



Taking in Charge of Housing Developments Policy

October 2016 Revision

1. General

1.1 Definitions and scope

1.1.1 “Taking in Charge” is the term given to assumption by a local authority of responsibility for the upkeep and maintenance of public services and infrastructure. Irish Water will become responsible for the operation & maintenance of water services infrastructure from the date of taking in charge of the estate by the Planning Authority

1.1.2 A “Development” for the purposes of this policy consists of two or more houses and includes the provision of new roads, open spaces, car parks, sewers, watermains or drains.

1.1.3 A “House” for the purpose of this policy includes a dwelling house, apartment or any other permanent residential unit that is permitted by a grant of planning permission.

1.1.4 This Policy does not apply to commercial or other non residential developments. Where a development includes both residential and non-residential elements, Roscommon County Council will only consider taking in charge those public areas and services that directly facilitate the residential element of the development.

1.1.5 Roscommon County Council will consider taking in charge a development that has only been partially completed, where planning permission for the development has expired and all roads, sewers, open spaces and other services have been constructed for all of that part of the development on which houses have been built.

1.1.6. Roscommon County Council may, at its absolute discretion, and where the circumstances are compelling, take responsibility for the provision and ongoing maintenance of certain aspects of a development in the interests of public health and/ or public safety.

1.1.7 This Policy shall apply to all applications to take a development in charge received on or after 1st February 2016.

1.1.8 This Policy shall not apply to holiday developments or to multi unit developments.

1.1.9 This Policy shall not apply to residential developments that are served by stand alone developer provided water services infrastructure that was provided by developers as part of housing developments and where such infrastructure cannot be connected to public water and wastewater networks for which Irish Water is now responsible.

1.2 Statutory Framework

1.2.1 Section 180 of the Planning and Development Act 2000 (as amended) sets out the responsibilities of local authorities regarding the taking in charge of housing developments. It requires a planning authority to commence taking in charge procedures in relation to finished and unfinished developments where certain conditions have been met.

1.2.2 The decision to take in charge is made by the elected members of the Council in accordance with Section 11 of the Roads Act 1993.

1.2.3 In certain circumstances, as outlined hereunder, the Council may assume responsibility for some aspects of a housing development pursuant to the following legislation:

- (i) Declare the road to be a public road pursuant to Section 11 of the Roads Act 1993 as amended
- (ii) Assume control of the water mains and the foul and surface water sewers pursuant to the provisions of Section 43 of the Water Services Act 2007. Irish Water will become responsible for the operation & maintenance of water services infrastructure from the date of taking in charge of estate by Roscommon County Council.
- (iii) Take responsibility for the provision and maintenance of public lighting within a development pursuant to the provisions of Section 2 of the Local Government (Sanitary Services) Act 1964

1.2.4 The relevant sections of the Planning and Development Acts, Roads Acts, Water Services Acts, and Local Government (Sanitary Services) Acts are set out in Appendix I hereto.

The Memorandum of Understanding between Irish Water & Roscommon County Council for the taking in charge of residential estates connected to Irish Water owned or controlled water & wastewater network excluding developer provided infrastructure & Taking in Charge Protocol is set out in Appendix X.

1.3 General Policy

1.3.1 Subject to the conditions set out hereunder and in the attached appendices Roscommon County Council shall commence the taking in charge procedure:

- a) On the request of the developer/ owner of the public areas to be taken in charge if the development is satisfactorily completed; or
- b) On the request of the owners of the majority of residential units in the development, where the development has not been satisfactorily completed and enforcement action has not been taken within seven years of the expiry of the planning permission; or
- c) Where Roscommon County Council is satisfied that the standard of completion is in accordance with an agreed Site Resolution Plan and is at the maximum realisable level in the particular circumstances, and will not expose the Council to undue future expenditure or other potential liability, the Council may, at its absolute discretion at any time after the expiration of the permission, where requested by the majority of the owners of the houses, and notwithstanding the requirements set out in sections 4-8 hereunder and the related appendices, initiate procedures to take in charge, take control of, or otherwise assume responsibility for the future maintenance of a development, or parts, or aspects thereof; or
- d) In certain exceptional circumstances the Council may “take in charge” or assume responsibility for certain aspects of a development on public safety or public health, grounds even though the development is not fully complete

1.3.2 Subject to the conditions set out hereunder the public infrastructure that will be taken in charge includes, where applicable;

- Roads,
- footpaths,
- public car parking spaces that are not assigned to specific units,
- public open spaces, where a maintenance arrangement is in place
- play areas required by planning permission
- foul sewers,
- surface water sewers,
- water mains
- drains
- unassigned services (i.e. ducting etc.)
- any other services agreed by Roscommon County Council at its absolute discretion.

1.3.3 Under this Taking in Charge Policy Roscommon County Council shall only take in charge public open spaces and playgrounds, where a satisfactory ongoing maintenance arrangement is in place, including financial provisions where appropriate.

1.3.4 The satisfactory completion of a development will be determined in accordance with this Policy, the relevant standards and compliance with planning permission. Where there is a conflict between the technical requirements set out in this Policy and the planning permission, the requirements specified in the planning permission shall take precedence.

1.3.5 Where the development is taken in charge by Roscommon County Council at the request of the developer, those areas of the development being taken in charge will be vested in the Council.

1.3.6 The responsibility for the upkeep and maintenance of a development remains with the developer unless and until it is taken in charge.

1.3.7 Roscommon County Council may from time to time monitor developments throughout the course of construction in order to ensure they are completed in accordance with planning permission and all relevant standards.

1.3.8 Notwithstanding 1.3.7 above it remains at all times the responsibility of the developer and the owner of the development, to carry out the development in accordance with planning permission and all relevant standards.

2. Taking in Charge Applications by Developers

2.1 Application Process

2.1.1 A developer or other party in control of the site may apply to have a development taken in charge by submission to Roscommon County Council of an application form as set out in Appendix II hereto.

2.1.2 The form shall be fully completed and signed by the applicant and shall be accompanied by as constructed drawings, CCTV surveys and reports, certification by a qualified engineer¹ or architect and any other information required by this policy, as set out in Section 2.2 General Conditions.

2.1.3 Roscommon County Council will assess the development based on the documents submitted and on a site inspection in accordance with the Assessment Protocol set out in Appendix IV.

2.1.4 In considering whether to recommend taking in charge a housing development Roscommon County Council will consider;

(a) the General Conditions as set out in Section 2.2 hereunder

(b) compliance with the requirements set out for roads and footpaths, public lighting, water services and open spaces (Sections 4-8)

(c) the cost to the Council of maintaining the services

(d) whether the completion works have been carried out in accordance with a site resolution plan

2.1.5 Inspections shall be held jointly with the developer's representative, where possible, and the developer shall be notified of outstanding issues. Roscommon County Council will arrange a re-inspection on being advised that all outstanding issues have been completed and if all issues are satisfactorily resolved will commence the statutory taking in charge procedure.

2.1.6 If on re-inspection it is found that not all outstanding issues have been addressed a fee of €500 shall apply to each subsequent inspection required.

2.1.7 Where, during the course of re-inspections, new issues that were not apparent at the time of the initial inspection come to the attention of Roscommon County Council, these matters may be taken into consideration in considering whether to take in charge the development. If further inspections are required solely as a result of "new" issues referred to above, the re-inspection fee set out in Section 2.1.6 above shall not apply to the first subsequent inspection required.

