

Comhairle Chontae na Mí

Meath County Council



PLANNING AND DEVELOPMENT GUIDANCE

NOTE 2

ADOPTED 1st SEPTEMBER 2008

Taking in Charge Policy Document

GROSS FLOOR AREA
149.60 m² (1611 sq ft)

Taking in Charge Policy and Protocol

Executive Summary

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1.0 Introduction

This document has been prepared for consideration by the Planning & Economic Development SPC.

The Planning Authority recognises that Co Meath has seen unprecedented increases in its population in recent years. New residential estates have been built in development centres across the County creating a demand for Local Authority services and infrastructural improvements.

The Planning and Development Act 2000 as amended together with the Development Management Guidelines and the Meath County Development Plan inform the development of new residential communities in this county. The responsibility of a Planning Authority does not end with the granting of Planning permission and imposition of conditions, but includes the enforcement of those conditions.

Meath County Council recognises that its longer-term obligation to ensure compliance with planning permissions has a significant impact on the quality of life of new residential communities.

The rate of population growth in Co Meath since the late 1990's has seen a significant increase in the number of residential estates that have yet to be "Taken in charge" by the Council. Staff resources have now been put in place and this document sets out the approach of the Planning Authority to deal with this significant body of work. *

**Ongoing delivery of the programme of works identified in this document is and will, continue to be resource dependent*

1.1 Estate characterisation

Residential estates are broadly categorised as follows:

Older estates where Planning Permission has been granted 12 or more years ago hereafter described as "Historic estates"

Older estates where planning permission has been granted less than 12 years ago hereafter described as "current estates"

Future estates that will receive Planning Permission after the adoption of a formal Taking in charge Policy by Meath County Council hereafter describes as "new estates"

It is important to understand the relevance of these categories as they are informed by the Planning Authorities ability to use the enforcement provisions of the Planning and Development Act 2000 as amended.

Historic estates are estates where the Planning Authority may not use the enforcement provisions of the Act due to the passage of time (where 7 years has elapsed since expiry of a typical 5 year planning permission and enforcement proceedings ie issuance of documents through the courts service, has not occurred. This “immunity” from prosecution does not however prevent the Planning Authority from applying securities to address poor construction methods and or subsequent damage to estate infrastructure due to “wear and tear”.

Current estates are estates where the Planning Authority may initiate enforcement proceedings to secure compliance with conditions attached to a planning permission.

New Estates are estates that will be subject to the provisions of this “Taking in Charge Policy document” as set out in the appendices attached hereto.

2.0 Services, facilities and area’s.

The Taking in charge of an estate by Meath Local Authorities shall include taking control of the following services and public area’s associated with a particular development. *(Applicable to estates which obtain planning permission following adoption of this policy.*

- Public Roads & footpaths
- Unallocated surface parking area’s
- Public Lighting
- Fire Services including Fire Hydrants
- Public water supply , foul and storm water drainage
- Waste water treatment plants and associated buffer zones*
- Potable water treatment plants and associated protection zones*
- Public open spaces
- Playgrounds where these are required by condition of planning permission as facilities for public use.

**where transferred to the Local Authority as a condition of planning permission*

2.1 Maintenance services

The following maintenance services shall be provided by Meath Local Authorities following completion of the taking in charge process.
(Applicable to estates which obtain planning permission following adoption of this policy)

- 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 Local Authority.
- Road sweeping and cleaning services of the principle public routes within the residential development **
- Upkeep and maintenance of all public lighting installations
- Maintenance of public open spaces (That is, spaces to which the general public have access to), not including grass cutting or maintenance of grass verges, incidental ornamentation / landscaped areas, shrubbery's 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 p [lay equipment in play lots and playgrounds in cases where the playground or play lot is required by condition of a planning permission.

The developer shall be responsible for all elements of maintenance described above until the estate is taken in charge by Meath Local Authorities.

**The street sweeping schedule is resource dependent and varies from year to year*

2.2 Areas to be taken in charge, vesting in Local Authority.

The developer shall be advised at pre-planning stage that on the satisfactory completion of the estate, the ownership of open spaces and public area's shall be vested in the Local Authority. Compensation shall not be payable to the developer in this regard and the developer shall be responsible for the legal costs of transfer of ownership of said lands to the Local Authority. An appropriate planning condition shall be included to this effect.

