



## Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh  
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

## Kilkenny County Council

County Hall John Street Kilkenny  
R95 A39T

Creating Sustainable Communities and Places



Ref: TC168

2<sup>th</sup> June 2023

**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:** TC168

- Abbeygate, Ferrybank  
Co. Kilkenny

I attach herewith reports in relation to the taking in charge of the above residential development comprising of 103 dwellings at Abbeygate, Ferrybank, 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:**

Denis Malone  
A/Director of Services  
Planning

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council  
Planning Report



Planning and Development Act 2000, as amended.

Planning and Development Regulations, 2001.

TAKING IN CHARGE REPORT FOR  
**ELECTED MEMBERS**

Planning Reference:	TC168
Development:	Abbeygate, Ferrybank Co. Kilkenny
Developer:	
Planning Permission Reference:	P 06/1068, 11/73, 11/405, 15/92

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**Site Location & Description:**

Abbeygate is residential development of 103 dwellings, consisting of 12 no. detached, 58 no. semi-detached, 21 no. townhouses, 6 no. apartments, 6 no. maisonettes. All in a range of building types between 2 and 3 storey's in height, in a mix of 2 bedrooms, 3-bedroom, 4-bedroom accommodation. The site is served by mains water and sewerage and is accessed via a single entrance from the L3412.

**Planning History:**

**P.06/1068** - Permission granted to alter the road layout, scheme content and change the house types of phase 1 (south west), formerly contained within zones 1 and 2 permitted development ref. 03/1711. This now comprises of 103 dwellings, consisting of 12 no. detached, 58 no. semi-detached, 21 no. townhouses, 6 no. apartments, 6 no. maisonettes. All in a range of building types of between 2 and 3 storeys in height, in a mix of 2-bedroom, 3-bedroom, 4-bedroom accommodation all with spine road and associated site development works, Rathculliheen, Kilkenny South, Co. Kilkenny.

**P.11/73** - Retention permission granted for alterations to permitted development Ref: No 06/1068 for the retention of semi-detached dwellings numbers 1 & 2 and alterations to existing boundary to house number 17 and all associated site development works and services. Expiry date 27/09/2015

**P.11/405** - Extension of Duration of Planning Permission Ref. in Planning Register 06/1068 granted up to 27/09/2015.

**P.15/92** - Permission for amendments to planning permissions 11/73, and 06/1068 which includes (1) a revised layout to roads, pump station, sewers, storm water attenuation, boundary treatment, public open space and other site services, (2) change to site boundary and driveway to dwelling numbers 1 & 2 (3) a reduction in the overall number of dwellings as granted previously from a total of 103 number dwellings to 32 number dwelling in a mixture of 2 number detached, 6 number townhouse and 24 number semi-detached, Rathculihean, Kilkenny south, Co. Kilkenny

**TIC Request:**

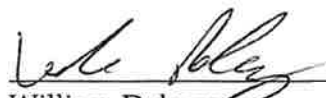
The formal application to have Abbeygate taken in charge was made by the developer in December 2020. The application was deemed valid by the planning authority in January 2021 following receipt of satisfactory further information. The application was referred to the various internal service areas as outlined above and based on the responses, a schedule of necessary works was issued to the developer. The works were substantially completed by the developer by mid-April 2023.

A site meeting with the developer's agents in May 2023 established that the works identified by the various service areas are substantially complete. Having reviewed the conditions attached to the original grant of permission in conjunction with the completion of works identified by individual service areas, it would appear that the development has been substantially completed in accordance with the conditions attached to the grant of permission. The developer's agents have committed to addressing all outstanding items as a matter of urgency following a service area review of the works and document submission.

There are no objections from individual service areas to the taking in charge of this development, therefore, it is considered appropriate that Kilkenny County Council initiate proceedings for taking in charge. The final taking in charge will only proceed subject to the satisfactory completion of all outstanding items and 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 substantial completion of all works identified by the various internal service areas, and the expected completion of outstanding items related to both; I recommend that Kilkenny County Council initiate proceedings for the taking in charge of Abbeygate, Ferrybank, Co. Kilkenny, as outlined in red on the attached map.

  
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William Delaney,  
Executive Engineer, Planning.

Date: 2/6/23

  
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Una Kealy,  
Administrative Officer, Planning

Date: 02.06.2023

THIS IS A COMPUTER GENERATED MAP WITH ITM CORDINATES

O.S MAP REF. 4829- b



BASED ON ORDNANCE SURVEY OF IRELAND MAP, LICENCE No. KILKENNY CCMA 0012

**DRAFT - INFORMATION PURPOSES ONLY**

Transfer of common lands at

Scale 1:2500

Plot Date:

Dr ty:

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council

