



# **WICKLOW COUNTY** **COUNCIL**

## **Taking in Charge & Completion of Developments Policy**

**2010**

## **INTRODUCTION**

This document outlines Wicklow County Council's policy in relation to taking in charge of private housing developments (i.e A development of two or more houses), and the completion of developments.

For all private housing developments, the following elements of a development will be considered by the Council for taking in charge:

- Roads and footways
- Watermains
- Surface Water Sewers
- Foul Sewers
- Open Spaces
- Public lighting (taken in charge separately)

Liability and responsibility for the above elements of a development will remain with the Developer until such time as Wicklow County Council has taken them in charge.

## **GENERAL CONDITIONS FOR TAKING IN CHARGE**

Consideration will be given to taking a development in charge subject to the following:

- The development is an authorised development.
- The development has been constructed in accordance with the planning permission granted and *Recommendations for site development works for Housing Areas (published by the DOEHLG)*.
- The planning permission has expired **or** the housing development has been substantially completed for a minimum of 12 months.

## **TAKING IN CHARGE PROCEDURE**

The following is the procedure

1. The Developer shall request a development to be taken in charge in writing using the application form. "*Application to have Development taken in charge by Wicklow County Council*" (see blank copy of Application Form attached to this document). Alternatively if the majority of the development is occupied for 24 months and no Taking In Charge application has been received then the Council may follow the Completion of Developments Procedure set out below.
2. A suitably qualified person, on behalf of the developer, shall certify that the development is in compliance with the Planning Permission. A copy of this certification must accompany the application form. The qualified person shall hold professional indemnity insurance cover, evidence of which shall be furnished to the Council.

## TAKING IN CHARGE POLICY

3. Once the application form for the taking in charge of a development has been lodged, the Council will carry out an inspection of the estate within 6 weeks. A report will be prepared outlining any outstanding works within 2 weeks of the site visit.
4. This report will then be circulated to the Area Engineer and Chief Fire Officer – comments of the Area Engineer and the Chief Fire Officer to be received within 2 weeks. If no works are outstanding proceed to step 6.
5. If the development **HAS NOT BEEN** completed to the satisfaction of the Council, the Council will send the developer a generic list of the **conditions** that have not been complied with and a timeline for completion. This list will be sent within a maximum of **10** weeks of receipt of the application. If requested by the developer a site meeting can be held at this stage to discuss the list. The developer then has 8 weeks in which to address non-compliance issues. A further inspection will then be carried out by the Council. If all works are satisfactorily carried out a partial release of the bond will be approved
  - The completion of all outstanding works is the responsibility of the developer and any further inspections by the Council will incur a cost of €500 plus €10 per house in the development.
  - If the developer does not complete the outstanding works within the timeframe the Council will issue enforcement proceedings. This may include the using of the cash security/bond for the completion of outstanding works. The Council may also engage Consultants. The charge will include a minimum supervision charge of 5% of the cost of the works.
6. The proposal to take in charge the estate is forwarded to the Area Committee of the Council for comment.
7. Developments for taking in charge will be advertised three times a year under Section 180 of the Planning & Development Act 2000 and Section 11 of the Roads Act 1993. Submissions are invited from the public. .
8. Submissions are considered and a report is prepared and is circulated to the Members of the Council.
9. The estates are then put to the Members of the Council at a Council meeting for consideration with recommendation that the estates be taken in charge. It is a reserved function to declare a road a public road and therefore it is a reserved function to take an estate in charge
10. Any bond or cash security lodged with the Planning Authority will be released in full when the estate is taken in charge or in the case of a development remaining private when it is completed to taking in charge standard.

## TAKING IN CHARGE POLICY

### **GENERAL NOTES:**

- Public Lighting may be taken in charge prior to the rest of the development. – see attached procedure for taking in charge of public lights.
- While the Council does not take in charge combined drains\* these must also be surveyed as part of the CCTV report. (\*the expression “combined drain” means a single drain (normally located in private gardens) used for the drainage of two or more separate premises)
- Maintenance of open space areas (including grass cutting) shall be the responsibility of the residents after the Taking In Charge process has been completed.
- Where a private residential development is to be maintained by a management company, established for the purpose of maintaining the public lighting, roads, footways, parking areas, services and open spaces, the said public lighting, roads, footways etc. shall be conveyed to the management company. Any cash security lodged with the planning authority for such a development will not be released until the satisfactory completion of the works and the said roads, footways, services etc. are conveyed to the management company.
- A request for taking in charge of a development is generally made by the developer however residents of a development can also make a request under Section 180 of the Planning & Development Act, 2000. The taking in charge procedure would still apply (from step 3 detailed earlier)
- The above policy applies to roads within a housing development. Other roads installed by developers to facilitate their housing development should be dealt with under a separate process through the Roads Authority under Section 11 of the Roads Act 1993.

### **COMPLETION OF DEVELOPMENTS PROCEDURE**

If the majority of a housing development is occupied for 24 months and no Taking In Charge application has been received from the developer then the following procedure will apply

1. The Council will write to the developer to ascertain whether the developer wants the development to be Taken In Charge or to remain private. The developer will be given 8 weeks to respond either by the submission of a Taking In Charge application or by stating that the development is to remain private.
2. If a Taking In Charge application is received then the Taking In Charge Procedure as set out above will be followed.

If the developer wishes the development to remain private the taking in charge procedure would still apply (up to step 6).

## TAKING IN CHARGE POLICY

If no response is received and there are outstanding works then the Council will issue a letter to the developer requesting that a Programme of Works for the completion of the development be submitted within 8 weeks. If one of the outstanding works is the submission of the CCTV survey then the Council will request that the CCTV survey be carried out and submitted within 8 weeks along with the programme of works. The Council's letter will also advise the developer that the Council will initiate Enforcement Proceedings or use the security available to complete works (or a combination of both) if the CCTV survey and an acceptable Programme of Works are not received within the 8 weeks.