Notwithstanding the above requirement the developer shall clearly delineate the area that would in accordance with this document, potentially fall to be taken in charge on the site layout map.

Sewers and water mains should not be located under landscaping or allocated parking area's that will not be taken in charge.

3 Management Arrangements

Planning conditions requiring the appointment of a management company shall not generally be applied for traditional housing estates.

Planning conditions requiring the formation of management companies are normally necessary for Multi unit structures (ie apartments and or apartments and duplex houses) of 4 dwellings or more.

In such developments management companies are necessary to maintain

- Shared exteriors : eg external walls and roofs
- Shared internal areas: eg stairways lifts and lobbies.

Subject to further legislation in this area, provision for property management arrangements for developments containing multi unit structures, is made in legal documentation underpinning the development and sale of units.

3.1 Other instances where it Meath Local Authorities may condition management arrangements.

- In developments comprising houses , apartments , duplexes or a mix of any of these to maintain external private shared facilities that are exclusive to the development (eg boiler houses switch rooms bin storage areas communal private gardens/ private open spaces, private playgrounds)*
- In developments comprising houses , apartments , duplexes or a mix of any of these to maintain facilities which though not necessarily inaccessible to the general public are not required to be taken in charge in accordance with this document eg facilities such as highly landscaped open spaces allocated car parking spaces see section 2.0 *
- To maintain holiday homes , that is residential developments where planning permission was applied for or granted on the basis that the residential units are holiday homes or residential developments used entirely for short term / seasonal letting

** Meath Local Authorities shall consider whether a management company is necessary with reference to the extent of facilities to be maintained and the extent of maintenance required.*

4. Standards

Meath Local Authorities shall require that all estates granted permission after the coming into effect of this policy document (New Estates) shall conform to standards set out in appendix B.

The standards shall include but not be limited to:

- The Construction of roads footpaths, public lighting walkways grass verges etc

- The installation of drainage services and water mains , including a specification of the regime of testing to which these services must conform
- The location of services provided and maintained by other service providers in relation to those provided and maintained by the Meath Local Authorities
- The quality of planting and seeding of landscaped area's
- Specifications for play ground equipment where appropriate

Developers shall be required to retain the services of a suitably qualified professional to certify compliance with relevant standards. Such professionals shall retain professional indemnity insurance and submit evidence of same with the certifications.

An application form and Certification template are included at appendix E.

Applications from a developer for the taking in charge of an estate shall be submitted on the appropriate application form, and shall be accompanied by the professional certification and supporting documentation as appropriate.

5.0 Planning Conditions

Meath Local Authorities in exercise of their functions under Section 34 of the Planning & Development Act 2000-2006 shall impose appropriate conditions on residential developments to ensure satisfactory compliance with relevant standards and completion of the development.

Examples of conditions which may be attached are set out in the following appendices:

Appendix C Appropriate Planning conditions

Appendix D Bond Templates

Conditions may also be imposed relating to Management companies for certain types of multi unit developments (see section 3.1 above)

Planning conditions may require the submission of documentation and or bonds prior to commencement of development. It shall be the policy of Meath Local Authorities to require developers to attend a pre development meeting to ensure compliance with all relevant conditions prior to commencement of works on site.

The Planning Authority shall not be limited by this policy document in the imposition of conditions provided for under Section 34(4) of the Planning & Development Acts 2000-2006.

6.0 Monitoring

It shall be an objective of Meath Local Authorities to facilitate a pre commencement meeting as detailed at 5.0 above.

A schedule of subsequent monitoring inspections shall be agreed with particular reference to the provision of underground services

The Planning Authority shall be notified at specified milestones during the construction period and immediately on completion of an estate.

Contributions towards the cost to the Planning Authority of such “during construction “ inspections shall be conditioned in the grant of permission (currently €200 per dwelling)

6.1 Post completion, monitoring/ bonds

(prior to taking in charge of estate)

The costs of the initial post completion inspections (initial and following completion of works) shall not be recovered by Meath Local Authorities however repeat inspections necessitated by the non completion of works required by the Planning Authority shall be payable to the Local Authority.

