



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council

Seirbhísí Pleanála agus Comhshaoil,  
Comhairle Cathrach agus Contae Luimnigh,  
Tuar an Daill,  
Luimneach

Planning and Environmental Services,  
Limerick City and County Council,  
Dooradoyle,  
Limerick

EIRCODE V94 WV78

t: +353 (0) 61 556 000

f: +353 (0) 61 556 001

6<sup>th</sup> April, 2018.

**TO: The Cathaoirleach and Each Member of the Metropolitan District of Limerick**

**RE: Taking in Charge of Estates  
Declaration of Roads to be public roads.**

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A Chomhairleoir, a chara,

It is proposed that the estate listed below be taken in charge by Limerick City and County Council.

**Ritaville, Old Cork Road**

In accordance with Section 180 of the Planning and Development Acts 2000 (as amended) and Section 11 of the Roads Act 1993 public notice was given of the intention of the Council to consider the matter, drawings of the estate were put on public display and submissions were invited from the public on the proposed take-over of the estate and the declaration of the roads to be public roads.

One submission was received from Mr. Kieran Considine of 14 Ritaville objecting to the taking in charge – see submission attached.

Ritaville is a development of 14 houses which was granted planning permission under P03/423 and P06/9. Permission for a pumping station was granted under P09/329 as the developer was unable to achieve gravity fall to sewer. This permission stated that the Council would not take in charge the pumping station and it would remain the responsibility of the Management Company. Enforcement proceedings were taken against the developer in 2012 and the estate was completed to a reasonable standard.

The pumping station did cause some problems and as a once off having regard to health and safety the Council cleaned out the pumping station and replaced the pump. The pumping station has been operating satisfactorily since these works were carried out. The Council also investigated the possibility of removing the pumping station and discharging the foul water to the main sewer by gravity. This is not a financially viable option at present.

The Council did make a claim against the bond for this development but were unsuccessful as the bond does not cover the pumping station and the remainder of the estate was completed to a reasonable condition.

The developer has handed over the pumping station and the open spaces to the management company.

The Council now propose to take over the maintenance of the public roads, footpaths, open spaces, public lighting and surface water and once the estate is taken in charge we will enter into discussions with Irish Water regarding the pumping station.

When taken in charge the council will incur an annual cost of €344 for the operation of the public lighting in the estate.

Your approval is requested for the taking-in-charge of the above mentioned estate in accordance with Section 180 of the Planning and Development Act 2000 (as amended) and Section 11 of the Roads Act 1993.

Is mise le meas,

Gerrard Doherty,  
S.E.E. Planning and Environmental Services.

Limerick City & County Council

26 FEB 2018

Planning and Environmental Services

13/2/2018

To whom it may concern,

My name is Kieran Considine, I am a resident and home owner of 14 Ritaville old cork road Limerick. I objected to LCC taking charge of the estate in November 2015, I have attached the objection to this letter, also attached is Pat Dalys letter to the mayor at the time. As you can see from Pat Dalys letter he claims that the bond attached to the estate would complete the estate to taking in charge standard. This however is not true as a senior engineer signed to say that the estate is completed to LCC satisfaction and the bond was never attached to the pumping station.

I have mailed Pat Daly several times asking specific questions regarding the bad planning and as to who the senior engineer was but I cannot get any answers to my questions, what I do get is false promises.

I would like to request permission to attend the meeting to explain to all attending why I am lodging this objection. Caroline Curly is now the director of services and she has sent an engineer to the estate to meet me, he listened to my issues and said he would solve the issues, some weeks later he said that LCC would not be giving gravity feed sewage to the estate.

LCC have spent nearly 30k on a report that I have asked to see and I have not been granted the request. I am told that the report shows that gravity feed sewage can be achieved but at a cost. If LCC had done their job properly in the first place and secured the bond to the pumping station they would have 70k to fix the issues, to date LCC have 15k on a pump, 30k on a report, and thousands more on sewage removal and other reports, not to mention the man hours. LCC now say they are not responsible for the pumping station, why spend all this money on something that they claim they are not responsible for. I have been bullied by LCC for 11 years dealing with this issue, I would have no problem with LCC taking charge of the estate if they fixed the problems before the taking in charge or if they gave a timeline of works that they intend to carry out. LCC will not do this. I would appeal to all members of the metropolitan district of Limerick to carefully listen to LCC intentions and then ask the questions I have been asking, you will find that these questions will not be answered, I had a long serving TD in Limerick ask

the questions in the past few months and the questions were avoided and remain unanswered.