¹ Holds an Honours Degree (Level 8 in the National Framework of Qualifications) or equivalent professional qualification in engineering.

2.2 General Conditions

2.2.1 The development must be authorised and built in accordance with planning permission or with an agreed Site Resolution Plan with regard to the areas and services to be taken in charge.

2.2.2 All financial conditions must be discharged in full or otherwise as agreed as part of a Site Resolution Plan.

2.2.3 All public areas and services must be certified as complying with all relevant planning permissions and the relevant national design standards by a qualified Engineer or Architect or otherwise as agreed as part of a Site Resolution Plan

2.2.4 Evidence of the structural stability of all structures to be taken in charge shall be submitted and certified by a qualified Engineer or Architect or otherwise as agreed as part of a Site Resolution Plan

2.2.5 The qualified Engineer or Architect certifying the development shall have Professional Indemnity Insurance to the minimum value of €1.5 million.

2.2.6 An as constructed site layout shall be submitted in triplicate with the application showing the following information;

(i) the development boundary in red

(ii) open spaces coloured green

(iii) all roads, footpaths and public lights clearly marked

(iv) all services including water mains, valves hydrants, sewers, gullies, telecom/ESB ducts and poles and manholes

2.2.7 The bond or security lodged with Roscommon County Council shall only be released when Roscommon County Council is satisfied the development is fully completed to a satisfactory standard or otherwise as agreed as part of a Site Resolution Plan

2.2.8 Roscommon County Council may at its absolute discretion apply a bond or other relevant security, to carry out works to bring the development up to a satisfactory standard, where the developer fails to carry out such works

2.2.9 Services that are outside of the site or are not in the public areas will only be taken in charge where a wayleave is granted to Roscommon County Council granting rights of access for the purpose of maintenance, repair and improvement to the relevant service. It is the responsibility of the developer to procure the necessary wayleaves and to ensure that they are registered on the folio of the affected property. Any costs related to procuring said wayleaves shall be borne by the developer.

2.3.0 A safety file containing information relevant to the development works in accordance with Health and Safety legislation must be submitted with the application to take the development in charge. The safety file should contain the information set out in Appendix VI.

3. Taking in Charge Applications by House Owners

3.1 Application Process

3.1.1 Where planning permission has expired for more than seven years, and where the planning authority has not taken enforcement action against the developer of the development, Roscommon County Council will commence the taking in charge procedure under Section 11 of the Roads Act 1993 where requested to do so by the owners of the majority of houses in that development.

3.1.2 An “owner” for the purposes of this policy is the person (or persons) listed as the registered owner on the Property Registration Authority folio at the date of application for taking in charge.

3.1.3 In assessing the wishes of the owners of the majority of houses in a development, each house shall have a single vote, even where that property is owned by two or more individuals.

3.1.4 An application by the owners must contain the following information;

- (a) The name of the development and its location;
- (b) The relevant planning reference(s);
- (c) The name of the developer and the current owner;
- (d) A copy folio (including map) of each property whose owner is requesting the taking in charge of the development or Local Property Tax Bill together with copy of planning map;
- (e) A statement requesting the planning authority to take in charge the development, signed by each owner who so requests.

3.1.5 An application form is set out at Appendix III attached.

3.1.6 Roscommon County Council refers valid TIC application with completed Schedules 1 and 2 to Irish Water with recommendation as to whether application is Category A or Category B.

3.1.7 When all the information required is submitted and following consultation with Irish Water in accordance with Irish Water’s Taking in Charge Protocol Roscommon County Council shall initiate the taking in charge procedures under Section 11 of the Roads Act 1993, except that subsection (1)(b)(ii) of that Section shall be disregarded.

3A Taking in Charge Certain Aspects of a Development.

3A.1 Public Health Concerns

3A.1.1 Where Roscommon County Council is advised by the power supplier that the power to a pumping station in an occupied housing development connected to the public sewerage system is to be disconnected, or where it otherwise comes to the attention of the Council that a foul pumping station in an occupied development connected to the public sewerage system has ceased to function, and in the opinion of the Council it is unlikely that enforcement action against the developer or owner would be effective, the Council will, following consultation with Irish Water, in the interest of public health, take in charge the pumping station and related sewers pursuant to the powers available under Section 180 of the Planning and Development Acts 2000-2014, Sections 2 and 3 of the Local Government (Sanitary Services) Act 1964 and/ or Section 43 of the Water Services Act 2007.

3A.1.2 The failure of a developer to provide and maintain a fit for purpose foul sewerage treatment system is a serious dereliction of his or her responsibility to the residents of the development and to the public at large. If the Council decides to assume responsibility for a pumping station on public health grounds pursuant to Section 3A.1.1 above, the Council shall apply some or all of the following measures, appropriate to the particular circumstances, against the developer and/ or the owner of the lands in question;

- The initiation of a prosecution pursuant to Section 151 of the Planning and Development Acts 2000- 2014 for the offence of failing to comply with the Planning Permission in question.
- The application of the provisions of Section 35 of the Planning and Development Acts 2000- 2014 to any future planning applications received from the developer and or the landowner in question, whereby the Council may refuse planning permission for the failure of the applicant to comply with the terms of past planning permissions.
- A claim shall be made against the bond, where applicable, to recover the costs of any works incurred by the Council in resolving any public health matters.
- The application of the provisions of the Local Government (Sanitary Services) Act 1964 and/ or the Planning and Development Acts 2000- 2014 so as to register a charge against the property or otherwise recover the cost incurred by the Council in resolving any public health matters.

3A.2 Public Safety Issues

3A.2.1 Where public lighting is not provided and operational in a particular housing development, and where it is the opinion of the Council that enforcement action pursuant to the Planning and Development Acts 2000- 2014 does not have a reasonable prospect of ensuring that the required public lights are made operational, the Council will apply the provisions of Section 2 of the Local Government (Sanitary Services) Act 1964 to carry out works to commission the public lights, and to take the necessary steps to ensure the said lights continue to operate thereafter, including where appropriate taking responsibility for paying the ongoing power bills.

3A.2.2 The failure of a developer to provide and maintain a fit public lighting system is a serious dereliction of his or her responsibility to the residents of the development and to the public at large. If the Council decides to assume responsibility for the commissioning and/ or maintenance of public lighting in a housing development on public safety grounds pursuant to Section 3A.2.1 above, the Council shall apply some or all of the following measures, appropriate to the particular circumstances, against the developer and/ or the owner of the lands in question;

- The initiation of a prosecution pursuant to Section 151 of the Planning and Development Acts 2000- 2014 for the offence of failing to comply with the Planning Permission in question.
- The application of the provisions of Section 35 of the Planning and Development Acts 2000- 2014 to any future planning applications received from the developer and or the landowner in question, whereby the Council may refuse planning permission for the failure of the applicant to comply with the terms of past planning permissions.
- A claim shall be made against the bond, where applicable, to recover the costs of any works to the public lights including any maintenance costs.
- The application of the provisions of the Local Government (Sanitary Services) Act 1964 and/ or the Planning and Development Acts 2000- 2014 so as to register a charge against the property or otherwise recover the cost incurred by the Council in resolving any public safety matters.

4. Roads and Footpaths

4.1 The roads and footpaths shall generally be considered for taking in charge only in conjunction with water mains, sewers, public lighting and other public services referred to in this policy.

4.2 The roads and footpaths shall be constructed in accordance with planning permission and the requirements set out in Appendix VII.

