



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

22<sup>nd</sup> April 2026

Kilkenny County Council,  
John Street,  
Co. Kilkenny.

**BY HAND AND BY EMAIL**

**Re: Notice Pursuant to section 63(6) of the Planning and Development Act  
2024 – Kilkenny City and County Development Plan 2021-2027**

A chara,

1. I am writing to you 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. This correspondence 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 issued to the Office on 27<sup>th</sup> March 2026, arose from:
  - a. the issuance by the Office of a recommendation and proposed draft direction in respect of Variation No. 5 to the Kilkenny City and County Development Plan 2021-2027 (Variation No. 5), submitted to the Minister on 13<sup>th</sup> March 2026 pursuant to section 31AM(8) of the Planning and Development Act 2000, as amended,
  - b. the Minister's decision not to issue a draft direction in relation to Variation No. 5, as notified to Kilkenny County Council (the Planning Authority) on 27<sup>th</sup> March 2026.
3. The Office's recommendation and proposed draft direction related to Variation No. 5 and addressed flood risk management in eight specific locations in Castlecomer, Co. Kilkenny.
4. 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.

5. Pursuant to section 63(2)(c), the Office has commenced the assessment requested by the Minister. While the assessment is ongoing, 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 as it may be materially inconsistent with National Planning Objective 78 (NPO 78) of the National Planning Framework First Revision (2025). A copy of the Office's Preliminary Assessment Report is enclosed with this notice.

### **Suspension of specified provisions of the Development Plan**

6. Accordingly, this notice 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 16<sup>th</sup> February 2026, pending the completion of the Office's assessment.
7. The suspension of the specified zoning objectives has the effect of temporarily disapplying those provisions of the Kilkenny City and County Development Plan 2021–2027 pending the completion of the Office's assessment and the occurrence of one of the matters identified at paragraph 11 below. During the period of suspension, the suspended zoning objectives have no legal effect and must not be relied upon in the consideration, assessment, or determination of planning applications.
8. In practical terms, the Planning Authority is precluded from granting permission for development that would rely on the suspended zoning objectives. Any planning application affecting the suspended lands must be assessed as if those zoning provisions were not in force, having regard instead to the remaining policies and objectives of the Kilkenny City and County Development Plan 2021-2027, relevant national and regional planning policy, and proper planning and sustainable development.

9. The suspension does not affect other, non-suspended provisions of the Kilkenny City and County Development Plan 2021-2027, which continue to operate in full.
10. The suspension does not retrospectively affect planning permissions that have already been granted prior to the issue of the notice.

### **Duration of Suspension**

11. The suspension of the specified zoning objectives will remain in effect pending the completion of the Office's assessment, and
  - (i) the issuance by the Office of a draft direction under section 64, in accordance with a direction of the Minister under section 63(14)(b),
  - (ii) the issuance by the Minister of a direction under section 63(15)(b) not to issue a draft direction, or
  - (iii) the making of a recommendation by the Office of the Planning Regulator to the Minister under section 63(11) not to issue a draft direction.
12. A copy of this notice will be issued to the Minister and published on the Office's website on the same day this notice is issued to you.

### **Next steps**

13. Following this suspension, the Office will now continue its 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.
14. As part of this process, the Office is required to consult with the Chief Executive and members of your authority, and we request that you contact our office directly to arrange this at [plans@opr.ie](mailto:plans@opr.ie).
15. In the interim, and in accordance with section 63(9), the Planning Authority is 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.

16. Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at [plans@opr.ie](mailto:plans@opr.ie).

Yours sincerely,



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**Niall Cussen**

Planning Regulator

Designated Public Official under the Regulation of Lobbying Act 2015