Such costs will be calculated with reference to the “man hours “ incurred together with other relevant costs as appropriate.

It shall be a requirement of Meath Local Authorities that bonds be maintained for a minimum period of 2 years from the date of notification by the developer of completion of an estate.

Such a period shall allow the Planning Authority adequate time to inspect and where necessary advise the developer of outstanding or non-complaint works. It shall also provide an appropriate period to monitor defects that may not be immediately evident on completion of the estate.

6.2 Phasing arrangements

Where a development is conditioned to be completed in phases Meath Local Authorities shall consider the Taking in charge of individual phases.

The incremental taking in charge of individual phases will necessitate the completion of main sewers and surface water drainage systems, main distributor roads etc at an appropriate stage so that the first and each subsequent phase will on completion be fully serviced and independent in the vent of other phases not proceeding

This matter will be addressed by condition as appropriate.

7.0 Protocols and Time frames & Enforcement *(new estates)*

The Taking in charge process may be initiated by

- the developer
- the majority of residents*

Meath Local Authorities may, following agreement with a developer initiate the Taking in Charge process

Applications from the Developer shall be in the format set out on appendix E attached hereto

Applications from the majority of residents shall be in the format set out on appendix E (1) attached hereto

Meath Local Authorities shall retain a register of requests for taking in charge of estates which shall be available for public inspection.

** Subject to compliance with provisions of S180 (2) of The P & D Act 2000-2006*

7.1 Timeframes

Meath Local Authorities will endeavour to meet the following timeframes for completion of the Taking in charge process in respect of an individual estate.

- Meath Local Authorities shall acknowledge receipt of a complete Taking in Charge request within 2 weeks of receipt. Such a request shall be in the format prescribed at Appendix E and shall be accompanied by the appropriate certification and supporting documentation as set out in Appendix B.
- Within 8 weeks of receipt of a valid request, the Planning Authority shall facilitate an initial inspection, and inform the developer of any outstanding works it considers necessary.
- The Developer shall complete the said works within a further 8 weeks and notify the Planning Authority when they have been completed.
- The Planning Authority shall within 4 weeks of notification of completion of the outstanding works arrange for a final inspection to determine satisfactory completion of the development.
- Upon final inspection of the development or phase of the development and satisfactory completion of the works, the Planning Authority shall release that element of the security lodged to secure completion of the works and proceed to take the development or phase of the development in charge. All reasonable efforts shall be utilised to ensure that formal procedures are completed for the taking in charge process with minimum delay.

- The developer shall vest in the Planning Authority (at no cost to the Authority) the public area's including open spaces which have been designated for taking in charge.

Prior to placing a report recommending the taking in charge of an estate before the members the Planning Authority shall prepare the following documentation:

- Compile a report on the estate based on document maps and other data submitted by the applicant.
- Prepare an estimate of the cost of maintaining the estate to an agreed standard of care

The Taking in charge of an estate is a reserved function vested in the elected members of Meath local Authorities. Nothing in this document shall restrict the discretion of the members of the authority in the exercise of their statutory function.

7.2 Enforcement

Meath Local Authorities may at its discretion use its enforcement powers under the Planning & Development Acts 2000-2006 to secure the compliance with the conditions of a planning permission.

In the event that a developer fails to co-operate with the directions of the Planning Authority or fails to do so within the timeframe specified at 7.1 above, Meath Local authorities may at their discretion serve an enforcement notice in accordance with Section 154 of The Planning & Development Act to secure such compliance.

Where compliance is subsequently withheld the Planning Authority may at its discretion instigate legal action and or apply any cash security or call on any bond held for the satisfactory completion of the estate.

In the event that the Planning Authority decides to apply a cash security or call upon a bond it shall formally notify the developer in writing of its intention and shall afford the developer 14 days to make a written response.

8.0 Older Estates

Satisfactory Completion of current and historic estates shall be determined based on compliance with the planning permission granted. It shall also have reference to its construction in accordance with 1990 Housing Estate Guidelines and/ or industry standards applicable at the date of grant of permission unless otherwise agreed with the Council.

Current and historic estates as described at Section 1.1, fall broadly into the following categories.

