



Ref: TC154

06<sup>th</sup> November 2023

TO: An Cathaoirleach

& Each Member of Kilkenny County Council

RE: **Taking in Charge of Estates**

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

**ESTATE** TC 154 Ogenty, Gowran, Co. Kilkenny

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In accordance with the decision of the Council in July 2023, a notice was published stating that Kilkenny County Council proposed to declare the road in the schedule hereunder to be a public road in accordance with the provisions of Section 11 of the Roads Act 1993 in order to facilitate the taking in charge of the estate in accordance with Section 180 of the Planning & Development Act 2000, as amended by Section 59 of the Planning & Development Act 2010.

Written representations or objections in relation to the taking in charge were invited from the public. Two submissions were received, both were assessed and taken into consideration, legal advice was obtained and responses were issued. There is legal recourse available to third parties if they wish to challenge the responses given.

Works to bring the development to a suitable standard will be completed after taking in charge and funded from the bond. In addition, the road is considered to be of a public utility. There are little or no financial implications in taking this estate in charge.

The Owner is currently managing the maintenance of the private well which serves Ogenty. The maintenance arrangements for the well will remain in place until such time as the Gowran - Goresbridge - Paulstown scheme is upgraded and there is a formal connection agreement in place between the Owner and UE. As regards any future developments adjacent to Ogenty, developers as per standard condition of planning are required to enter into water and/or waste water connection agreement(s) with Irish Water.

The attached updated map indicates the area to be Taken in Charge (area within the red line boundary). This includes the roadway, footpaths, public lighting, fire hydrants and open public spaces.

I therefore recommend that Kilkenny County Council resolve to take the estate in charge and that the roads be declared public roads and entered into the roads schedule of Kilkenny County Council.

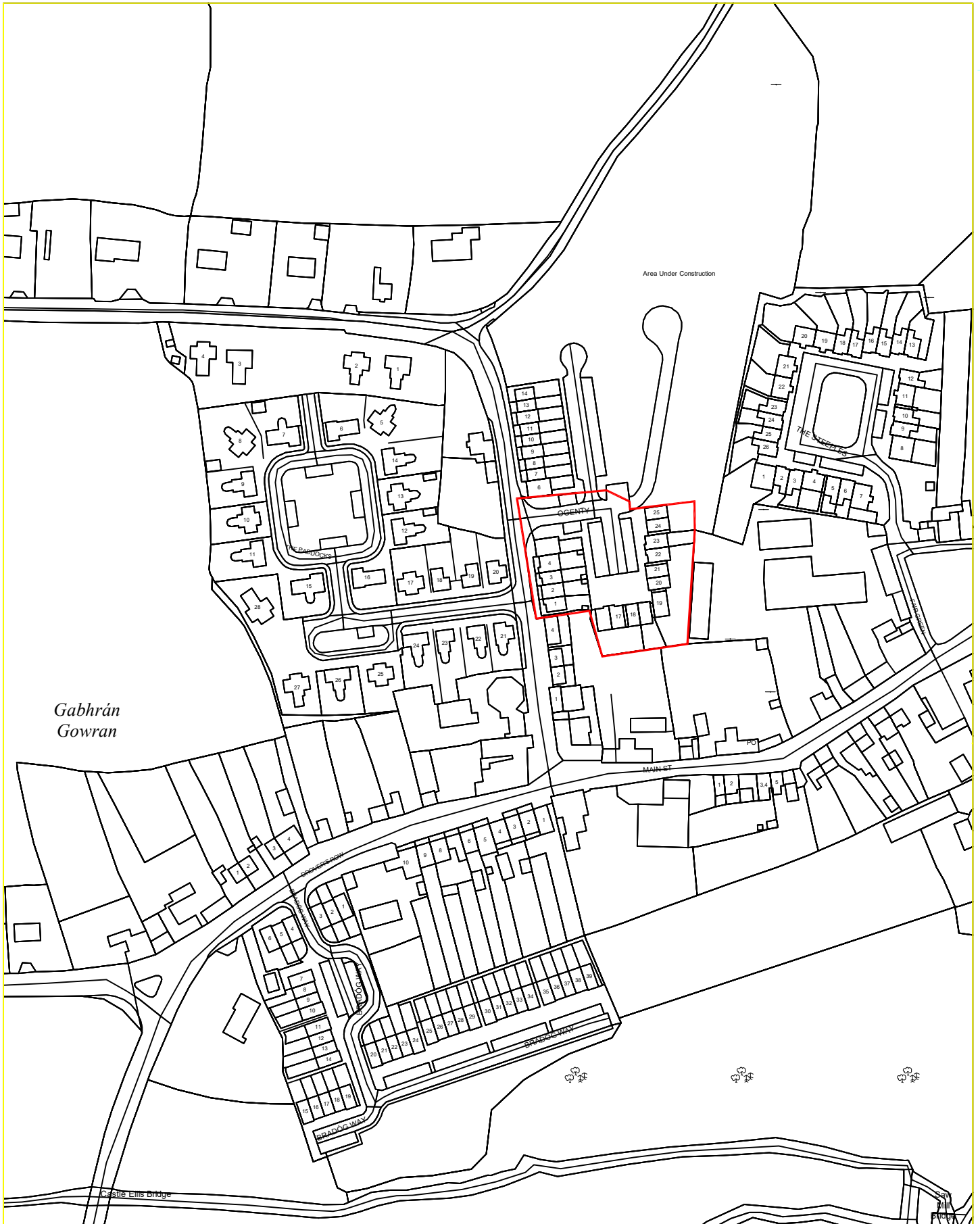
SIGNED:  \_\_\_\_\_

Sean McKeown  
Director of Services  
Planning

# 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: 06/11/2023  
Drn by: W Delaney

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council  
County Hall John Street Kilkenny  
Telephone: (056) 7794000  
Fax: (056) 7794004  
Webpage: www.kilkennyccoco.ie  
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