Comhairle Chontae Chill Chainnigh
Halla an Chontae, Sráid Eoin, Cill Chainnigh, R95 A39T.

Kilkenny County Council
County Hall, John Street, Kilkenny, R95 A39T.

Fónamh don Phobal - Caomhnú don Oidhreacht

Serving People – Preserving Heritage

Ref: TC109

15th of October 2019

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: TC109 – Hunter's Wood, Newmarket

I attach herewith reports in relation to the taking in charge of the above residential developments comprising of:

- 3 housing units at Hunter's Wood, Newmarket , 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:

Sean McKeown
Director of Services
Planning

Guthán/Telephone: 056 7794000 Faics/Fax: 056 7794004
R-post/Email: info@kilkennycoco.ie Gréasán/Webpage: www.kilkennycoco.ie

Recycled

Planning & Development Acts, 2000 - 2018

Planning & Development Regulations, 2001 – 2018

REPORT ON TAKING IN CHARGE:

Planning Reference:	**TC109**
Development:	**Hunters Wood, Newmarket, Co. Kilkenny**
Developer:	**Rubyvale Developers Ltd**
Planning Permission Reference:	**P04/37, P05/1456**

Site Location & Description

Hunters Wood is a rural residential development of 3 dwellings on the outskirts of the village of Newmarket. It is accessed from the R701 Regional Road and is sited adjacent to the M9 Motorway near Junction 10. The estate consists of one-and-a-half storey dormer houses with detached garages. There is an unfinished section within this estate but this will not form any part of the current taking in charge process as represented within this report.

Planning History

Planning permission reference number P04/37 was granted to the developer for site development works for 7 number dwellings, including entrance and associated site works on 29th of March 2005. A subsequent application P05/1456 was granted on 5th of December 2005 for the construction of 6 no. dwellings with detached garages on 6 no. serviced sites which had been granted under P04/37.

TIC Request:

The formal application to have this development taken in charge was made by the residents in January 2014. As the developer was no longer in business, Kilkenny County Council dealt directly with the bond holder to ensure that all necessary works were completed. The bond money was paid out in full and Kilkenny County Council has now completed all necessary works to bring the development to a standard suitable for taking in charge – with the exception of the unfinished portion of the estate and the waste-water and water infrastructure. In this regard it should be noted that the existing water and waste-water services will not be taken in charge and the responsibility for future maintenance of same rests with the residents / property owners.

Recommendation:

As the completed section of the development has been completed in substantial accordance with the conditions attached to the grant of permission (P04/37, P05/1456) and the completion of all works as identified and prioritised by the various internal service areas, I recommend that Kilkenny County Council initiate proceedings for the taking in charge of Hunter's Wood, Newmarket, Co. Kilkenny under Section 11 of the Roads Act 1993 and Section 180 of the Planning and Development Acts 2000-2018.

SIGNED: _____ **Date**: 15/10/2019

Thomas Brennan
Executive Engineer

_____ **Date**: 15/10/2019

Annette Fitzpatrick
Administrative Office

Comhairle Chontae Chill Chainnigh
Kilkenny County Council
Planning Report

Planning & Development Acts, 2000 – 2018

Planning & Development Regulations, 2001 - 2018

REPORT ON TAKING IN CHARGE:

Planning Reference:	**TC109**
Development:	**Hunters Wood, Newmarket, Co. Kilkenny**
Developer:	**Rubyvale Developers Ltd**
Planning Permission Reference:	**P04/37, P05/1456**

Site Location & Description

Hunters Wood is a rural residential development of 3 dwellings on the outskirts of the village of Newmarket. It is accessed from the R701 Regional Road and is sited adjacent to the M9 Motorway near Junction 10. The estate consists of one-and-a-half storey dormer houses with detached garages. There is an unfinished section within this estate but this will not form any part of the current taking in charge process as represented within this report.

Planning History

Planning permission reference number P04/37 was granted to the developer for site development works for 7 number dwellings, including entrance and associated site works on 29th of March 2005. A subsequent application P05/1456 was granted on 5th of December 2005 for the construction of 6 no. dwellings with detached garages on 6 no. serviced sites which had been granted under P04/37.