5. Public Lighting

5.1 Public Lighting shall generally be considered for taking in charge only in conjunction with watermains, sewers, roads, footpaths and other public services referred to in this Policy.²

5.2 Generally the development shall only be considered for taking in charge if all public lighting in the areas to be taken in charge has been commissioned and is in operation.

5.3 The Developer shall furnish to the Council, a copy of the public lighting design, as approved by approved lighting design engineers.

5.4 The public lights shall be in accordance with the requirements set out in Appendix VI

5.5 The Developer shall be responsible for maintenance of the public lighting system until such time as the development has been taken in charge by the Council

5.6 Notwithstanding the above, Roscommon County Council may, at its absolute discretion, take responsibility for the provision and maintenance of public lighting within a development pursuant to the provisions of Section 2 of the Local Government (Sanitary Services) Act 1964, as provided for in Sections 1.1.6a, 1.2.2a and 3A.2 above, where compelling reasons to do so exist.

² Roads Act 1993 S.2 (1): “road” includes.....any cable, sign, signal or lighting forming part of the road.

6. Water Services

6.1 Generally the development shall only be considered for taking in charge where water mains, surface water sewers, foul water sewers and drains have been constructed in accordance with planning permission; however developments containing developer provided stand alone water infrastructure that was provided by developers as part of housing developments and where such infrastructure cannot be connected to the water and waste water networks for which Irish Water is now responsible shall be excluded from consideration.

6.2 These elements shall generally be considered for taking in charge only in conjunction with roads, footpaths, public lighting and other public services referred to in this policy.

6.3 The water mains, and the foul and surface water collection systems, shall comply with the technical requirements included in the Water Services Guidelines set out in Appendix IX.

6.4 Generally pumping stations shall only be taken in charge where a satisfactory ongoing maintenance arrangement is in place, including financial provisions where appropriate

6.5 CCTV Survey & Manhole Survey

6.5.1 A CCTV survey/manhole survey of the collection systems must be submitted to the County Council at the time of lodging an application form for taking in charge.

6.5.2 The survey shall be completed at the Developers expense.

6.5.3 The sewers to be surveyed shall be thoroughly cleaned out first

6.5.4 The CCTV Survey shall be carried out using a camera, which is capable of measuring distances from one manhole to another.

6.5.5 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 Developer at his own expense, resurveyed and the new survey submitted to the County Council, prior to taking in charge. High-resolution photographs and quality DVD recordings shall supplement the printed report.

6.6 As-Constructed Drawings

6.6.1 A drainage layout plan of as-constructed sewers, prepared to Map Drain format, showing a detailed survey of each manhole, sewer structure and a digitised layout of the as-constructed housing estate shall be submitted on CD with the taking in charge application.

6.6.2 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.

6.6.3 Longitudinal Sections must be submitted for the collection systems. Sections must include ground levels, invert levels, pipe size, and pipe gradient.

6.6.4 The manhole referencing used in the as-constructed drawings shall be consistent with that used in the CCTV survey and manhole survey.

6.6.5 As constructed drawings shall indicate the location and route of all connections from sewers to individual properties.

6.6.6. As constructed plans and longitudinal sections of water mains shall be submitted; the drawings shall include locations of all sluice valves, scour valves, air valves, hydrants, meters, water service control units clearly indicated. Route, diameter and class of water pipelines should be indicated. Bulk meter type (electronic or mechanical) and bypass arrangements, if applicable, should be indicated.

6.7 Collection Systems/Private Treatment Plants

6.7.1 Collection systems, which are connected to an existing public system, shall be taken in charge, subject to compliance with the requirements of this document.

6.7.2 Collection systems shall include, but are not limited to, attenuation tanks, pump sumps, pipelines etc., the design of which shall be certified by a qualified engineer.

6.7.3 In the case of foul sewage collection systems, which shall in future be connected to a public system, the developer shall be required to enter into a satisfactory arrangement for the maintenance and operation of the system in the interim. No new connections may be made to the system without the express written approval of the Irish Water.

6.7.4 Foul sewage collection systems, which are not part of a present or future public system, shall not be taken in charge by the Local Authority e.g. temporary connections to a temporary treatment plant.

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6.8 Water Service Connections

6.8.1 All water mains, valves, stopcocks, meters and fire hydrants are to be located in public footpath or roadway, insofar as possible. Stopcocks and Water Service Control Units shall not be located in private driveways. Stopcocks and Water Service Control Units (water meter boxes) shall not be located in private driveways. A separate meter box in accordance with Irish Water standard detail shall be fitted at each connection to the public water main.

6.8.2 The water service connection for each house shall be taken in charge as far as the stopcock i.e. including the stopcock. The householder will be responsible for the service from the stopcock to, and including, the internal building system.

6.8.3 Developers shall note that foul and surface sewer service connections will not be taken in charge.

6.9 Flood Risk

6.9.1 Where it is known from the County Council's records that certain locations are liable to flooding, the developer must put in place appropriate measures to prevent a re-occurrence of flooding within the development prior to the development being considered for taking in charge.

6.9.2 In areas where the County Council have no records of flooding but considers that a flood risk exists, the developer must provide a flood risk assessment where requested do so by Roscommon County Council, in order for the taking in charge application to be further considered Any recommendations arising from the assessment and considered necessary by Roscommon County Council must be put in place by the developer prior to the development being taken in charge.

6.10 Notwithstanding Sections 6.1 to 6.9 above, Roscommon County Council may, at its absolute discretion, assume control of the water mains and the foul and surface water sewers pursuant to the provisions of Section 43 of the Water Services Act 2007, as provided for in Sections 1.1.6, 1.2.3 and 3A.1 above, where compelling reasons to do so exist.

7. Open Spaces

7.1 Roscommon County Council shall consider taking in charge public open spaces where a satisfactory ongoing maintenance arrangement is in place, including financial provisions where appropriate. Roscommon County Council shall not be responsible for 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.³

7.2 Notwithstanding Section 7.1 above, the taking in charge of the development shall only be considered where the development and landscaping of open spaces has been carried out in accordance with the planning permission granted and to a safe and satisfactory standard.

8. Playgrounds

8.1 Roscommon County Council shall generally only take in charge Play areas required by a condition of planning permission, where a satisfactory ongoing maintenance arrangement is in place, including financial provisions where appropriate.

8.2 Notwithstanding Section 8.1 above, the taking in charge of the development as a whole, shall only be considered where the construction of playgrounds has been carried out in accordance with the planning permission granted and any relevant standards. In particular playgrounds must be constructed in accordance with European Safety Standard EN1177 and furnished with equipment in accordance with European Safety Standard EN1176. Compliance with these standards must be certified by a qualified Engineer or Architect in order for the development to be considered for taking in charge

³ Per Circular Letter PD 1/08 dated 26th February 2008.

9. Vesting

9.1 The developer shall convey, at his own expense, all of the areas containing the services to be taken in charge to Roscommon County Council

9.2 The lands to be vested in Roscommon County Council shall be shown on original Ordinance Survey maps or on A3 or A4 certified and stamped copy of the OS Map covering the entire development.