- Compliant estates where the Taking In Charge process has not been initiated
- Estates that are non compliant and where the Planning authority may initiate Enforcement action and or call on the security or bond
- Estates that are non compliant and where enforcement action and or the application of securities or bonds is no longer possible
- Estates that are non-compliant and where enforcement action has been initiated but was unsuccessful.

Meath Local Authorities recognize that it is necessary to implement a protocol to prioritize certain older estates for inspection and enforcement action .The basis for this prioritization is set out at 9.0 below.

Notwithstanding that prioritization, Meath Local Authorities shall when requested to do so by the majority of electors in an estate, facilitate an inspection followed by initiation of the taking in charge process, provided that enforcement action has not been initiated within the relevant period as set out in Section 180(2) of the Planning & Development Act 2000-2006.

Should Meath County Council receive a petition from residents under Section 180 of the Planning and Development Act 2000 and the development, the subject of the petition, appears to be completed then Meath County Council shall inform the developer and commence the relevant statutory process.

Such applications shall be dealt with on a case-by-case basis with reference to the resources available to the Planning Authority to undertake compliance inspections. (see 8.4)

It shall be an objective of the Planning Authority to inspect not less than 8 historic or current estates for compliance in each Electoral area annually. (40 in total)

Meath County Council encourages the use of the application form included at appendix E (1) for such requests however it acknowledges that residents may not be in position to supply the full extent of information requested.

8.1 Reserved functions, budgetary considerations

When considering a motion to take an estate in charge, the members of the Local Authority are advised of all relevant matters which may impact on its revenue or capital budgets and future demands for its services. It should be noted that an exception exists where the Council may not have regard to the financial implications of taking an estate in charge and those parameters are set out in

Section 180 of the Planning and Development Act 2000, dealt with in greater detail later in this document (Appendix A)

8.2 Reserved Function, other considerations

Prior to placing a report recommending the taking in charge of an estate before the members the Planning Authority shall prepare the following documentation:

- Compile a report on the estate based on document maps and other data submitted by the applicant.
- Prepare an estimate of the cost of maintaining the estate to an agreed standard of care.
- Where applicable prepare an estimate of the costs of the works to be completed. (where the cost of such works fall on the Council due to the absence or inadequacy of the security held).
- The above information will be presented to the Members for the Electoral Area initially and thereafter to Meath County Council for consideration where it shall be decided to either take the development and associated services in charge or not to take the estate/development in charge and the reasons shall be set out.

8.3 General requirements for Current & Historic Estates*

- The permitted development must be satisfactorily completed in its entirety before Meath County Council will consider taking the development in charge. For example if sites remain undeveloped then the estate may not be considered satisfactorily complete and may not be taken in charge. In that instance the developer shall be responsible for the maintenance of the estate the developer will always be provided with a comprehensive schedule of works to be addressed.
- The Planning Authority reserves the right to recover the cost of compliance inspections from the developer, either directly or from the security/ cash deposit, where the Planning Authority deem that the developer has not completed the works within the agreed timeframe.
- The standards for completion of developments to meet the taking in charge requirement of the local authority shall be those applicable at the date of grant of planning permission unless otherwise agreed.
- Any bond or security lodged with the Planning Authority will not be released until the satisfactory completion of the works.
- All development contributions and connection fees must have been paid in full.
- A public register will be established which will enable residents of an area to view the taking in charge status of their estate.

- In the absence of the co-operation of a developer it shall be generally accepted that any bond or cash security in place will be drawn down and applied to remedy defects prior to the estate being taken in charge

* These provisions shall remain in force in all instances save where the majority of residents invoke the obligations provided under Section 180 of the P&D Act 2000-2006.

8.4 Timeframes

Estates that are included within the prioritization process outlined a 9.0 below shall be scheduled for inspection, completion of works and initiation of the formal statutory Taking in charge process within that calendar year.

Any other request for Taking in charge of a historic or current estate shall be facilitated in line with the Councils resources. It shall be the objective of the Planning Authority to complete that process within 12 months of receipt of the request.

9.0 Prioritisation

Applications for the taking in charge of new/ future estates shall not be the subject of a prioritization protocol and shall be dealt with as they arise in accordance with the timeframe detailed at 7.1

9.1 Current and Historic estates (Older estates)

Given that there are a significant number of “older” estates to be taken in charge Meath Local authorities shall identify a minimum of 40 such estates to be inspected each year as referred to at 8.0 above.

