

Ref: TC7

14<sup>th</sup> November, 2016

**TO: An Cathaoirleach**  
**& Each Member of Kilkenny County Council**

**RE: Taking in Charge**

Section 11 of the Roads Act, 1993  
Section 180 of the Planning & Development Act, 2000  
As amended by Section 59 of the Planning & Development Act 2010

**Developments:** T7 - The Acorns Upper & Lower, Ballyhimmin, Castlecomer, Co. Kilkenny  
Oak Hill, Ballyhimmin, Castlecomer, Co. Kilkenny  
Beech Court, Ballyhimmin, Castlecomer, Co. Kilkenny  
Ard Crann, Ballyhimmin, Castlecomer, Co. Kilkenny

I attach herewith report in relation to the taking in charge of the above residential developments comprising of 164 houses in total, at The Acorns Upper & Lower, Oak Hill, Beech Court and Ard Crann all located at Ballyhimmin, Castlecomer, Co. Kilkenny.

I recommend that the procedure required in accordance with Section 11 of the Roads Act, 1993 in order to facilitate the taking in charge of the roads in the above development and in accordance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, be commenced;

**SIGNED:**

  
Mary Mulholland  
Director of Services  
Planning



**Planning & Development Acts, 2000 - 2015**  
**Planning & Development Regulations, 2001 – 2015**  
**Taking in Charge (TIC) Report Dated 14<sup>th</sup> November 2016**

<b>Planning Reference:</b>	TC7
<b>Development:</b>	The Acorns Upper & Lower Oak Hill Beech Court Ard Crann
<b>Developer:</b>	Caislean Homes Limited (In receivership / liquidation)
<b>Planning Permission Reference:</b>	P00/2004 (The Acorns Upper & Lower) P98/548 (Oak Hill) P01/889 (Beech Court) P08/1397 (Ard Crann)

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**Site Location & Description**

These four adjacent and interconnected developments are located off Kilkenny Street (N77) in Castlecomer in the townland of Ballyhimmin. Beech Court has its own access onto Kilkenny Street whilst The Acorns, Oak Hill and Ard Court share a separate single entrance. There are 164 dwellings in total between the four developments. These consist of single storey dormer, two-storey and three-storey dwellings with house types being a mix of detached, semi-detached and terraced. The numbers are broken down as follows:

The Acorns Upper & Lower -	57 dwellings
Oak Hill -	82 dwellings
Beech Court -	17 dwellings
Ard Crann -	8 dwellings

The road network serving The Acorns, Oak Hill and Ard Crann also serves a crèche. (The crèche does not form part of this taking in charge application.)

**Planning History**

P98/548 –	Permission for 81 Houses (Oak Hill).
P00/2004 –	Permission for 59 Houses (The Acorns).
P01/889 –	Permission for 17 Houses (Beech Court).
P02/872 –	Permission for 5 Houses (Ard Crann).
P08/1397 -	Permission for 6 houses (Ard Crann - change of 3 of the detached houses under P02/872 to 6 semi-detached).

A further 10 applications also exist within the boundaries of these developments. These applications generally amend the main permissions or relate to relatively minor amendments to individual properties. It should be noted that the number of units detailed in this section of the report differs somewhat to that listed in the previous section. This is due to the long and complex planning history. However the numbers identified in the first section of this report are accurate and represent the *on-the-ground* number of housing units.

**TIC Request:**

The developer of the estate having entered voluntary liquidation applied to have these estates taken in charge on 5<sup>th</sup> March 2012. Kilkenny County Council subsequently used money from the bond to bring the estates to an acceptable level to allow for taking in charge. Remedial works

identified by the various service areas within the council and by the planning department have now been substantially completed.

**Recommendation:**

Having regard to the fact that these estates have been substantially completed in accordance with conditions attached to the grant of permissions, I recommend that Kilkenny County Council initiate proceedings for the formal Taking-in-Charge of the following developments as outlined on the attached map:

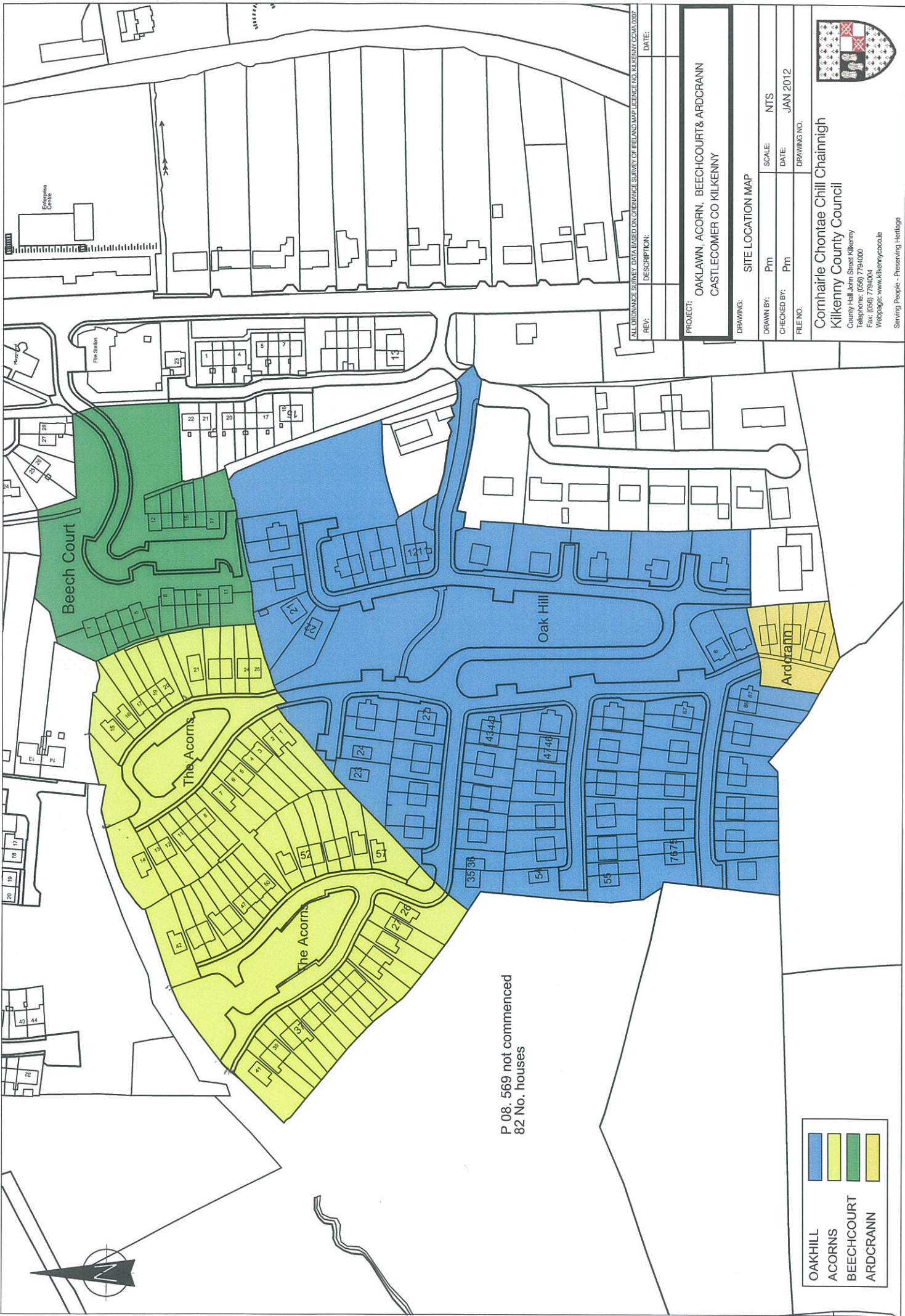
- The Acorns Upper & Lower, Ballyhimmin, Castlecomer, Co. Kilkenny
- Oak Hill, Ballyhimmin, Castlecomer, Co. Kilkenny
- Beech Court, Ballyhimmin, Castlecomer, Co. Kilkenny
- Ard Crann, Ballyhimmin, Castlecomer, Co. Kilkenny

**SIGNED:**



Brendan Sheahan  
Executive Engineer

Date: 14/11/2016



P 08. 569 not commenced  
82 No. houses

- OAKHILL
- ACORNS
- BEECHCOURT
- ARDCRANN

ALL ORDINANCE SURVEY DATA BASED ON ORDINANCE SURVEY OF IRELAND MAP LICENSE NO. KILKENNY CO. 04.027

REV: \_\_\_\_\_ DATE: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

PROJECT: **OAKLAWN, ACORN, BEECHCOURT & ARDCRANN  
CASTLECOMER CO KILKENNY**

DRAWING: **SITE LOCATION MAP**

DRAWN BY: Pm SCALE: NTS

CHECKED BY: Pm DATE: JAN 2012

FILE NO. \_\_\_\_\_ DRAWING NO. \_\_\_\_\_

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