9.3 The layout of the estate shall be shown including open spaces and play grounds

9.4 The estate name and location, scale and north point shall be clearly shown.

9.5 A schedule on the map shall give the area in hectares to be taken in charge

9.6 A standard, signed and witnessed vesting document transferring ownership of the areas to Roscommon County Council for a nominal sum of €1 shall be attached to the abovementioned map

Appendix I

Statutory Framework

Section 180 Planning and Development Act 2000 (as amended)

180.—(1) Where a development for which permission is granted under [section 34](#) or under Part IV of the Act of 1963 includes the construction of 2 or more houses and the provision of new roads, open spaces, car parks, sewers, watermains or drains, and the development has been completed to the satisfaction of the planning authority in accordance with the permission and any conditions to which the permission is subject, the authority shall, where requested by the person carrying out the development, or, subject to subsection(3), by the majority of the owners of the houses involved of the houses involved, as soon as may be, initiate the procedures under [section 11 of the Roads Act, 1993](#)

(2) (a) Notwithstanding *subsection (1)*, where the development referred to in subsection (1) has not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced by the planning authority within seven years beginning on the expiration, as respects the permission authorising the development, of the appropriate period, within the meaning of [section 40](#) or the period as extended under [section 42](#) , as the case may be, the authority shall, where requested by the majority of owners of the houses involved, comply with [section 11 of the Roads Act, 1993](#) , except that subsection (1)(b)(ii) of that section shall be disregarded.

(b) In complying with *paragraph (a)*, the authority may apply any security given under [section 34\(4\)\(g\)](#) for the satisfactory completion of the development in question.

(2A) (a) Notwithstanding subsections (1) or (2), where a development referred to in subsection (1) has

not been completed to the satisfaction of the planning authority and either—

(i) enforcement proceedings have been commenced by the planning authority within seven years beginning on the expiration, as respects the permission authorising the development, of the appropriate period, or

(ii) the planning authority considers that enforcement proceedings will not result in the satisfactory completion of the development by the developer, the authority may in its absolute discretion, at any time after the expiration as respects the permission authorising the development of the appropriate period, where requested by a majority of the owners of the houses in question, initiate the procedures under section 11 of the Roads Act 1993.

(b) In exercising its discretion and initiating procedures under section 11 of the Roads Act 1993, the authority may apply any security given under section 34(4)(g) for the satisfactory completion of the development in question.

(3) (a) The planning authority may hold a plebiscite to ascertain the wishes of the wishes of the owners of the houses.

(b) The Minister may make or apply any regulations prescribing the procedure to be followed by the planning authority in ascertaining the wishes of the owners of the houses.

(4) (a) Where an order is made under section 11(1) of the Roads Act 1993 in compliance with subsection (1) or (2), the planning authority shall, in addition to the provisions of that section, take in charge—

(i) (subject to paragraph (c)), any sewers, watermains or service connections within the attendant grounds of the development, and

(ii) public open spaces or public car parks within the attendant grounds of the development.

(b) Where an order is made under section 11(1) of the Roads Act 1993 in compliance with subsection (2A), the planning authority may, in addition to the provisions of that section take in charge—

(i) (subject to paragraph (c)) some or all of the sewers, watermains or service connections within the attendant grounds of the development, and

(ii) some or all of the public open spaces or public car parks within the attendant grounds of the development, and may undertake,

(I) any works which, in the opinion of the authority, are necessary for the completion of such sewers, watermains or service connections, public open spaces or public car parks within the attendant grounds of the development, or

(II) any works as in the opinion of the authority, are necessary to make the development safe, and may recover the costs of works referred to in clause (I) or (II) from the developer as a simple contract debt in a court of competent jurisdiction.

(c) A planning authority that is not a water services authority within the meaning of section 2 of the Act of 2007 shall not take in charge any sewers, watermains or service connections under paragraph (a)(i) or (b)(i), but shall request the relevant water services authority to do so.

(d) In paragraph (a)(ii), ‘public open spaces’ or ‘public car parks’ means open spaces or car parks to which the public have access whether as of right or by permission.

(e) In this subsection, ‘public open spaces’ means open spaces or car parks to which the public have access whether as of right or by permission.

(5) Where a planning authority acts in compliance with this section, references in [section 11 of the Roads Act, 1993](#) , to a road authority shall be deemed to include references to a planning authority.

(6) In this section, “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.

Section 11 Roads Act 1993

11.—(1) (a) A road authority may, by order, declare any road over which a public right of way exists to be a public road, and every such road shall be deemed to be a public road and responsibility for its maintenance shall lie on the road authority.

(b) Where a road authority proposes to declare a road to be a public road it shall—

(i) satisfy itself that the road is of general public utility,

(ii) consider the financial implications for the authority of the proposed declaration,

(iii) publish in one or more newspapers circulating in the area where the road which it is proposed to declare to be a public road is located a notice indicating the times at which, the period (which shall be not less than one month) during which and the place where a map showing such road may be inspected and stating that objections or representations may be made in writing to the road authority in relation to such declaration before a specified date (which shall be not less than two weeks after the end of the period for inspection),

(iv) consider any objections or representations made to it under *paragraph (iii)* and not withdrawn.

(2) The consideration of objections or representations and the making of an order under *subsection (1)* shall be reserved functions.

(3) The Minister may prescribe criteria for the declaration of roads to be public roads and a road authority shall comply with any such prescribed criteria when exercising its functions under this section.

(4) Every national road, regional road, motorway, busway and protected road shall be a public road and it shall not be necessary for a road authority to make an order under *subsection (1)* in relation to any such road.

(5) A certificate of a road authority that a road is a public road shall be *prima facie* evidence thereof.

(6) Every road which, immediately before the repeal of an enactment by this Act, was a public road shall be a public road.

Sections 1, 2 and 3 of the LOCAL GOVERNMENT (SANITARY SERVICES) ACT, 1964

Definitions.

1.—In this Act—

“dangerous place” means an excavation, quarry, pit, well, reservoir, pond, stream, dam, bank, dump, shaft or land that, in the opinion of the sanitary authority in whose sanitary district it is situate, is or is likely to be dangerous to any person;

“dangerous structure” means—

(a) any building, wall or other structure of any kind, or

(b) any part of, or anything attached to, a building, wall or other structure of any kind,

that, in the opinion of the sanitary authority in whose sanitary district it is situate, is or is likely to be dangerous to any person or property;

“the Minister” means the Minister for Local Government.

Powers of sanitary authorities in relation to dangerous places. 2.—(1) A sanitary authority may, if they so think fit, as respects any authorities in dangerous place situate in their sanitary district—

(a) carry out, by their servants or agents, such works as will, in the opinion of the authority, prevent the place from being a dangerous place, or

(b) at the request of the owner (which word means, in this section and in [sections 3](#) , [7](#) to [10](#) and [18](#) of this Act, any person (other than a mortgagee not in possession) who is for the time being entitled to sell or otherwise dispose of the fee simple of the land in relation to which the word is used or any term of years for the time being subsisting in respect of the land of which the unexpired residue exceeds one year) who occupies or is entitled to occupy the place or from whom it is held by a person who is not the owner, either—

(i) carry out, by their servants or agents, the works aforesaid, and require such owner to make a payment towards the cost of the works of such amount as the authority may consider proper, or

(ii) contribute such amount as the authority may consider proper towards the cost of the carrying out of the works aforesaid by such owner,

and for such purposes may, by their servants or agents, enter on any land.

(2) Before proceeding under this section in relation to a place, a sanitary

authority shall give a notice to the owner aforesaid of the place stating that the place is a dangerous place and that the authority intend to proceed under this section in relation thereto, specifying the works that, in the opinion of the authority, require to be carried out in relation to the place to prevent it from being a dangerous place and giving an estimate of the cost of such works.

(3) Whenever a sanitary authority give a notice under this section to any person, the authority shall, within seven days after giving the notice to the person, post a copy of the notice at or near the place to which it relates.

