

CASHEL TOWN COUNCIL



POLICY FOR THE TAKING IN CHARGE OF RESIDENTIAL DEVELOPMENTS

Agreed by Cashel Town Council Members at Council Meeting on 7th July 2008

POLICY

POLICY

This document outlines Cashel Town Council's policy and procedure in relation to taking in charge of private residential developments.

DEVELOPMENT TO WHICH POLICY APPLIES

- Residential estates, *other than developments where management companies are responsible for roads, services, open spaces etc. PROVIDED*
 1. The Development has been completed in accordance with the relevant planning permission(s).
 2. Development Contributions have been discharged in full.

POLICY APPLICABLE TO DEVELOPMENT WHERE MANAGEMENT COMPANIES ARE RESPONSIBLE

Where a condition requiring the formation of a Management Company is attached to a planning permission, it is the policy of Cashel Town Council not to take such developments in charge.

Where, following receipt of a developer's proposal during the planning process for establishment of a management company for a development and / or where a condition is included in the planning permission requiring that a properly constituted management company be established for the purpose of maintaining the public lighting, roads, footpaths, parking areas, services and open spaces within the development, the said public lighting, roads, footpaths etc. shall, on completion of the development, be conveyed to the management company.

Any security lodged with the planning authority for such a development shall be released upon the satisfactory completion of the works as certified to Cashel Town Council by the developer's architect /consulting engineer and agreed with Cashel Town Council and the said roads, footpaths, water supply infrastructure, sewers, drains etc. are conveyed to the management company.

STANDARDS

The standards of construction/completion of developments to meet the Taking in Charge requirement of Cashel Town Council shall be those applicable at the date of grant of planning permission unless otherwise agreed.

With effect from 7th July, 2008, the standards to apply to all planning permissions granted shall be the standards set out in the document entitled “Cashel Town Council – Residential Site Development Standards and Procedures”, adopted by Cashel Town Council on 7th July, 2008, (and available on the Council’s website www.casheltc.ie). These standards include requirements for the submission of certificates of compliance for various services.

INSPECTIONS/CERTIFICATIONS

Cashel Town Council will either carry out inspections or require that the developer will submit a certificate from a consulting engineer stating that the work has been carried out correctly and in accordance with the Council’s standards at regular agreed intervals during construction.

SERVICES TO BE TAKEN IN CHARGE AND MAINTAINED

For all private residential developments (other than those under the control of Management Companies), the following elements of a development will be considered by the Council for taking in charge, subject to the conditions and requirements indicated below:

- Public roads and footpaths
- Unallocated surface parking areas
- Public lighting
- Fire services including fire hydrants
- Public water supply, foul and storm water drainage
- Wastewater treatment plants and associated wayleave areas
- Potable water treatment plants and any associated protection zones
- Public open spaces
- Playgrounds, where these are required by condition of a planning permission as facilities for public use.

Liability for the above elements of a development shall remain with the developer until such time as Cashel Town Council takes them in charge.

MAINTENANCE OF SERVICES

The maintenance services that will be provided by Cashel Town Council following the completion of the taking in charge process will include the following as appropriate:

- Maintenance of all roads and footpaths, including unallocated street car parking

- Maintenance of water mains and drainage services
- Repair and reinstatement of roads, footpaths and landscaped areas resulting from repair and/or maintenance of underground services (water mains and drainage services) carried out by the authority
- Road sweeping and cleaning services of the principal public routes within the residential developments
- Upkeep and maintenance of all public lighting installations including non-standard light fittings
- Maintenance of public open spaces i.e., places to which the general public have access. This will **not** include grass cutting or maintenance of grass verges, incidental ornamental/landscaped areas, shrubberies or playgrounds, unless such playgrounds are required, as a facility which will be available to the general public, by the planning authority by way of planning condition.
- Upkeep and maintenance of all surfaces, fixed elements and rigid play equipment in play lots and playgrounds in cases where the playground or play lot is required by condition of a planning permission.

SECURITY

Any security lodged with the planning authority for such a development shall remain in place until the completion of the taking in charge process.

LEGISLATIVE BACKGROUND

Section 180 of the Planning & Development Act, 2000 and Section 11 of the Roads Act, 1993.

PROCEDURE

PROCEDURE

Applications for the taking in charge of residential developments shall be made in writing to the Town Clerk, Cashel Town Council, Civic Offices, Cashel and shall be in the form set out in Appendix 1 and contain the documentation set out hereunder. Where Cashel Town Council receives a petition from residents in accordance with Section 180 of the

Planning & Development Act, 2000, in respect of a completed development, Cashel Town Council will inform the developer of the receipt of the request, and request the developer to submit the information set out below, in order to facilitate the processing of the request.

