



Ref: TC134

10<sup>th</sup> May 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:** TC134 – Brookfield, Ballyhale, Co. Kilkenny

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

26 houses and 2 shop units at Brookfield, Ballyhale, 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

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council  
Planning Report



Planning & Development Acts, 2000 - 2020

Planning & Development Regulations, 2001 - 2020

TAKING IN CHARGE REPORT FOR  
ELECTED MEMBERS

Planning Reference:	TC134
Development:	Brookfield, Ballyhale, Co. Kilkenny
Developer:	South Eastern Construction Limited
Planning Permission Reference:	P.05/1052, P.05/1144, P.06/696, P.07/1489, P.11/355 and P.11/476

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**Site Location & Description:**

Brookfield is a residential development of 26 houses consisting of a mix of terraced, semi-detached, and detached dwellings located in the village of Ballyhale, Co. Kilkenny. The terraced blocks also include 2 shop units. The site is served by a private water treatment plant and network, private wastewater network (which is connected, in turn, to the public wastewater network), and is accessed via a single entrance from regional road R448.

Phases 2 and 3 of the development remain unfinished/not commenced, and therefore, do not form part of this taking in charge application.

The taking in charge of residential estates connected to Irish Water owned or controlled water and wastewater networks is outlined in Irish Water's Memorandum of Understanding (MoU). The MoU lists the following exclusion '*Residential estates that are served by standalone infrastructure such as wells, water treatment plants and wastewater treatment plants and associated pumping stations that were provided by developers as part of housing developments and where such infrastructure cannot be connected to the water and wastewater networks for which Irish Water is responsible.*'

Brookfield private water network cannot be connected to the public water network at the moment due to lack of supply capacity. Therefore, in accordance with the MoU, the private water network cannot be considered for taking in charge at this time. It should also be noted that the private wastewater network is already connected to the public wastewater network. However, this cannot be considered for taking in charge at this time either until such a time as both the water and wastewater networks are connected to the public networks.

### **Planning History:**

P.05/1052 - Permission granted for the construction of a housing development consisting of 17 detached houses, 26 semi-detached houses, 17 townhouses, including 2 shop units and all associated ancillary accommodation and works, complete with new access onto existing public roadway on site.

P.05/1144 - Permission granted to demolish existing habitable house, farm outbuildings, boundary walls and fences, inclusive of ancillary accommodation on site (to facilitate a new housing development which forms a separate Planning Application, already submitted Ref No. 05/1052).

P.06/696 - Permission granted for the construction of a housing development consisting of 4 detached houses, 30 semi-detached houses, 12 townhouses and all associated ancillary accommodation and site works, complete with access onto existing public roadway on our site. (The site for the above development is contained within the site which has previously obtained planning permission, planning reference number 05/1052).

P.07/1489 - Permission to install a temporary sewerage treatment system on a site.

P.11/355 - Permission refused for Extension of Duration of Planning Permission Ref. in Planning Register 06/696.


P.11/476 - Permission granted for Extension of Duration of Planning Permission Ref. in Planning Register 06/696.

### **TIC Request:**


The formal application to have Brookfield taken in charge was made by the developer in July 2014. Subsequent to this, the planning authority engaged with the developer to progress the process and complete the remedial works as identified by the various service areas. Finally, the bond was claimed and the works were arranged by the local authority to bring the estate to taking in charge standard.

**Recommendation:**

Having regard to the completion of all works identified by the various internal service areas to bring the estate to taking in charge standard; I recommend that Kilkenny County Council initiate proceedings for the taking in charge of Brookfield, Ballyhale, Co. Kilkenny, as outlined on the attached map.

  
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Alan Hyland  
TIC & BC Engineer, Planning.