(4) Where a sanitary authority give a notice under this section in relation to any place—

(a) in case the notice is annulled by the District Court, under [section 5](#) of this Act, the authority shall not proceed under this section in relation to the place,

(b) in case of any other determination of an application to the District Court under [section 5](#) of this Act in relation to the notice, the sanitary authority shall not proceed under this section in relation to the place until the expiration of fourteen days, or such period as may be specified by the Court after the date of the determination, and

(c) in any other case, the authority shall not proceed under this section in relation to the place until the expiration of twenty-one days after the date of the giving of the notice.

(5) Subject to subsection (7) of this section, a sanitary authority may claim from the owner aforesaid of a place in respect of which they have carried out works pursuant to subparagraph (i) of paragraph (b) of subsection (1) of this section by demand in writing given to such owner, payment of such amount as may be determined by them under that subparagraph.

(6) Subject to subsection (7) of this section, where a demand is given to a person pursuant to subsection (5) of this section, the amount claimed in the demand together with interest, at the rate of five per cent per annum, from the date when the demand is given until payment shall, without prejudice to any other method of recovery, be recoverable by the sanitary authority from the person to whom it is given as a simple contract debt in any court of competent jurisdiction.

(7) Where the amount claimed in a demand given pursuant to subsection (5) of this section exceeds the amount of the estimate of the cost of the works to which the demand relates contained in a notice given under this section, the amount of the excess shall not be recoverable by the sanitary authority under this section.

Powers of sanitary authorities in relation to dangerous structures. **3.—**(1) A sanitary authority may, if they so think fit, give a notice to the owner who occupies or is entitled to occupy a dangerous structure situate in their functional area or from whom it is held by a person who is not the owner and, if he can be ascertained by reasonable inquiry, to the occupier of the structure, requiring such owner, within such period specified in the notice as the authority may consider appropriate—

(a) to carry out such works (including the demolition of the structure or any part of it and the clearing and levelling of the site thereof) specified in the notice as will, in the opinion of the authority, prevent the structure from being a dangerous structure, to remove any debris and to erect a wall or barrier between any open area created by the works and any road, street or public place, and

(b) to terminate or modify any use of the structure or any part thereof,

and such owner, his servants or agents may carry out the works specified in the notice and may, for that purpose, enter on any land.

(2) (a) If, in the opinion of a sanitary authority, it is necessary to do so in the interests of the safety of any person, the authority may, by their servants or agents carry out on a dangerous structure situate in their sanitary district such works (including the demolition of the structure or any part of it and the clearing and levelling of the site thereof) as will, in the opinion of the authority, prevent the structure from being a dangerous structure and for that purpose, the authority may, by their servants or agents, enter on any land.

(b) Where a sanitary authority enter or propose to enter on any land pursuant to paragraph (a) of this subsection for the purpose of carrying out works on a dangerous structure, they shall, as soon as may be, give to the owner aforesaid and, if he can be ascertained by reasonable inquiry, to the occupier, of the structure a notice stating that they have entered or propose to enter the land and specifying the works that they have carried out or propose to carry out thereon.

(3) A notice given by a sanitary authority under subsection (1) of this section may require that the carrying out of the works specified in the notice be commenced forthwith and that they be carried out in accordance with such conditions (if any) specified in the notice as the authority think appropriate and in such manner as may be specified in the notice.

(4) A person who having been served with a notice under subsection (1) of this section, does not comply with the terms of the notice shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(5) Where a person upon whom a notice under subsection (1) of this section in relation to a dangerous structure has been served does not comply with the terms of the notice, the District Court may, on the application of the sanitary authority by whom the notice was given, by order—

(a) (i) direct the person to carry out, within such time as the Court may consider reasonable and may specify in the order and in accordance with the terms of the notice, the works specified in the notice and authorise the sanitary authority to carry out the works aforesaid if the person does not comply with the provisions of the order, or

(ii) authorise the sanitary authority to carry out the works specified in the notice,

and

(b) prohibit the use of the structure or any part of it or prohibit the use of the structure or any part of it for such purpose or purposes as may be specified in the order.

(6) Where a person does not comply with an order of the District Court under subsection (5) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(7) (a) Where any expenses or costs (including costs in relation to proceedings in the District Court under this section) incurred by a sanitary authority under this section in relation to a dangerous structure are not paid by the owner aforesaid of the structure within fourteen days after a demand in writing therefore has been given to him, the amount claimed in the demand together with interest, at the rate of five per cent per annum, from the date when the demand is given until payment may, without prejudice to any other method of recovery, be recovered from him—

(i) by the sale by the authority of any materials resulting from the works carried out by the authority in relation to the structure and the retention by them of so much of the proceeds of the sale as is equal to the amount of such expenses, or

(ii) as a simple contract debt in any court of competent jurisdiction.

(b) Any surplus moneys arising on a sale pursuant to subparagraph (i) of paragraph (a) of this subsection shall be paid by the authority holding the moneys to the owner of the structure, or, if there is more than one owner, to each owner in such proportions as the owners may agree, or (in default of agreement) as the District Court may, on the application of any such owner, determine.

(c) In making a determination under this subsection, the District Court shall have regard to the respective interests, obligations and liabilities in relation to the structure concerned of its owners.

(8) (a) Where any costs or expenses incurred by a sanitary authority under this section in relation to a structure have not been paid, the District Court may, on the application of the authority, by order prohibit the repair or letting of the structure or the carrying out of any works on the site on which the structure stood, as the case may be, until payment to the authority of the amount due to the authority in respect of the expenses aforesaid and the costs of the application, and upon payment of the amount aforesaid, the order shall cease to be in force.

(b) A person who does not comply with an order of the District Court under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred

pounds.

- (c) A sanitary authority shall keep a register containing particulars of all orders from time to time made under this subsection in relation to structures in their sanitary district and shall keep the register open for inspection at all reasonable times and, if particulars of an order under this subsection are not entered in the appropriate register, within ten days after the date of the making of the order, the order shall cease to be of any force or effect.

(9) (a) If, in the opinion of a sanitary authority, it is necessary to do so in the interests of the safety of any person, the authority may require the occupier of, or any person in, a dangerous structure or its curtilage or any structure or its curtilage in the vicinity to vacate the structure or its curtilage and to remove his property (if any) therefrom.

- (b) If a person does not comply with a requisition of a sanitary authority under paragraph (a) of this subsection, the District Court may, on the application of the authority, by order direct the person to comply with the requisition within such period specified in the order as the Court may think reasonable.

- (c) A person who does not comply with an order of the District Court under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

- (d) If, upon the making of an order under this subsection directing a person to comply with a requisition of a sanitary authority, the person does not comply with the requisition within the period specified in the order, officers of the authority may, using such force as may be necessary in the circumstances, enter the structure to which the requisition relates and remove the person and his property (if any) therefrom.

- (e) A sanitary authority may request a member of the Garda Síochána to assist them in the exercise of their powers under paragraph (d) of this subsection and the member shall comply with the request.

(10) A sanitary authority may, if they so think fit—

- (a) provide other living accommodation for an occupier of a dwelling who has left a dwelling in pursuance of a requisition under subsection (9) of this section,
- (b) make a grant of such amount as they think proper to such occupier for the purpose of enabling him to obtain other living accommodation.