I have had my house up for sale and the only viewing i got was from LCC and they came in 40k under the asking price. The pumping station that should never have been granted planning is preventing me from selling my house.

To sum up, i am requesting permission to attend the meeting and i am objecting to LCC taking charge of the estate, as nothing has changed since my last objection in 2015, my phone number is 085 8720571 should anyone wish to contact me for any information.

Regards

Kieran Considine

**COMHAIRLE CATHRACH AGUS CONTAE LUIMNIGH  
LIMERICK CITY AND COUNTY COUNCIL**

Údarás Pleanála,  
(Planning Authority),  
7-8 Sráid Phádraig,  
(7-8 Patrick Street),  
Cathair Luimnigh  
(Limerick City).

25<sup>th</sup> November, 2015.

**TO: The Mayor and Each Member of the Metropolitan District of Limerick**

**RE: Taking in Charge of Estates  
Declaration of Roads to be public roads.**

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A chara,

It is proposed that the estate listed below be taken in charge by Limerick City and County Council.

**Ritaville, Old Cork Road.**

In accordance with Section 180 of the Planning and Development Acts 2000-2015 and Section 11 of the Roads Act 1993 public notice was given of the intention of the Council to consider the matter, drawings of the estate were put on public display and submissions were invited from the public on the proposed take-over of the estate and the declaration of the roads to be public roads.

One submission was received from Mr. Kieran Considine of 14 Ritaville objecting to the taking in charge as there are various outstanding problems within the estate.

**Response:** The Council has claimed the bond lodged for the satisfactory completion of this estate and will complete this estate to a taking in charge standard once funding is available. The Council's preference is for the estate to be serviced by a gravity sewer if this is technically feasible.

Your approval is requested for the taking-in-charge of the above mentioned estate in accordance with Section 180 of the Planning and Development Act 2000-2015 and Section 11 of the Roads Act 1993.

Is mise le meas,

Pat Daly,  
Director of Services,  
Economic Development and Planning.

Pat Daly, Director of Services, Economic Development  
and planning.

To whom it may concern,

My name is Kieran Considine and I live in 14 Ritaville, old cork road, Limerick. I am delighted that Limerick City Council is applying to take charge of Ritaville. However as a resident of the estate since it was built, I have been in constant contact with LCC about the condition of the estate. LCC have been asked questions by myself and [REDACTED] a resident in number [REDACTED] over the last 9 years and we have not always been answered truthfully. The issues we have raised over the period are serious as our properties have been rendered unsaleable. The following are a list of reasons as to why our properties are worthless

1. The developer and builder were given planning for a sewage pump and LCC at the time of granting the permission made stipulations that were never adhered to. An annual report of pump maintenance was to be provided. A contract between the developer and a contractor to carry out annual maintenance was to be in place. NEITHER of these were adhered too. LCC also said that the pumping station will never be taken in charge by them. The finished floor levels of our houses that LCC granted retention permission for are lower than the pumping station chamber which means that when the pumps fail the sewage backs into my house. The builder has not been brought to court for non-compliance in eight years on this issue.
2. Driveways on most houses are not DOELG COMPLIANT. Reports are still to be provided to both myself and [REDACTED] as promised by LCC regarding our driveways. LCC granted retention permission for finished levels which left our houses non-compliant. The builder has not been brought to court for non-compliance on this issue even though it is an issue for eight years.
3. The boundary walls are not built according to regulation and an engineering company has provided a report to LCC pointing out the necessary works to be carried out to rectify the issues. I must point out that LCC HAVE the reports nearly three years and have not brought the builder to court for non-compliance.
4. The original planning permission was granted for thirty car spaces. This has never been achieved.

The above are reasons why we cannot sell our houses. LCC NOW WANT TO TAKE THE ESTATE IN CHARGE. At a recent meeting with LCC we asked if LCC would consider buying our houses and we were laughed at and told and I quote "if an auctioneer cannot sell your house why would LCC BUY IT". It is remarks such as that that leave me to believe that if I do not object to LCC taking charge of the estate my house will never be able to be sold. I OBJECTED to the retention planning in writing and the planning was passed anyway and due to financial restrictions I could not carry it any further. It is because LCC granted unusual planning that I am in the position I am in.

I am submitting this letter as an objection to LCC taking charge of the estate on the grounds that LCC have failed to take the developers bond and make good the estate. I ALSO STRONGLY OBJECT to the pumping station since gravity feed sewage can be achieved. LCC - IN MY OPINION have made serious errors regarding planning of this estate.

Regards

Kieran Considine

City Council

27 2015

DEVELOPMENT

PLANNING