Bond Amount:

A bond to the value of €110,000 was in place for this development. A formal application was received from residents in January 2014 as the developer was no longer in business. Kilkenny County Council made a claim on the bond in April 2014 and dealt directly with the bond holders. The full bond was paid to Kilkenny County Council in June 2015.

Referrals:

Water Services / Irish Water:
A significant volume of works were identified by Water Services. These included emergency health and safety works related to the upgrading of the existing water supply to a suitable drinking standard and the provision of a new polishing filter for the existing wastewater treatment system. There was also requirement for standard marker posts, plates and covers for hydrants and sluice valves, provision of new manholes, repairs to existing manholes and gullies, repairs to underground pipes and repairs to the foul water pumping station. These works were arranged by and carried out to the satisfaction of the Water Services Department.

Fire Services:
Identified the requirement for the provision of a hydrant marker post and deficiencies with the flow rate to the hydrants i.e. 150L/m as opposed to 450L/m. Remedial works were completed as part of the works outlined above and below under Water Services / Irish Water and Area Office. However, the low-pressure issue was not prioritised due to limited funding available, the limited number of houses served and the fact that the low flow rates within developer provided infrastructure is not unusual where mains water connection is unavailable.

Parks Department:
Identified significant fencing and landscaping works related primarily to the unfinished proportion of the estate and consequently some limited landscaping and fencing work was prioritised and undertaken by the Area office.

Roads, Area Office/Engineer:
Significant works were identified by the Area Engineer including the requirement to lay road base and base course pavement layers over part of the existing access road and the final road surface (wearing course) through the development, adjustments to iron work (gullies, manholes, etc...), installation of stop sign and marking, Installation of hydrant marker post, as well as footpath and kerb repairs with the provision of topsoil, landscaping to footpaths and work to public lighting. All works were subsequently completed and overseen by the Area Engineer to his satisfaction.

Finance:
The Finance Section has confirmed that all financial requirements have been fully met.

Assessment:

The formal application to have this development taken in charge was made by the residents in January 2014. The application was referred to the various internal service areas as outlined above and based on the responses a schedule of necessary works was prepared and prioritised. As the developer was no longer in business, Kilkenny County Council dealt directly with the bond holder to ensure that all necessary works were completed. Following completion of exploratory works, the bond holder agreed to pay the full amount remaining in the bond of €110,000.

Using the money from the bond Public Lighting, Water Services and Road works and some limited landscaping were completed in 2015, 2017 and 2018 respectively. The public lighting has been placed on the council's maintenance list. Accordingly, all necessary works have

been completed to a satisfactory standard to enable Kilkenny County Council to take in charge the estate. However, it should be noted that the existing water and waste-water services will not be taken in charge and the responsibility for future maintenance of same rests with the residents / property owners.

I undertook a final on-site inspection of this development on the 15th of October 2019 and was of the opinion, based on a visual, non-intrusive assessment that the development including works from 2015-2018 have been completed to a standard to enable Kilkenny County Council to Take In Charge.

There are no objections to the taking in charge of this development and it is therefore considered appropriate that Kilkenny County Council initiate proceedings for taking in charge.

Recommendation:

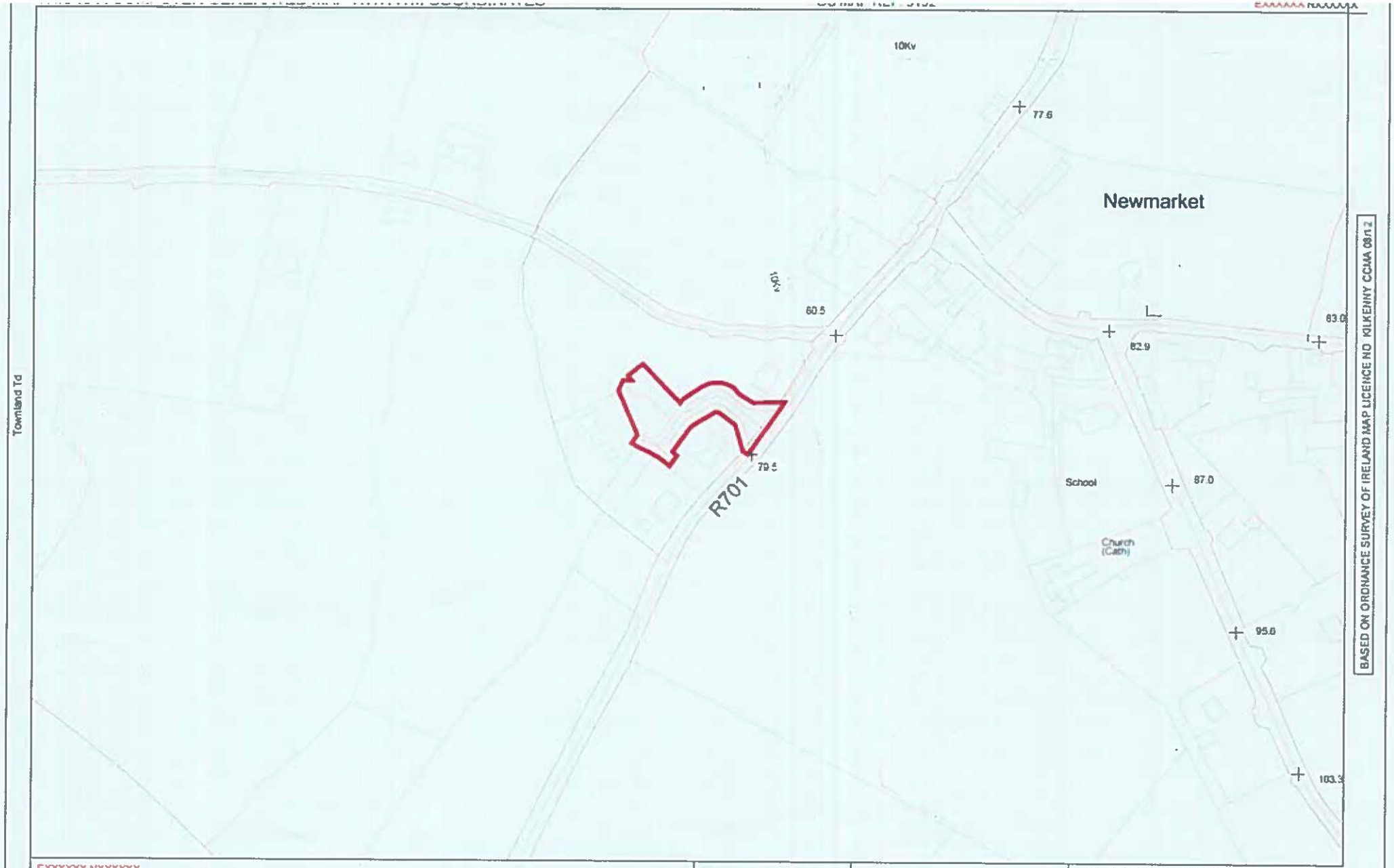
As the completed section of the development has been completed in substantial accordance with the conditions attached to the grant of permission (P04/37 & P05/1456) and the completion of all works as identified and prioritised by the various internal service areas, I recommend that Kilkenny County Council initiate proceedings for the taking in charge of Hunter's Wood, Newmarket, Co. Kilkenny under Section 11 of the Roads Act 1993 and Section 180 of the Planning and Development Acts 2000-2018.

Thomas Brennan
Executive Engineer

Date: 15/10/2019

Annette Fitzpatrick,
Administrative Officer, Planning

Date: 15/10/2019



EXXXXXX NXXXXXX

Lands at Hunter's Wood, Newmarket, Co.Kilkenny

INDICATIVE AREA OF SITE OUTLINED IN RED = 0.201Ha
FOLIO - KK28343F

FOR INFORMATION PURPOSES

Scale: 1:2500 @ A4
Plot Date: 15/10/2019
Drn: T. Brennan

Comhairle Chontae Chill Chainnigh
Kilkenny County Council
County Hall, John Street, Kilkenny
Tel: 056 7794000
Fax: 056 7794004
Web: www.kilkennycoco.ie