(11) (a) A sanitary authority may, if they so think fit, make a grant of such amount as they think proper to any person who—

- (i) on or after the 1st day of June, 1963, has left or leaves a dangerous structure at the request of the authority or in

- pursuance of a requisition under subsection (9) of this section,
- (ii) immediately before such leaving carried on a trade or business in the structure, and
 - (iii) in the opinion of the authority, by reason of such leaving, has suffered or will suffer hardship.

(b) In determining the amount of a grant to a person under this subsection, a sanitary authority shall have regard to the length of the period during which the person carried on a trade or business in the structure in relation to which the grant is proposed to be made.

(12) Section 274 of the Public Health (Ireland) Act, 1878, shall not apply in relation to the exercise by a sanitary authority of any powers conferred on them by this section

Section 43 of the Water Services Act 2007

(1) In this section

“ connection ” means a drain, a distribution system or a service connection and includes part of such drain, distribution system or service connection;

“ public road ” and “ road authority ” have the same meanings respectively as in [section 41](#) .

(2) A water services authority may, at its absolute discretion, subject to such conditions as it may decide, provide, repair or replace, or contribute to the cost of providing, repairing or replacing a connection.

(3) Subject to *subsection (4)*, a person who owns or controls a connection, or in whom it is vested, or who has taken it in charge, shall be responsible for its maintenance and renewal, and shall ensure that it is kept in good order and repair, so as to—

- (a) prevent a risk to human health or the environment,
- (b) facilitate the reasonable conservation of water and the proper and effective management of water services, and
- (c) prevent the infiltration or exfiltration of water or waste water.

(4) Where a person cannot be identified for the purposes of *subsection (3)*, responsibility under that subsection shall lie with the owner or owners of any premises using the connection, in direct proportion to the level of use of the connection to supply water to or convey waste water from the premises or respective premises, as the case may be.

(5) A water services authority may enter any relevant land and carry out all necessary investigations or works for the purposes of providing, ascertaining the condition of or taking in charge, a connection, or for the purposes of *subsection (6)*.

(6) If, in the opinion of a water services authority, a connection is so defective, foul or neglected as to present a risk to human health, the environment, the reasonable conservation of water or the proper and effective management of water services, or, to permit the infiltration or exfiltration of water or waste water, the water services authority may, at its absolute discretion—

- (a) direct by notice the person or persons responsible for its maintenance or renewal to carry out such works as it considers necessary, or
- (b) carry out in the first instance, or in the event of failure to comply with a notice under *paragraph (a)*, such works as it considers necessary, and recover the cost of such works from the person or persons responsible for maintenance or renewal of the connection.

(7) If a connection is found on investigation not to be so defective, foul or neglected as to present a risk to human health, the environment, the reasonable conservation of water or the proper and effective management of water services, or, to permit the infiltration or exfiltration of water or waste water, the water services authority which carried out the investigation shall cause such connection to be restored and any opening or excavation made in the course of the investigation to be closed or filled up and any damage done to be made good.

(8) Where—

- (a) a person wishes to install a connection, or

- (b) a person responsible for the maintenance or renewal of a connection wishes, or has been directed under *subsection (6)(a)*, either by himself or herself or by arrangement with a third party to undertake maintenance or renewal works on a connection,

which runs, or is intended to run through, across, under, over or along any public road or place intended for a public road, then he or she may do so, subject to the consent of the road authority in whose functional area the road is situated.

(9) A road authority may attach conditions to the granting of any consent under *subsection (8)* as if the person concerned was a person to whom [section 41](#) (3) applies, which shall be binding on that person or his or her agents as the case may be.

(10) For the purposes of providing any pipe under this section a water services authority shall have the powers mentioned in [section 41](#) .

(11) The Minister may make regulations in relation to notices under *subsection (6)(a)*, and without prejudice to the generality of such regulations, they may include provisions in relation to—

- (a) the action to be carried out under a notice,
- (b) the time limit by which action directed to be carried out under a notice must be completed,
- (c) the quality of materials and workmanship to be employed in any remedial action under a notice,
- (d) powers of entry and investigation by authorised persons, and
- (e) such incidental provisions as are necessary to ensure the effective supervision by a water services authority of compliance with, or enforcement of, a notice.

(12) A water services authority may, at its discretion and subject to such conditions as it may decide, take in charge a connection, which shall thereafter come under the sole control and responsibility of the water services authority.

(13) (a) Without prejudice to section 180 of the Act of 2000, where a water services authority proposes to take in charge a connection under *subsection (12)*, then it shall by notice inform any person who owns or controls the connection, of its intention to take it in charge, and where the identity of that person cannot be ascertained by reasonable enquiry, a notice for the purposes of this subsection may issue in accordance with [section 19](#) (5).

(b) Where, for the purposes of *paragraph (a)*, the identity of the person or persons who owns or controls a connection cannot be ascertained after reasonable enquiry, then the water services authority shall also by notice inform any person who is responsible, in accordance with *subsection (4)*, for the maintenance or renewal of that connection, and notwithstanding [section 19](#) such notice may be issued by publication in a newspaper circulating in the area where the connection is located.

(14) A notice under *subsection (13)* may be appealed in accordance with [section 92](#) (8) by the person to whom it is addressed as if it was a notice issued under [section 92](#) (2), and shall be enforceable as if it was issued under that section.

(15) A person to whom a notice under *subsection (13)* is addressed shall, unless he or she waives

that right, be entitled to reimbursement, from the water services authority which issued the notice, for the costs of the materials and labour expended by him or her in providing the connection, together with any additional compensation arising from a reduction in the value of his or her interest in the connection concerned.

(16) Where a dispute arises between a person to whom a notice under *subsection (13)* is addressed and the water services authority which issued it, then the matter may be referred by either of them to arbitration as if it was a referral for arbitration under [section 92 \(15\)](#) but only to the extent that it relates to reimbursement or compensation under *subsection (15)* of this section.

(17) A person who—

(a) damages a connection, or

(b) fails to comply with a notice under *subsection (6)(a)*,

commits an offence.

Appendix II

Application Form (Developer)

Application to have development Taken in Charge by Roscommon County Council

Developers Name: _____

Developers Address: _____

Telephone No.: _____

Development Name: _____

Development Location: _____

O.S. Map No.: _____

Planning Reference No.: _____

Development Contribution Receipt Nos. _____

Connection Fee Receipt Numbers: _____

No. of Houses: _____

No. of Commercial Units: _____

As-Constructed Drawings Completed by: _____

Qualifications: _____

Items Submitted with this Application Form: (Tick as appropriate ✓)

All drawings, certificates, documentation etc. submitted must be in accordance with the provisions of Roscommon County Council's Taking in Charge Policy.

- Site Layouts in triplicate showing all areas and services to be taken in charge _____
- As Constructed Drawings & CCTV Surveys: _____
- Public Lighting Design & Certificate from ESB Contracts Ltd: _____
- Certificate from independent service suppliers (Bord Gais, Eircom etc): _____
- Copies of Wayleaves: _____
- Drainage & Layout Plan (diskette): _____
- Third Party Insurance Certificate (e.g. Watermain Sterilisation) _____

- Watermain pressure test, Structural Stability etc.: _____

I the undersigned hereby apply to have the following elements of the above development taken-in-charge by

Roscommon County Council.