The following protocol shall apply.

The Electoral area committee shall consider estates to be prioritised for inspection in that calendar year at their January Area meeting or as soon thereafter as can be arranged. That prioritisation shall be informed by a report from the Planning Authority detailing the status of each estate in general terms.

The report shall detail the following:

- Name of estate and developers details
- The date of permission
- Date of completion

- Size of the estate
- Value of cash security or bond held for satisfactory completion
- Expiry date of bond if applicable
- Expiry date for taking enforcement action

The following categories of estates shall be prioritised for inspections at the start of each year:

- Estates where bonds for the satisfactory completion of the estate are due to expire in the same calendar year.
- Estates where the planning permission for the development was granted between 10 and 12 years prior to the start of that calendar year.

The Local area members shall retain discretion to nominate any estate for inspection following consideration of relevant factors as presented by the Area Engineer and Planning Department.

Appendix A

Legislation

Legislative Overview

Section 180 of the Planning & Development Act 2000 provides for the taking in charge of housing estates by local authorities.

The Taking in charge process is closely aligned to the provisions of Section 11 of the Roads Act 1993 and is a reserved function vested in the full membership of each of the Meath Local Authorities.

The Water Service Act further amends Section 180 of the Planning & Development Act in respect of drains which are now described as “service connections” together with some typographical corrections of the parent act.

The Planning & Development Act 2000

The following extracts from “Key Issues in Planning and Environment Law, John Gore Grimes 2002 is a helpful summary of the relevant issues and is reproduced here under in the interests of clarity.

“The PDA 2000, S 180 contains a new provision for taking in charge of building estates including apartment blocks by Local Authorities. This section requires planning authorities to take housing estates in charge, where requested by a majority of residents on the estate, once the estate is complete. This section applies to development, which includes the construction of 2 or more houses and the provision of roads, open spaces, car parks, sewers, water mains or drains. The development must have been completed to the satisfaction of the planning authority. The request may come from either a majority of the residents or indeed from the developer.

PDA 2000 s180 applies to a development in respect of which permission was granted under the PDA 2000 s34 or under the LG (PDA) 1963. Pt IV which means estates already in existence, qualify to be taken in charge provided that they comply with conditions of PDA 2000 s180.

If however, the estate is unfinished the obligation to take it in charge does not arise in the 7 year period during which enforcement action may be taken by a planning authority to ensure completion of the estate. In a case where planning permission has been granted (and this would almost certainly be the case in all housing estates or apartment developments), the 7 years only starts to run from the date that the permission expires.

The life of a permission is usually 5 years so the time period from the date of the permission is a total of 12 years.

If enforcement proceedings have not been taken within the 7 year period, the planning authority shall take the estate in charge where requested to do so by a majority of qualified electors who own or occupy the houses in question. The procedure for taking in charge of an estate by a local authority is initiated under the Roads act 1999 s11 and where an order is made under that section, the planning authority shall in addition to the provisions of that section take in charge any opens spaces, car parks sewers, water mains or drains within the attendant grounds of the development.

A qualified elector is a person who in relation to the area of the dwelling house in question is registered as a local government elector in ten registers of Local Government Electors for the time being in force. Where it is in doubt as to whether or not a majority of residents want an estate to be taken in charge the planning authority may hold a plebiscite to determine the wishes of the residents.

This section specifically refers to development which includes the construction of 2 or more houses .PDA 2000 s2 provides that house includes building which was designed for use as 2 or more dwelling or a flat, an apartment or other dwelling within such building. This means that PDA 2000 s180 does apply to apartments.”

The attention of developers is also brought to the provisions of Section 35 of the Planning and Development Act, 2000 as amended by Section 9 of the Planning & Development (Strategic Infrastructure) Act 2006 This section deals with the failure of a developer to comply with the terms of a previous planning permission and allows the Council as planning authority, to consider refusing a current planning application where it is satisfied that the developer has not complied with a previous planning permission. In doing so it may consider that a proposed development, if granted permission, would not be carried out in accordance with the conditions of the planning permission. Under this provision where the Planning authority having consulted the developer prior to making its decision subsequently refuses permission, the Developer may petition the High Court to annul the decision of the Planning Authority. In that event the High Court may confirm the decision of the Planning Authority or annul that decision and direct the Planning Authority to determine the application without reference to the provisions of this section of the Act.