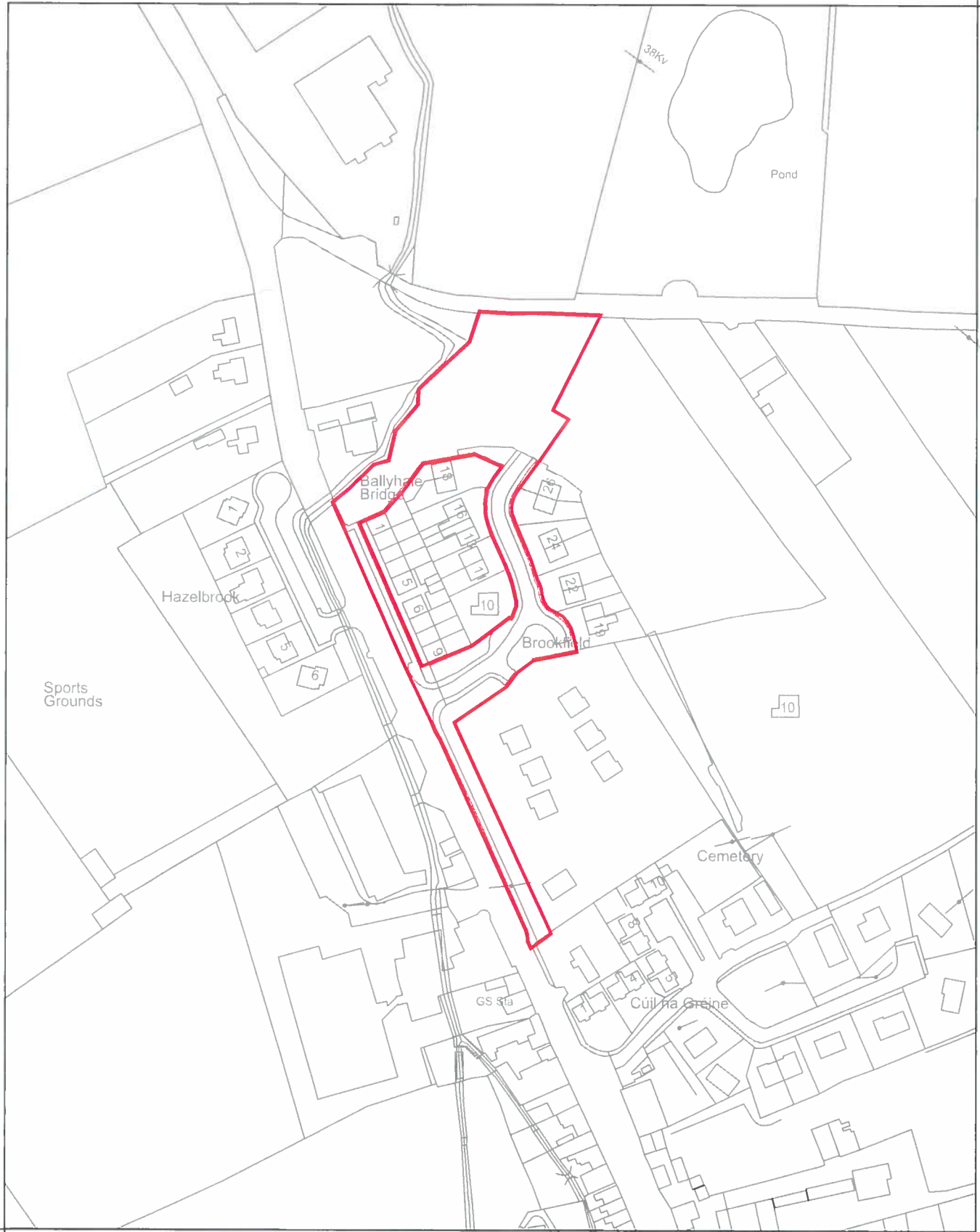
Date: 10/05/21

  
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Una Kealy,  
Administrative Officer, Planning.

Date: 10/05/2021

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OS MAP REF. 5193-B

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

654025 635406

TAKING IN CHARGE  
BROOKFIELD HOUSING ESTATE  
BALLYHALE  
CO. KILKENNY

FOR  
INFORMATION  
PURPOSES  
ONLY

SCALE: 1:2500 @ A4  
PLOT DATE: 10/05/2021  
DRAWN BY: A. HYLAND

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