Signed: _____ **Date:** _____

Developer

1. Public Lighting

No. of Public Lights: _____

Type of Lantern: _____

2. Roads and Footpaths

Length of Roadway: _____ (metres)

Length of Footpath: _____ (metres)

3. Watermains:

Lengths _____ (metres)

Diameters _____ (mm)

Material Class _____

4. Foul Sewers:

Number of foul sewer manholes: _____

Lengths _____ (metres)

Diameters _____ (mm)

Material _____

5. Surface Water Sewers

Number of S.W.S. Manholes: _____

Number of Road Gullies: _____

Lengths _____ (metres)

Diameters _____ (mm)

Material _____

6. Open Spaces Area: _____ (hectares)

THIRD PARTY CERTIFICATION

Certificate No. 1

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

(a) Sewers have been tested and passed in accordance with the requirements of Clause 3.20 of "Recommendations of Site Development Works for Housing Areas" – Department of the Environment and Local Government (November 1998).

(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).

Signed: _____ Date: _____

Third Party

Qualification: _____

Certificate No. 2

For the benefit of Roscommon County Council, this is to certify that the roads and footpaths comply with the requirements of Roscommon County Council's "Taking in Charge Policy for Private Housing Development" document.

Signed: _____ Date: _____

Third Party

Qualification: _____

Certificate No. 3

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

Signed: _____ **Date:** _____

Third Party

Qualification: _____



Taking in Charge Application Form
COMHAIRLE CHONTAE ROS COMÁIN
ROSCOMMON COUNTY COUNCIL
(House Owners)



Appendix III

Application to have development Taken in Charge by Roscommon County Council

Name of Development: _____

Location of Development: _____

Planning Reference Number(s): _____

Name of Developer: _____

Name of current owner of development _____

We the undersigned hereby request Roscommon County Council to take-in-charge the above development.

House No.	Folio No.	Name(s) of House Owner(s) (Printed)	Signature(s) of House Owner(s)	Date

Please note the following:

- **Please ensure that the name of each house owner making the request for taking in charge is clearly printed and that the application is signed by each house owner.**
- **An owner for the purpose of this policy is the person (or persons) listed as the registered owner(s) on the Property Registration Authority folio at the date of application for taking in charge.**
- **This application must be completed by the owners of the majority of the houses in the development.**
- **This application must be accompanied by either:**
 - (a) a copy folio (including map) of each property whose owner is requesting the taking in charge of the development or**
 - (b) Local Property Tax Bill together with copy of planning map in respect of each property whose owner is requesting the taking in charge of the development.**

Appendix IV

Assessment Protocol

(i) Within 2 weeks from receipt of the request for taking in charge, the Roscommon County Council will acknowledge receipt of the request and accompanying documentation submitted.

(ii) Where Roscommon County Council is satisfied that the public areas requested to be taken in charge are substantially compliant with planning permission, it will within 8 weeks of receipt of the request, carry out a comprehensive inspection of the development.

(iii) The inspection shall consider all aspects of the development to be taken in charge

(iv) Roscommon County Council shall refer Taking in Charge application with completed Schedules 1 and 2 to Irish Water with recommendation as to whether application is Category A or Category B.

(v) Within 2 weeks of receipt of an agreed response from Irish Water in accordance with Irish Water's Taking in Charge Protocol, notify the developer in writing of all outstanding issues remaining to be addressed.

(vi) The developer will within 4 weeks of receipt of details of outstanding issues from the planning authority, arrange for completion of the said works, and notify Roscommon County Council when works are completed. If works cannot be carried out within that period the developer must notify the authority as to when the works will be completed.

(vii) The authority will, within 4 weeks of being notified of completion of the works at (vi), arrange for a follow up inspection of the development to determine the satisfactory completion of the said outstanding issues as identified at (vi)

(viii) Should the works identified at (vi) above not be completed on carrying out of a follow up inspection, the developer shall be notified in writing and shall carry out the works that remain outstanding within four weeks of said notification.

(ix) A fee of €500 shall apply to each subsequent inspection required following the first "follow up" inspection.

(x) Where, during the course of re-inspections, new issues that were not apparent at the time of the initial inspection come to the attention of Roscommon County Council, these matters may be taken into consideration in considering whether to take in charge the development. If further inspections are required solely as a result of "new" issues referred to above, the re-inspection fee set out in (ix) above shall not apply to the first subsequent inspection required.

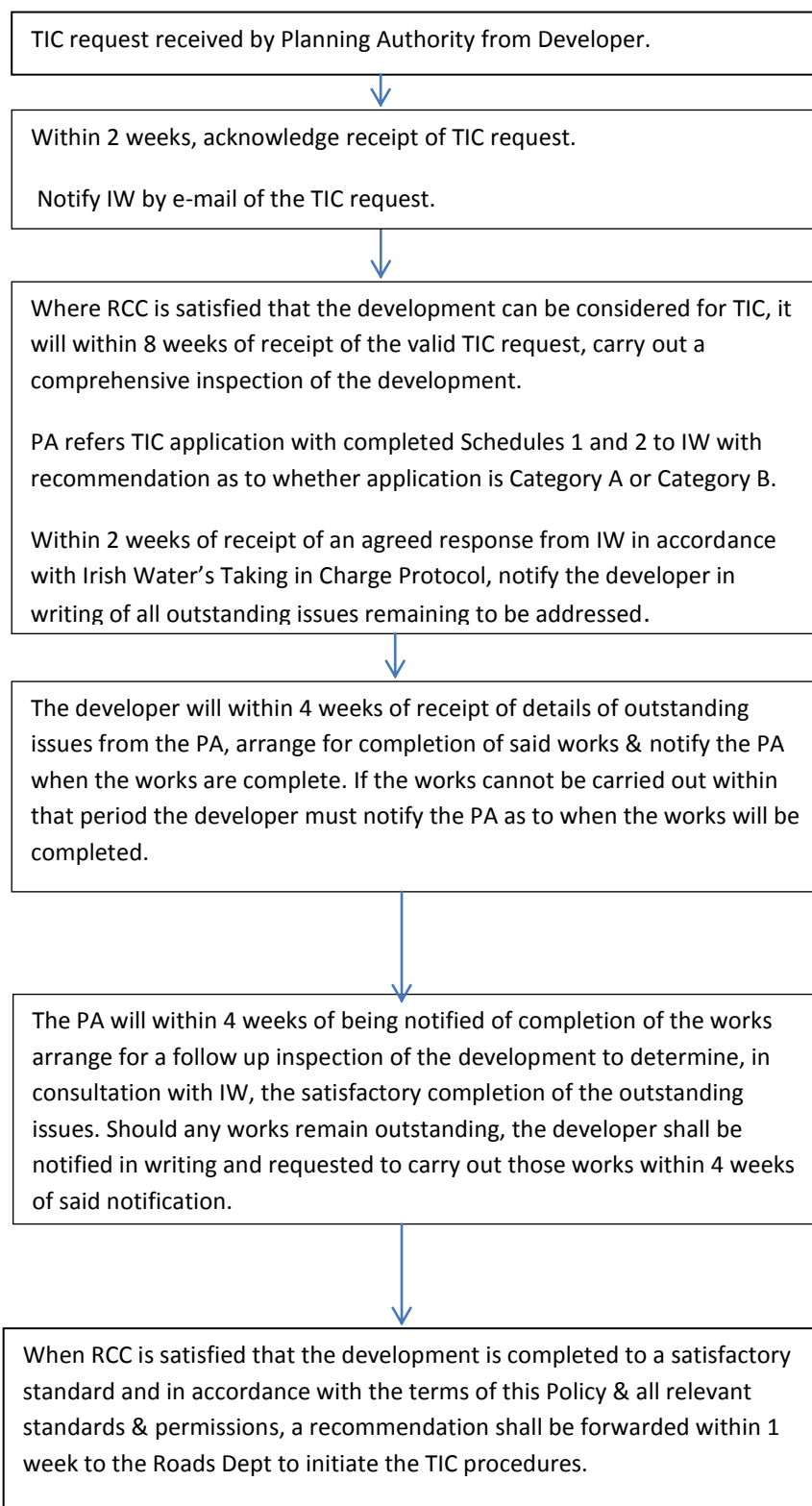
(xi) When, following the final inspection of the development Roscommon County Council is satisfied that the development is completed to a satisfactory standard and in accordance with the terms of this Policy and all relevant standards and permissions, a recommendation to take the development in charge shall be sent by the Planning Section to the Director of Services for Roads to initiate the TIC procedures.