The Roads Act 1993

The legislative procedure for declaring a road to be a public road is set out in section11 of the Act.

Where a Road authority (deemed to be Planning Authority under the 2000 Act for the purposes of Taking in charge functions) proposes to declare a road to be a public road it shall

- a) satisfy itself that the road is of general public utility
- b) consider the financial implications for the authority of the proposed declaration*

and

undertake the public consultation obligations set out in S11 (2) b(111) of the Act

The Roads/ Planning Authority are also obliged to considers any submission made in respect of the public consultation process.

The taking in charge of an estate and or the declaration that a road is a public road is a reserved function of the Local Authority membership.

- *The local Authority shall not consider the financial implications where the Taking in charge process is initiated under S180(2)(a) of the Planning & Development Act 2000.*

Appendix B

Technical Standards

The Recommendations for site Development Works for Housing Area's 1998 (*Issued by the Department of the Environment Heritage and Local Government*)

As updated and in effect at the date of grant of permission.

Except where conditions of the planning permission specify otherwise.

Appendix B Supporting Documentation

The list of evidence to be produced by the developer to demonstrate completion of estate to the appropriate standards.

Evidence that all necessary way leaves for services are reserved forever in the transfer documentation to house purchasers.

Three copies of "as constructed" drawings (scale 1:500) of the development shall be submitted to the Council. The drawings shall indicate the following information:

- The estate boundary depicted in red, open spaces coloured green, all roads, footpaths and public lights.
- All services including water mains, valves, hydrants, sewers, road gullies, Telecom ducts/poles, ESB ducts/poles, cable link (NTL) ducts and all manholes. The invert and cover levels of all manholes shall be indicated relative to Malin ordnance. The gradients of all sewer sections shall be indicated on the drawings.
- Test results duly certified showing output in litres per minute from all fire hydrants in the development

A CCTV survey/manhole survey completed at the developer's expense, of the collection systems as conditioned in the relevant planning permission. The sewers to be surveyed to be thoroughly cleaned out first and the CCTV Survey to be carried out using a camera which is capable of measuring distances from one manhole to another. The CCTV Survey report also to include a summary of any defects in the systems to be corrected by the Developer at his own expense. A drainage layout plan of as-constructed sewers shall be submitted in electronic format showing a detailed survey of each manhole, sewer structure and a digitised layout of the as-constructed housing estate. The manhole survey and digitised layout of the estate shall be prepared to national grid co-ordinates. The invert and cover levels of the manholes shall be indicated relative to Malin ordnance datum.

Appendix C

Appropriate Planning Conditions

Sample

Condition in relation to standards

“The development hereby permitted shall be carried out and completed at least to the construction standards set out in *the Planning Authority’s Taking in Charge Policy*. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards, and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.”

Condition in relation to vesting of the public areas

“The open spaces shall be developed for, and devoted to, public use and shall be kept free of any development. When the development is being taken in charge, the roads and all public areas including open spaces that have been designated for taking in charge shall be vested in the planning authority, at no cost to the authority.

Reason: In order to ensure the proper development of the public open space areas, and their continued use for this purpose.”

Condition in relation to security

“Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company/bank in the form of the current Meath Co Council draft bond, or other security to secure the satisfactory completion, and maintenance of services (including maintenance of services until taking-in-charge by the authority). The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.

If the amount of security required by this condition has not been lodged with the planning authority within 12 months of the date of this decision, the amount required shall be adjusted in accordance with an increase in the House Building Cost Index, which occurs between the date of this decision and the date on which the condition is satisfied.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.”

Appendix D Sample Bond Agreement

KNOW ALL MEN BY THESE PRESENTS that we:

_____ of _____

hereinafter called "the Developer" and

_____ (hereinafter called "the Surety") are jointly and severally bound unto **THE COUNTY COUNCIL OF THE COUNTY OF MEATH** (hereinafter called "the Planning authority") in the sum of _____ to be paid to the Planning authority its Successors and Assigns jointly and severally by these presents.