CONTENTS OF APPLICATION

1. Completed Application Form:

Where a residential estate has been completed in accordance with the terms of the Planning Permission, including any conditions attaching thereto, the Developer may apply on the relevant Application Form for the Estate to be taken in charge by Cashel Town Council.

2. Certification:

The Developer shall submit a certificate from a consulting engineer, holding professional indemnity insurance for the purpose, certifying that the development was completed in accordance with the conditions attached to the permission to the standards approved Cashel Town Council.

3. Mapping:

Three copies of “as constructed” drawings of the development shall be submitted to the Council in both hard copy and soft copy, in DXF format. The drawings shall indicate the following information:

- (a) the site location,
- (b) the scheme which is to be taken in charge outlined in colour – Red,
- (c) the layout and levels of roads, footpaths, watermains and sewers (foul and surface water), invert/cover level at manholes, pipe size and gradient, upstream and downstream pipe diameter, pipe material, direction of flow, etc.,
- (d) easting and northing co-ordinates for all water services elements (valves, meters, manholes, etc),
- (e) all levels must be related to Ordnance Survey Datum, Malin Head, to an accuracy of +/- 24mm and stating which benchmark was used,
- (f) a list of the National Grid Co-ordinates (accuracy to +/- 300mm) for the elements should be supplied,
- (g) the position of road gullies and their connection points to the main surface water network,
- (h) the position of service ducts crossing carriageways clearly identified by dimensioning from clearly visible surface feature, e.g. road gully or manhole and also details of the services for electrical, telephone and television or other services underground,

- (i) any open space (to be coloured green) and details of its finished levels and landscaping,
- (j) clear identification of surface water discharge points,
- (k) location of Surface Water Attenuation Systems,
- (l) location and details of Pumping Stations and rising mains,
- (m) where wastewater treatment plants are involved, the applicant shall consult with the Local Authority regarding the details required,
- (n) the drawing scales shall be such that information can be easily read,
- (o) the drawings should contain a manhole schedule in table format with the headings: Manhole Reference Number, Cover Level, Invert Level, Pipe Diameter and Pipe Material.

4. CCTV Survey:

- a) a CCTV survey/manhole survey of the collection systems shall be submitted to the Council
- b) the sewers to be surveyed shall be thoroughly cleaned out first,
- c) the CCTV Survey shall be carried out using a camera, which is capable of measuring distances from one manhole to another,
- d) the CCTV survey report shall conform to the standards set out in the WRC Manual on sewer Condition Classification. The report shall include a summary of any defects in the systems. Any defects in the systems shall be corrected by the Applicant prior to taking in charge. High-resolution photographs and quality DVD recordings shall supplement the printed report.
- e) the survey shall be cross referenced to the manhole schedule contained in the drawings.

PROCEDURE ON RECEIPT OF APPLICATION

- The Town Council shall acknowledge **within two weeks**, receipt of the Application for Taking in Charge together with the documentation submitted.
- In the event of the documentation being incomplete the Council shall inform the developer **WITHIN 4 WEEKS**.
- Within two months of receipt of a fully complete application for taking in charge, Cashel Town Council shall in conjunction with the developer, carry out a comprehensive inspection of the development; and notify the developer in writing of all outstanding issues associated with the satisfactory completion of the development.
- The developer shall within **ONE MONTH** of receipt of details of outstanding issues from the Town Council, arrange for completion of the said works, and

notify Cashel Town Council's Planning Department when works are completed. If works cannot be carried out within that period the developer must notify Cashel Town Council as to when the works will be completed. That period shall in any event **NOT EXCEED ONE YEAR** from the date of receipt by the developer of outstanding issues from the local authority.

- Any items found to be incomplete or not to the required standard, shall be corrected by the Applicant at his own expense, prior to the next inspection.
- Cashel Town Council shall, within one month of being notified of completion of the required works, arrange for final inspection of the estate to determine the satisfactory completion of the outstanding issues.
- When Cashel Town Council is satisfied that the estate has been completed in accordance with the relevant standards, and that the requirements of the taking in charge policy and procedure have been complied with in full, the Council shall complete the taking in charge of the estate in accordance with Section 180 of the Planning & Development Act, 2000 and Section 11 of the Roads Act, 1993.

CONVEYANCE

The Applicant shall transfer or convey to Cashel Town Council, **AT HIS EXPENSE**, all of the land contained in the planning permission affected by this policy document.

Any necessary wayleaves in the Council's favour shall be shown on the drawings. The Applicant shall furnish evidence to the Council that all necessary wayleaves for services are reserved forever in the transfer documentation to house purchasers.