



Ref: TC133

8th March 2021

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

Development:

TC133 - The Green, Ballyfoyle, Co. Kilkenny

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

9 houses at The Green, Ballyfoyle, 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

Planning & Development Acts, 2000 - 2015
Planning & Development Regulations, 2001 - 2015
Taking in Charge (TIC) Report Dated 05th March 2021

**TAKING IN CHARGE REPORT FOR
ELECTED MEMBERS**

Planning Reference:	TC133
Development:	The Green, Ballyfoyle, Co. Kilkenny
Developer:	Daniel Costigan - Parent permission for 9 serviced sites, followed by 9 individual planning permissions.
Planning Permission Reference:	P.02/638

Site Location & Description:

The Green is a residential development of 9 detached houses located in the village of Ballyfoyle. The development is served by private water and wastewater treatment plants, and is accessed via a single entrance from local primary road L1848. Ballyfoyle Management Limited own the communal lands including the large central green area. As per the management company's wishes, the green area will not be taken in charge. The private water and wastewater infrastructure cannot be considered for taking in charge either. However, the planning authority will upgrade the water and wastewater infrastructure on behalf of the management company. Therefore, only the roads, footpaths and public lighting will be taken in charge; the management company are aware of this.

Planning History:

P.02/638 - Permission granted for the site development of 9 residential sites including new road entrance with re-aligned boundary, development roads, landscaping programme, specialist treatment system, dedicated water supply, boundary treatment and ancillary works.

9 individual planning permissions followed: P.05/615, P.05/1075, P.05/1135, P.05/1608, P.05/1781, P.06/17, P.06/497, P.06/641, and P.06/1396.

TIC Request:

The formal taking in charge application was received from the management company on the 21st July 2014. Subsequent to this, the planning authority engaged with the management company to progress the process and complete the remedial works as identified by the

various service areas. The works identified by the various service areas were completed by early April 2016.

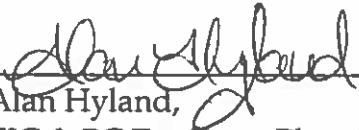
Following this, the bond holder examined the extent of works required to progress taking in charge and the release of bond liability. Following a review of investigative reports, Kilkenny County Council claimed the bond and accepted a full and final settlement in August 2018.

The works identified to as part of the bond settlement include water and wastewater treatment plant upgrades, treatment plant fencing, foul sewer repairs, storm sewer repairs, watermain repairs, and a public lighting upgrade. Open space accessibility works identified by Kilkenny County Council DAC Officer will also be offered to the management company.

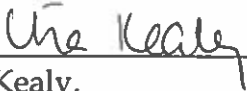
The foul sewer, storm sewer and watermains works are substantially complete. All remaining works are subject to the easing of Level 5 restrictions. However, the water & wastewater treatment plants, foul sewers, watermains, and fencing do not form part of the taking in charge. Therefore, final taking in charge is not dependent on the completion of these works. Furthermore, final taking in charge is not dependent on the completion of the public lighting or accessibility works either. If needs be, the completion of any remaining works can continue after taking in charge. This principle applies to works where the planning authority is in receipt of the bond and is arranging the works. The final taking in charge will only proceed subject to the approval of the elected members.

Recommendation:

Having regard to the substantial completion of the development in accordance with the conditions attached to the grant of permission, the completion of all works identified by the various internal service areas, and the expected completion of remaining works; I recommend that Kilkenny County Council initiate proceedings for the taking in charge of The Green, Ballyfoyle, Co. Kilkenny, as outlined on the attached map.


Alan Hyland,
TIC & BC Engineer, Planning.

