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COMHAIRLE BAILE BHRÉ
BRAY TOWN COUNCIL

Taking in Charge Policy

2009

Adopted Tuesday 5th May 2009.

INTRODUCTION

This document outlines Bray Town Council's policy in relation to taking in charge of private housing developments i.e A development of two or more houses.

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 Bray Town Council has taken them in charge.

GENERAL CONDITIONS

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. "Bray Town Council – Taking in Charge Application Form" (see blank copy of Application Form attached to this document).
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.
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 Town Engineer and Fire Officer– comments of the Town Engineer 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 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/apartment 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 estate is forwarded to the MPC 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.

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). Any such application shall bear the written endorsement of a minimum of 50% plus 1 of the qualified electors* who own or occupy the houses in question.
- 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.

*“Qualified Electors” means every person who, in relation to the area of the dwelling houses in question, is registered as a local government elector in the register of local government electors for the time being in force.....(S 180 (6) of the Planning & Development Act 2000)

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TAKING IN CHARGE APPLICATION FORM

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 : _____

Roads and Footpaths

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

Watermains

<i>Length(m)</i>	<i>Diameter(mm)</i>	<i>Material</i>	<i>Class</i>

No. of Sluice Valves: _____

No. of Scour Valves: _____

No. of Hydrants: _____

Foul Sewers

<i>Length(m)</i>	<i>Material</i>	<i>Diameter(mm)</i>

No. of Foul Sewer Manholes _____

Surface Water Sewers

<i>Length(m)</i>	<i>Material</i>	<i>Diameter(mm)</i>

No. of Surface Water Manholes: _____

No. of Road Gullies: _____

Open Spaces

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

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 coincident with Irish National Grid) 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 Un-metered Connection and requesting Bray Town 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. Bray Town 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. Bray Town Council check that Developer has valid Registered GMPRN number.
13. Bray Town Council instructs the ESB that the public lights have been Taken in Charge.