



## 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: TC154

14<sup>th</sup> March 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: TC154: Ogenty, Gowran, Co Kilkenny**

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

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:	TC154
Development:	Ogenty, Gowran, Co. Kilkenny
Developer:	BEM Construction Ltd
Planning Permission Reference:	P.05/1279, 06/1387, 06/1386

---

**Site Location & Description:**

Ogenty is residential development of 24 detached houses located in Gowran, Co. Kilkenny. The site is served by a private well, private wastewater network (which is connected, in turn, to the public wastewater network), and is accessed via a single entrance from regional road R702.

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.*'

Ogenty's 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.

Phase 2 of Ogenty development is currently under construction, and therefore, does not form part of this taking in charge application.

### **Planning History:**

P.05/1279 - for construction of a housing development of 46 no. housing units, 2 no. shops and 1 no. creche. The development will consist of: (a) Demolish existing agricultural building and construct 2 no. 4-bed., 2 no. 2-bed units, all 2 storey and all with garden sheds, and 2 no. shops with associated office/staff facilities over shop, and all in the form of 2 no. terraced 2 storey blocks forming a street scape onto the Kilkenny road.: (b) New site entrance off the Kilkenny road to serve c, d, e and f below: (c) A 2 storey terraced courtyard block consisting of 2 no. 4 bed unites, 5 no. 3 bed units and 4 no 2 bed units all with garden sheds: (d) 10 no. 3 bed semi-detached 2 storey units: 2 no 4 bed detached 2 storey units with detached garages: (f) A single storey creche: (g) A new site entrance off the minor road to the rear of the site serving h and j below: (h) 9 no. 5 bed detached 2 stoery units with detached garages: (i) 6 no. 4 bed detached 2 storey units, 3 with detached garages: (k) connection to existing foul and storm drains on the Carlow road: (l) new drilled well for water supple: (m) associated site works at Kilkenny Road, Gowran Co. Kilkenny

P.06/1386 - for the construction of 8 no. terraced two storey houses in place of 4 no. terraced and 1 no. detached two storey houses that were granted under planning permission reference number 05/1279 at Kilkenny Road Gowran, Co. Kilkenny

P.06/1387 - for the construction of 15 no. two storey dwellings, 12 with detached garages, new site entrance onto the minor road at the north west of the site and road improvements with the junction at the R702, connection to services through the existing development granted under planning ref. no. 02/1279, and all associated site works at Kilkenny Road, Gowran, Co. Kilkenny

### **TIC Request:**


The formal application to have Ogenty taken in charge was made by the Bellerin 2, c/o Focus Capital Partners in August 2018. The application was deemed valid by the planning authority in August 2018 following receipt of satisfactory further information. The bond was claimed and the full value paid by the bondholder. Works to bring the estate to taking in charge standard will be procured and arranged by the planning authority.

Please also note, final taking in charge is not dependent on the completion of the remaining works. If needs be, the completion of the works can continue after taking in charge. This

principle applies to works where the planning authority is in receipt of the bond money and is arranging the works.

**Recommendation:**

Having regard to the planning authority being in receipt of the bond money, and the planned completion of 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 Ogenty, Gowran, Co. Kilkenny, as outlined on the attached map.

  
\_\_\_\_\_  
William Delaney,  
Executive Engineer, Planning.