SEALED this _____ day _____ of 200-.

WHEREAS THE Developer has received Planning Permission planning Register Reference No. _____ ("the planning permission"), a certified copy of which is annexed hereto, for the development of lands for house building at _____

_____ and condition number -----of the planning permission has required security to be lodged with the Planning Authority for the carrying out and completion of the development in accordance with the said permission.

NOW the condition of the said Bond is that if the Developer shall carry out and complete the said development in accordance with the permission or if on default by the Developer the Surety shall pay to the Planning Authority the sum of _____ then this Bond shall be null and void.

But otherwise it shall remain in full force and virtue until 2 years after the expiration of the planning permission or any extension thereof and without prejudice to its own rights at law or under the said Permission the Planning Authority may permit the surety to perform the conditions and provisions of the said Permission which the Developer shall have failed to perform or observe.

No liability shall attach to the Surety under this Bond in consequence of any delay or damage directly or indirectly due or arising out of war, invasion, act of foreign enemy, hostilities (whether war be declared or not), Civil War, rebellion, revolution, insurrection or military or usurped power.

The surety shall afford the Council 90 days advance notice in writing of the expiration of the bond.

The giving by the Planning Authority of an extension of time for the performing of the conditions of the permission or anything therein mentioned or contained and on the part of the Developer to be performed or fulfilled or any other forgiveness or forbearance on the part of the Planning Authority to the Developer will not in any way relieve the surety or reduce the surety's liability under this bond and further nothing herein shall serve to reduce or limit in any way the Developer's obligation to comply in full with the Planning permission.

THIS BOND provides that all monies which become due and payable by the Surety under the Bond shall be payable and paid in the Republic of Ireland, and the laws of the Republic of Ireland shall apply thereto ..

IN WITNESS WHEREOF the Developer has hereunto affixed its Common Seal and the Surety has caused this instrument of writing to be signed by its Secretary or Acting Secretary and one of its Directors and its Corporate Seal to be hereunto affixed the day and year first above written.

CORPORATE SEAL of (Developers)
was hereunto affixed in the presence of:

DIRECTOR

day of 200-

SECRETARY Dated the

CORPORATE SEAL of (Surety)
was hereunto affixed in the presence of:

DIRECTOR

SECRETARY
Dated the day of 2008

Appendix E

MEATH COUNTY COUNCIL

Application to have development taken in charge by Meath County Council
(For completion by the developer)

Developers Name:

Developers Address:

Telephone No.:

Development Name:

Development Location:

O.S. Map No.:

Planning Reference Numbers:

Development Contributions paid yes_____ no _____

No. of Houses:

No. of Apartments:

No. of Commercial Units:

As-Constructed Drawings

Completed By:

Qualification:

Items Submitted With This Application Form: (Tick As Appropriate ✓)

As-Constructed Drawings _____

Public Lighting Design _____

Third Party Insurances Certificate _____

Copies of Way leaves _____

Drainage Layout Plan (diskette) _____

Site Layout showing area to be vested in Meath Co Council

Developers solicitor for conveyancing
purposes _____

Grass Seed Mixture Certification _____

I the undersigned hereby apply to have the following elements of the above
development taken in charge by Meath County Council.

Signed: _____ Date: _____

Developer

Services schedule
(to accompany application form)

1. Public Lighting

No. of Public Lights: _____
Type of Lantern: _____

2. Roads and Footpaths

Length of Roadway _____ (meters)
Length of Footpath _____ (meters)

3. Watermains

Lengths (m)	Diameters (mm)	Material	Class
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Foul Sewers

Number of foul sewer manholes: _____

Lengths (m)	Diameters (mm)	Material
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Surface Water Sewers

Number of S.W.S. Manholes: _____
Number of Road Gullies: _____

Lengths (m)	Diameters (mm)	Material
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Open Spaces

Area (s) _____ (hectares)

THIRD PARTY CERTIFICATION

Certificate No. 1

For the benefit of Meath County Council, this is to certify that:

- (a) Sewers have been tested and passed tested and passed in accordance with the requirements of Clause 3.20 of “Recommendations for Site Development Works for Housing Areas” – Department of Environment and Local Government (November 1998) as updated.
- (b) Water pipes have been tested, passed and sterilised in accordance with the requirements of Clause 4.18 of “Recommendations for Site Development Works for Housing Areas” – Department of the Environment and Local Government (November 1998) as updated.