Date: 05/02/21

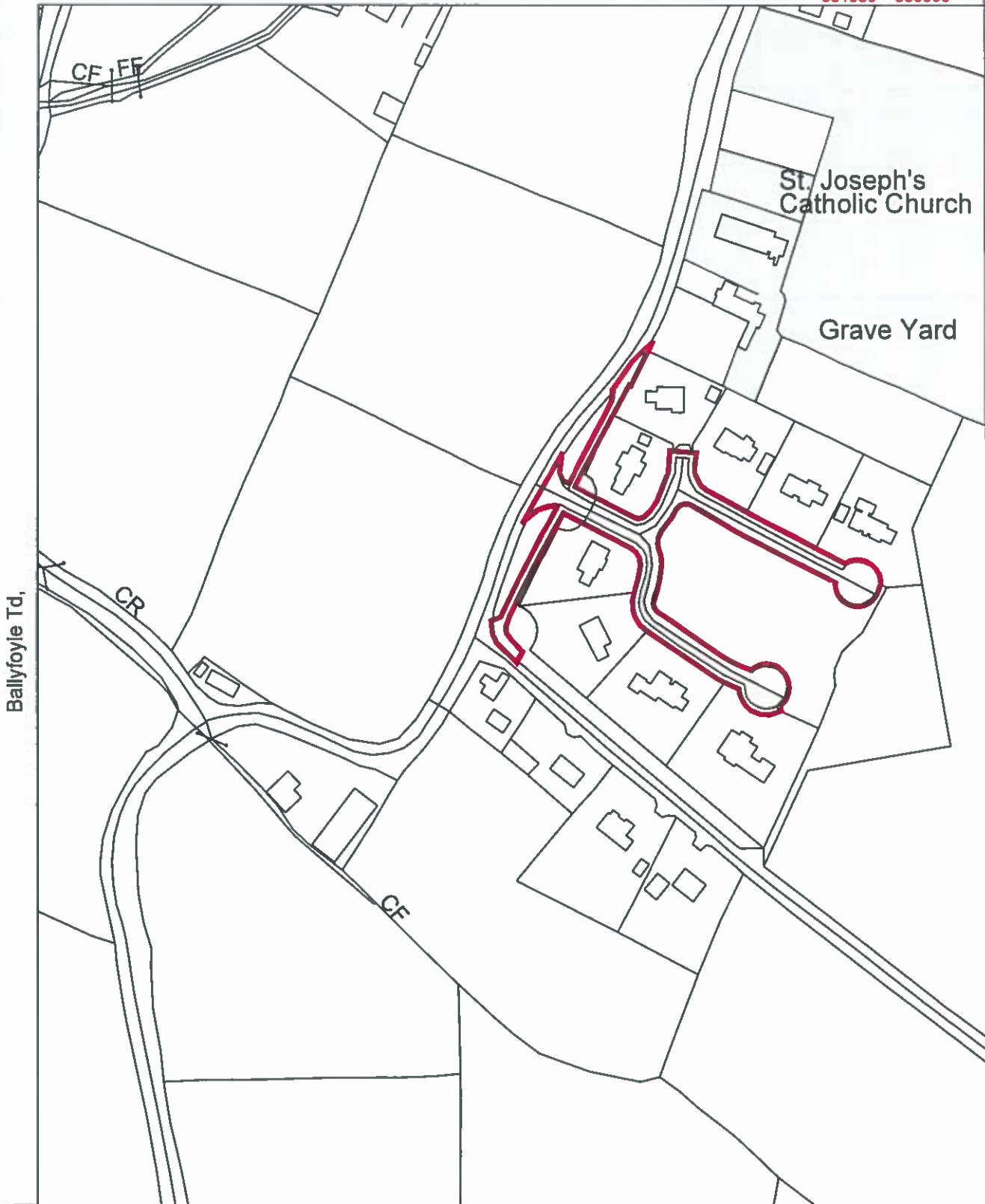

Una Kealy,
Administrative Officer, Planning.

Date: 05/03/21

THIS IS A COMPUTER GENERATED MAP WITH ITM CORDINATES

O.S MAP REF. 4586-D

651939 663593



BASED ON ORDNANCE SURVEY OF IRELAND MAP, LICENCE No. KILKENNY CCMA 08/12

651501 663042

FOR INFORMATION PURPOSES ONLY

Lands at The Green, Ballyfoyle Co. Kilkenny,
Folio ref - KK32579f
AREA OF SITE OUTLINED IN RED = 0.35hac

Scale : 1.2500 @ A4
Plot Date: 08.03.21
Drm by: A. O'Hara.

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