Date: 13/3/23

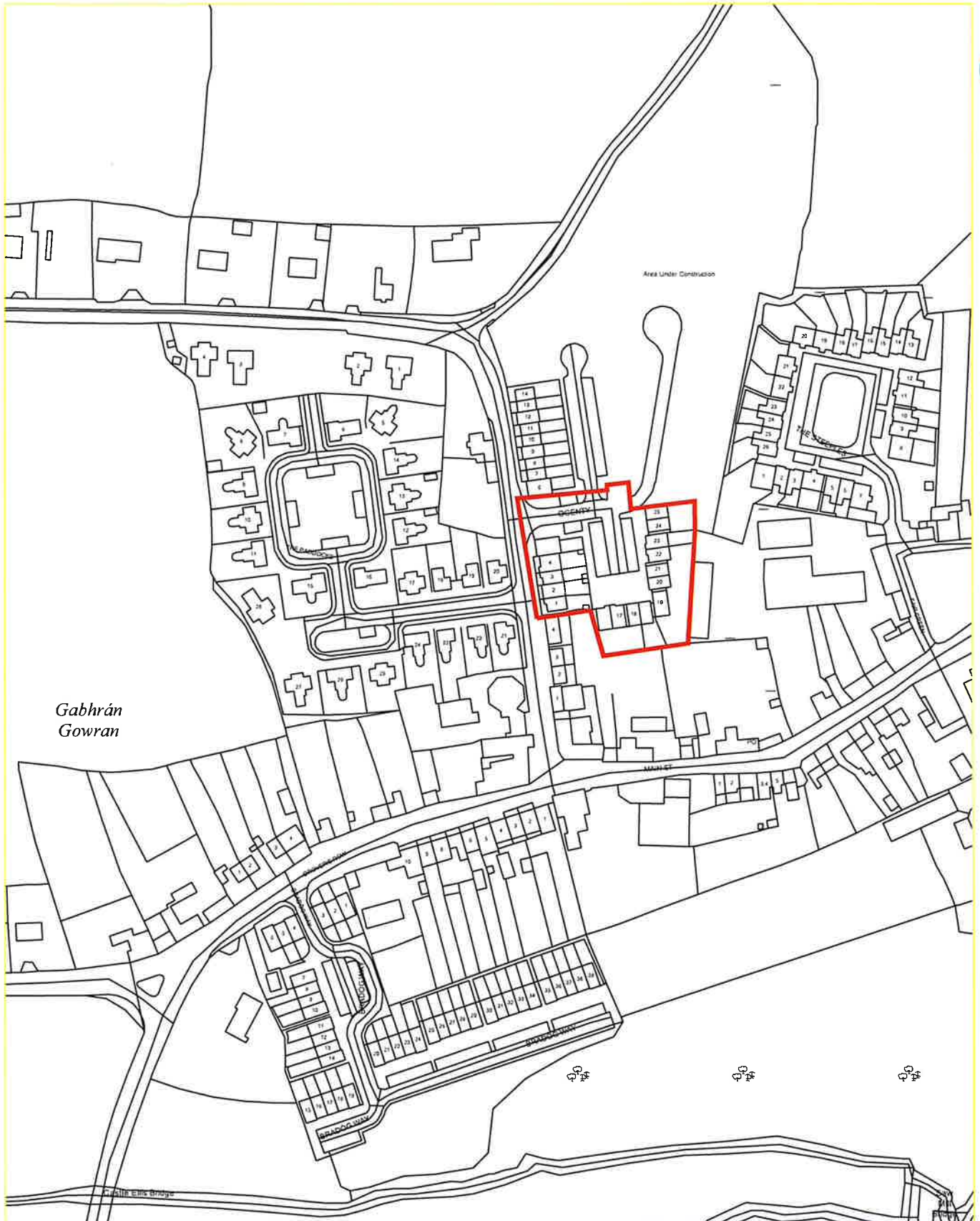
  
\_\_\_\_\_  
Una Kealy,  
Administrative Officer, Planning

Date: 13.3.23

THIS IS A COMPUTER GENERATED MAP WITH ITM CORDINATES

O.S MAP REF. 4829- b

N663126 N653774



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

E 662689 N653223

**DRAFT - INFORMATION PURPOSES ONLY**

**Taking in Charge at Ogenty, Gowran, Kilkenny**

Plot Date: 27/02/2023  
Drn by: W Delaney

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council  
County Hall John Street Kilkenny  
Telephone: (056) 7794000  
Fax: (056) 7794004  
Website: www.kilkennycoco.ie  
Serving People - Preserving Heritage

Building  
(in Plans)