Signed: _____ Date: _____
Third Party

Qualification: _____

THIRD PARTY CERTIFICATION

Certificate No. 2

For the benefit of Meath County Council, this is to certify that the roads and footpaths comply with the requirements of Recommendations for Site Development Works for Housing Areas” – Department of the Environment and Local Government (November 1998)as updated.

Signed: _____ Date: _____
Third Party

Qualification: _____

THIRD PARTY CERTIFICATION

Certificate No. 3

For the benefit of Meath County Council, this is to certify that the development complies with the Planning Permission granted.

Signed: _____ Date: _____
 Third Party

Qualification: _____

Appendix E(1):

MEATH COUNTY COUNCIL

Application to have development taken in charge by Meath County Council
(for completion by residents association)

Developers Name:

Developers Address (if known)

Secretary of Residents association

Contact address and phone number for residents association

Development Name:

Development Location:

Planning Reference Numbers: (if known)

No. of units in estate

I the undersigned hereby apply to have the following elements of the above development taken in charge by Meath County Council on behalf of the above residents association.

Signed: _____ date _____

Appendix E

Supporting Documentation

List of evidence to be produced by the developer to demonstrate completion of the estate to the relevant standard.

This information shall support the Third party certifications.

Evidence that all necessary way leaves for services are reserved forever in the transfer documentation to house purchasers

Three copies of “as constructed 2 drawings (scale 1:500) of the development shall be submitted to the Council . the drawings shall indicate the following information:

The estate boundary depicted in red , open spaces coloured green , all roads footpaths and public lights.

All services including water mains, valves, hydrants, sewers road gullies. Telecom ducts/ poles , ESB ducts/ poles , cable link ducts and all manholes . The invert and cover levels of all manholes shall be indicated relative to Malin ordinance. The gradients of all sewers shall be indicated on the drawings.

Test results duly certified showing output in, litres per minute from all Fire hydrants in the development.

A CCTV survey/ manhole survey completed at the developers expense. Of the collection system as conditioned in the relevant planning permission. The sewers to be surveyed to be thoroughly cleaned out first and the CCTV Survey to be carried out using a cameras which is capable of measuring distances from one manhole to another. The CCTV Survey report also to include a summary of any defects in the systems to be corrected by the Developer at his own expense.

A drainage layout plan of as constructed sewers shall be submitted in electronic format showing a detailed survey of each manhole , sewer structure and a digitised layout of the as constructed housing estate. The manhole survey and digitised layout of the estate shall be prepared to national grid co-ordinates . the invert and cover levels of the manholes shall be indicated relative to Malin ordinance datum.

Local Government Service Indicator: Taking in Charge of Estates

Column A	Column B	Column C	Column D	Column E	Column F
<p>The number of residential estates for which the planning permission has expired, in respect of which formal written requests for taking in charge (from residents or developers), were on hands at the beginning of the year.</p>	<p>Number of estates that were taken in charge in the year in question</p>	<p>Number of dwellings in respect of column B.</p>	<p>% of estates in column A not completed to the satisfaction of the planning authority in line with the planning permission.</p>	<p>Number of estates in column D in respect of which enforcement action was taken in the year in question and/or the bond was called in.</p>	<p>Number of estates in Column D in respect of which works were undertaken by the authority to bring the estate to taking in charge standard</p>

Definitions/Clarifications/Methodology

A residential estate means a development, which includes the construction of 2 or more houses (as defined in section 2 of the Planning and Development Act 2000 i.e. includes apartments and other dwelling units) and the provision of new roads, open spaces, car parks, sewers, water mains or drains.

“Permission has expired” means that the lifetime of the planning permission, including the period of any extension granted by the planning authority, has expired.

“Enforcement action” means the issue of a warning letter, an enforcement notice or the seeking of an injunction under section 160 of the Planning and Development Act 2000.

Where an estate would come into the category of Column E (i.e. enforcement action was taken and/or the bond was called in), but would also come within the category of Column F (remedial works were undertaken by the authority itself to bring the estate up to standard) it should be included under both Columns E & F.