

Comhairle Contae Chorcaí Cork County Council

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Kevin O'Regan
Municipal District Officer
Ballincollig-Carrigaline MD
Floor 5
County Hall.

7th March 2017

Re: Taking in Charge of Miller's Court (nos. 1-25) and Cooper's Grange (nos. 9-12, 38-98 & 114-129), Ballincollig

Dear Kevin,

The above forms part of O'Flynn Construction's mixed retail / residential development in Ballincollig Town Centre. A layout outlining the areas to be Taken in Charge is attached.

The Council's intention to take the roads and services in *Miller's Court (nos. 1-25) and Cooper's Grange (nos. 9-12, 38-98 & 114-129)* in charge was advertised on the 14th October 2016.

The Public Consultation period expired on 25th November 2016 and no formal submissions were received.

The process intended is to declare the Estate Road to be a Public Road under Section 11(i)(e) of the Roads Act, 1993. Where a Road is thus Taken In Charge the Council will, by virtue of Section 180(4) of the Planning & Development Act 2000 as amended, also as a consequence Take In Charge any Open Space, Car Parks, Sewers, Watermains or Drains within the attendant grounds of the development.

I can confirm that the Estates Section has engaged with Irish Water under the agreed Memorandum of Understanding and Protocol and that Irish water has confirmed that they have no objection to the Taking In Charge of the estate. Subject to the road being declared public by the Elected Members, the Sanitary Infrastructural assets (Foul Network and Watermain) will be transferred to Irish Water by Ministerial Order pursuant to Section 7 of the Water Services (No.2) Act 2013.

The Council's Legal Department has advised that they have received all necessary documentation from the developer to progress transfer of title of the common areas.

Accordingly I would be grateful if you could place the following Motion before the members of the Ballincollig-Carrigaline Municipal District Committee at their next meeting:

“That, being satisfied that a public right of way exists over them, and the road is of general public utility, Cork County Council hereby declares pursuant to Section 11(1) of the Roads Act, 1993 the following road to be a public road:-

ESTATE NAME	LOCATION	ROAD LENGTH (LINEAR METRES)
<i>Miller’s Court (nos. 1-25) and Cooper’s Grange (nos. 9-12, 38-98 & 114-129)</i>	<i>Ballincollig</i>	<i>724</i>

Please contact the undersigned if you have any queries about the foregoing.

Yours sincerely,



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