3. If no response is received to the Council's letter within 4 weeks then the Council will issue a letter to the developer reminding them to make a submission within the remaining 4 weeks.
4. If a CCTV survey and acceptable Programme of Works is not received within the 8 weeks and security is available then the Council will arrange for a CCTV survey to be carried out and inform the developer of same. If security is not available then the Council will initiate Enforcement Proceedings.
5. Once the CCTV survey has been assessed the Council will decide whether to initiate Enforcement Proceedings or to use the available security to complete the development (or a combination of both) and shall inform the developer of same.
6. If the Council decides to complete the development using available security then the Council will proceed to complete some or all of the following works:

- Roads and footways
- Watermains
- Surface Water Sewers
- Foul Sewers
- Open Spaces
- Public Lighting

TAKING IN CHARGE POLICY

COMHAIRLE CHONTAE CILL MHANTAIN

**WICKLOW COUNTY COUNCIL**

**APPLICATION TO HAVE DEVELOPMENT TAKEN IN CHARGE BY WICKLOW COUNTY COUNCIL**

**Name:** \_\_\_\_\_

**Address :** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone No. :** \_\_\_\_\_

**Development Name:** \_\_\_\_\_

**Developer's Name:** (if different to above) \_\_\_\_\_

**Developer's Address:** (if different to above) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Development Location :** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Planning Ref. Nos. :** \_\_\_\_\_

**Details of Bond/Cash Security::**  
\_\_\_\_\_

**Development Contribution Receipt Nos. :**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**No. of Houses :** \_\_\_\_\_

**No. of Apartments :** \_\_\_\_\_

TAKING IN CHARGE POLICY

**Roads and Footpaths**

No.	Road Name	Length (m)	Width (m)
	<b>TOTAL</b>		

**Watermains**

Length(m)	Diameter(mm)	Material	Class

No. of Sluice Valves \_\_\_\_\_

No. of Hydrants \_\_\_\_\_

**Foul Sewers**

Length(m)	Material	Diameter(mm)

No. of Foul Sewer Manholes \_\_\_\_\_

**Surface Water Sewers**

Length(m)	Material	Diameter(mm)

No. of Surface Water Manholes \_\_\_\_\_

No. of Road Gullies \_\_\_\_\_

TAKING IN CHARGE POLICY

*Open Spaces*

<i>No.</i>	<i>Area (Ha)</i>
<b><u>Total</u></b>	

## TAKING IN CHARGE POLICY

Items to accompany this application
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1. Certificate of Compliance.
2. Site map (scale 1:2500) depicting site boundaries outlined in red.
3. As Constructed Site layout drawing (scale 1:500, in hard copy and digital format) indicating the following
  - Water infrastructure details including locations of mains, valves, hydrants and scour valves.
  - Foul and surface water sewer details including location of manholes and gullies, manhole numbers, invert levels and cover levels of all manholes clearly indicated. (to Malin Head datum) The gradients and size of the sewers shall also be indicated.
  - These should be colour coded as follows red: foul water sewers, green: surface water sewers and blue: watermains.
  - Location of electricity, public lighting and telecommunications infrastructure including poles, ducts, manholes and mini pillars.
4. Plans and elevations of all pumping stations, sewage treatment works and surface water holding tanks or attenuation areas at an appropriate scale.
5. Specifications/operation and maintenance manuals for all pumping stations and treatment works.
6. Copies of CCTV surveys of foul and surface water collection systems with relevant reports – please ensure that the CCTV report can be read in conjunction with the “as constructed” drawings. (if not previously submitted). Any defects/faults arising from the survey should be rectified and resurveyed prior to submission to the Council.

### **Taking in Charge Public Lighting from a Developer**

Process for Developer getting Unmetered Connection and requesting Wicklow County Council to take in charge public lighting installation.

- 1) The Developer applies to ESB Networks for a unmetered supply connection.(ESBN Unmetered Application Form)
- 2) The Developer will then receive a quotation from ESB Networks for this connection.
- 3) The Developer will then pay the Connection Charge and Sign the Connection Agreement.(Return payment request with payment and signed connection agreement to ESBN Garrycastle,Athlone)
- 4) The Developer will then need to Register the GMPRN(new unmetered A/C number) with ESB Customer Supply.(ESB Customer Supply Business Agreement Application Form sent to ESBCS Chapel Street, Dundalk - f.a.o.Mary Dunne)
- 5) When the public lighting poles are erected the Developer/Electrical Contractor will then send the Completion Certs to RECI (who register with ESB Networks). Please note that these certificates should comply with RECI checklist and have valid individual TMPRN(s)inserted
- 6) ESB Networks will complete unmetered connection in accordance with their work schedules once job is validated on system.
- 7) The Developer may need his contractor to commission the lighting installation once the connection is made by ESB Networks.
- 8) Public Lighting should now be switched on.
- 9) The Developer will formally request that the lights are Taken in Charge and with this request the developer should submit to the Planning Authority the following documentation;
  1. As Constructed Drawings
  2. Copy of completion cert. sent to RECI.
  3. relevant TMPRN(s) and GMPRN for this installation.
- 10)The Planning Authority confirm whether this is in compliance with the Planning Permission
- 11)Wicklow County Council are to check that the lights are working and installation meets required standards (ETCI Public Lighting Rules per Booklet 211;2003 + Dept.of Environment Recommendations for Housing Developments per Section 5;Public Lighting)
- 12)Wicklow County Council check that Developer has valid Registered GMPRN number.
- 13) Wicklow County Council instructs the ESB that the public lights have been Taken in Charge.