designate land at moderate or high flood risk; and
 - the Development Management Justification Test, applied at planning application stage where development vulnerable to flooding is proposed on such lands.
8. These justification tests have a number of criteria that are required to be satisfied in order to pass the test. The first criterion of the Development Management Justification Test requires that the lands have been zoned in a development plan that has been adopted or varied taking account of the Flood Guidelines. As such, the Plan Making Justification Test cannot be circumvented by deferring matters to a site-specific Flood Risk Assessment at application stage, as has occurred in this instance.
9. Under the Flood Guidelines, highly vulnerable development is not appropriate in Flood Zones A or B unless it is clearly demonstrated, on a robust evidence base, that all criteria of the Plan Making Justification Test are satisfied. Less vulnerable development should likewise only be considered in Flood Zone B subject to a flood risk assessment to the appropriate level of detail to demonstrate that flood risk to and from the development can be adequately managed. The Flood Guidelines provide a classification schedule for land uses by vulnerability.

Kilkenny City and County Development Plan 2021-2027 (Variation No. 5)

10. The Strategic Flood Risk Assessment (SFRA) prepared in conjunction with Variation No. 5 identified 11 areas in Castlecomer (Area 1 – 11) as areas with a potential conflict between development and flood risk.

11. In the case of the following five areas, objectives described as 'Provisos', were included in the Variation No. 5 to restrict certain classes of development based on flood risk vulnerability:
- Area 1 (Objective V3CC7)
 - Area 3 (Objective V3CC10)
 - Area 4 (Objective V3CC10)
 - Area 6 (Objective V3CC8)
 - Area 8 (Objective V3CC9)
12. In relation to V3CC7 (Area 1), V3CC8 (Area 6), and V3CC9 (Area 8), the objectives state that no highly vulnerable developments are to be permitted in Flood Zone A or B, or less vulnerable uses in Flood Zone A. Applications for extensions to existing uses or structures will be considered.
13. In relation to Objective V3CC10 (Area 3 and Area 4), while this objective does state that highly vulnerable development is not to be permitted within Flood Zone A or B, it does not restrict less vulnerable uses in Flood Zone A which are similarly subject to the provisions of the Flood Guidelines. Consequently, these areas remain of concern.
14. The Plan Making Justification Tests undertaken for Areas 2, 3, 4, 5, 7, 9, 10 and 11 and included in the SFRA that accompanied the Variation, included the following generic statement when addressing Criteria 3 of the Plan Making Justification Test (as set out in Box 4.1 of the Flood Guidelines):

In this context, this Flood Risk Assessment contains sufficient information appropriate to the scale and nature of the development potential. Mitigation measures are included in the Development Plan (See Vol. 1 Chapter 10, section 10.2.6), to state that any development proposal within the area identified will be subject to a site specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. This mitigation measure will ensure that any development taking place will not exacerbate any flooding issue.

Preliminary Assessment

15. The Kilkenny City and County Development Plan 2021-2027 (Variation No. 5) includes the following eight areas/sites that are zoned for vulnerable development in Flood Zone A and/or Flood Zone B¹:
- (i) Area 2: Castlecomer Enterprise Centre
 - (ii) Area 3: Garda Station
 - (iii) Area 4: Residential (Andorra)
 - (iv) Area 5: General Business southeast of Square
 - (v) Area 7: General Business north of Square, south of Castlecomer Stream
 - (vi) Area 9: Mixed Use, north of Castlecomer Stream, west of River Dinin
 - (vii) Area 10: General Business, north and south of Castlecomer Stream
 - (viii) Area 11: General Business, north and south of Castlecomer Stream.
16. While these eight locations are identified in general terms in the SFRA mapping prepared by the Planning Authority, the relevant boundaries are not clearly delineated. As a result, additional information in the form of revised mapping is required to determine the precise extent and area of the lands that would be affected.
17. In relation to the SFRA prepared in conjunction with the zoning of these lands, Box 4.1 of the Flood Guidelines clearly set out the criteria that are required to be satisfied in order for these areas/sites to pass the Plan Making Justification Test.
18. While the SFRA addresses the requirements of Criteria 1 and 2 at a site-specific level, having regard to the individual characteristics of each site, it does not satisfactorily address Criteria 3. In this regard, the Plan Making Justification Test relies on a generic requirement for a site-specific Flood Risk Assessment at

¹ These areas are detailed as described in section 4.1.6 Justification Tests of the SFRA. Areas 10 and 11 are described and considered together in the Justification Test section. Area 10 is elsewhere described as Mixed Use, north and south of Castlecomer Stream, and Area 11 is elsewhere described as Industrial, north of Castlecomer Stream, within section 4.1.4, Areas of potential conflict between flood risk and development, of the SFRA.

planning application stage and does not provide a zoning-level assessment demonstrating that flood risk to development facilitated under the individual zoning objects can be appropriately managed, nor that the use or development of the lands will not cause unacceptable adverse impacts elsewhere. Under the Flood Guidelines, these requirements cannot be deferred to any future assessment at the development management stage. Accordingly, zoning land that is at risk of flooding without passing the Justification Test is materially inconsistent with NPO 78.

19. In general, a compliant assessment is required to evaluate on a site-by-site basis, the site-specific characteristics influencing the nature and extent of flood risk and identify necessary mitigation measures, having regard to the vulnerability classification of the types of development facilitated by the zoning objective. Any requirements, mitigations or limitations required to ensure the lands can be safely developed should be included in the draft plan as policy objectives.
20. Having regard to the above, it cannot be concluded that the subject lands have passed all requirements of the Plan Making Justification Test.
21. Furthermore, uncertainty arising from the quality of mapping prepared by the Planning Authority constrains the Office's ability to respond to the Minister's request under section 63(2)(b) to assess the Kilkenny City and County Development Plan 2021–2027 in respect of lands zoned within Flood Zones A and B in Castlecomer. This constraint applies to all lands within Flood Zones A and B, regardless of the Site-Specific Objectives associated with Areas 1, 6, and 8.
22. This approach to flood risk management therefore facilitates development without establishing the precise extent of flood risk lands, and how site-specific or cumulative flood risks can be effectively managed, potentially putting people and property at risk.

Conclusion

23. Having regard to the above, the Office has formed a preliminary view that, in respect of those lands zoned for development within Flood Zones A and B in

Castlecomer, the Kilkenny City and County Development Plan 2021-2027 should be suspended because it may be materially inconsistent with NPO 78 of the NPF.

Recommendation

24. It is recommended therefore that a notice issue to the Planning Authority which **suspends** the zoning objectives for lands in Flood Zones A and B in Castlecomer contained in the Kilkenny City and County Development Plan 2021-2027, as varied by Variation No. 5 adopted by the Planning Authority on 16th February 2026, pending the completion of the Office's assessment.
25. In order to assist the Office in carrying out its assessment, the Planning Authority should be required to provide the following material within 14 days of the date of this notice:
 - (a) the final plan documentation and mapping for the Kilkenny City and County Development Plan 2021-2027 in respect of the land use zoning objectives for Castlecomer as incorporated following the adoption of Variation No. 5 to the Kilkenny City and County Development Plan 2021–2027. The mapping should be sufficiently clear and appropriately scaled to accurately delineate the relevant flood zone extents and individual area boundaries, and to identify the precise extent and area of lands affected by flood risk. While GIS-format mapping is preferable, the mapping should, at a minimum, clearly show both the zoning objectives and the predicted flood extents; and
 - (b) any additional information that you consider may be otherwise relevant to our assessment.