(xii) When the development has been taken in charge Roscommon County Council will 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

(xiii) All reasonable efforts shall be utilised to ensure that formal procedures pursuant to Section 11 of the Roads Act 1993 are completed without undue delay.

(xiv) The developer will vest in Roscommon County Council (at no cost to the Council) the public areas, which have been designated for taking in charge

Assessment Protocol – Flow Diagram.



Appendix VI

Safety File for the Estate Development

1. Safety File

1.1 A completed copy of the Safety File for the Development, shall be submitted to Roscommon County Council as part of the taking in charge process. This copy to be certified by the Project Supervisor Design Process who holds professional indemnity insurance.

1.2 The Project supervisor Design process shall be the competent person as set out in the Safety, Health and Welfare at Work (Construction) Regulations 2006.

1.3 The regulations place an obligation on the PSDP (Project Supervisor Design Process) to prepare a Safety File. The Safety File must contain “relevant health and safety information to be taken into account during any subsequent construction work following completion of the project”.

The Safety File is an Operations and Maintenance File, so that it would include, for example drawings as well as information on the completed project, including attenuation systems, electrical work, pipework, the position of overhead lines and similar matters. The safety file is intended to have an almost indefinite lifespan.

2. Contents of Safety File

The Safety File will inter alia contain the following:

- (1) Construction Specification
- (2) Certification from appropriate persons as to:-
 - (a) adequacy of design for plant and equipment
 - (b) commissioning and installation of plant and equipment
 - (c) structural design (including foundations) of all elements to be taken in charge
 - (d) as constructed drawings
 - (e) details of particular risks
 - (f) maintenance manual and history of all plant and equipment

Appendix VII

Technical Requirements for Roads and Footpaths

ROADS

The minimum requirements of Roscommon County Council for road construction in all housing estate developments are as set out below:

Road Surfacing:

- i. Course 25mm thickness (compacted) dense (Two Courses) bitumen macadam wearing course (10mm nominal size aggregate) in accordance with Clause 912 "Specification for Roadworks" by the Department of Environment; or,
- ii. Course 40mm thickness (compacted) dense bitumen macadam basecourse (20mm nominal size aggregate) in accordance with Clause 912 "Specification for Roadworks" by the Department of Environment.

Road Base: Single course 80mm thickness (compacted) dense bitumen macadam basecourse (40mm nominal size aggregate) in accordance with Clause 907 "Specification for Roadworks" by Department of Environment.

Sub-base: 150mm thickness (compacted) granular material Type B in accordance with Clause 804 "Specification for Roadworks" by Department of Environment.

Capping Layer: 300mm thickness (compacted) rock (hardcore) material. The material should have a maximum size of 100mm and the maximum allowable passing the 75 micron sieve should be 10%. The material should be well graded throughout the sizes.

Developers shall note that a number of core samples shall, at Developer's expense, be taken for testing purposes, prior to taking in charge.

The capping layer may be reduced in thickness or omitted, subject to the Developer submitting to the Council prior to construction, CBR test results for the subgrade.

All road signs shall be supplied and erected by the Developer in accordance with the "Traffic Signs Manual" - Department of the Environment* save where the Council otherwise require.

The Developer shall provide all road markings in accordance with the "Traffic Signs Manual" - Department of the Environment* save where the Council otherwise require.

The height of the kerbs above the wearing course shall be 125mm unless otherwise specified.

Road gullies shall be set 135mm below top of kerb (10mm below wearing course).

At crossings the height of the dropped kerb above the wearing course shall be as follows:

Private Vehicular Access.....10 - 25mm

Pedestrian, Cycleway or combined.....0 - 6mm

If using precast kerbs radii shall be formed using radius kerbs of the relevant dimension or 300, 450, & 600mm cut kerbs as appropriate to achieve a smooth curve.

If kerblines are formed using cast in situ concrete system it should incorporate a 20mm expansion joints at 25m centres and 4mm contraction joints at 5m centres minimum. Joints should be sealed with an approved 2 part polysulphide sealant.

Traffic calming shall be in accordance with guidelines given in "Traffic Management Guidelines"- Joint publication between Department of Environment and Local Government, Dublin Transportation Office and Department of Transport.*

FOOTPATHS

Roscommon County Council require that footpath construction in all housing estate developments be of in situ concrete construction in accordance with the requirements set out in "Recommendations for Site Development Works for Housing Areas" - Department of Environment and Local Government (November, 1998) All precast kerbs shall be laid on edge and not on the flat.

Wheelchair/pram accesses shall be provided at all roadway junctions.

There shall be no steps incorporated in the footpath construction. Where necessary, a ramp shall be provided with a maximum gradient of 1 in 20.

Appendix VIII

Technical Requirements for Public Lighting

Public lighting installations shall be in accordance with the Department of the Environment Recommendations for Site Development Works for Housing Areas and the ETCI Regulations.

The minimum standard of illuminance that should be considered acceptable can be provided by the installation of:

1. Thorn/Philips 70 watt SON-T High Pressure Sodium Side Entry Lanterns
2. Thorn/Philips 55 watt SOX Low Pressure Sodium Side Entry Lanterns
3. Other lanterns may not be used without prior approval of Roscommon County Council.

A staggered arrangement of lanterns is to be preferred for the lighting of roads with a footway on either side but a single side arrangement may be used provided that the lighting criteria are met.

The Developer shall furnish to the Council a copy of the public lighting design to IS EN 13201 Class S3, as prepared by approved Lighting Design Engineers.

The Developer shall furnish to the Council a copy of the RECI/ECSSA Completion Certificate for Electrical Installations.

Public lighting micro pillars shall be in accordance with ESB Networks National Code of Practice for Customer Interface and shall be agreed, in advance of construction, with the local E.S.B. office.

The steel columns and brackets for the public lights shall be in accordance with the Department of the Environment Recommendations for Site Development Works for Housing Areas.

SPECIFICATION FOR STEEL, COLUMNS AND BRACKETS as per Department of the Environment Recommendations for Site Development Works for Housing Areas

The lighting column manufacturer should preferably be registered with and certified by the National Standards Authority of Ireland, for the design and manufacture of lighting columns and accessories, under their quality assurance schedule to IS EN ISO 9001 and IS EN ISO9002.

Columns should be manufactured to BS 5649 (including any amendments), or equivalent and also to the Department of Transport's interim design rules, which augment the requirements of BS 5649: Part 6: 1982(1997). Lighting columns and brackets should generally be of tubular, or octagonal steel construction, with a minimum wall thickness of 3mm and should comply with the requirements of BS 5649: Part 3: 1982.

Columns, brackets and steel fittings should be protected against corrosion by hot-dip galvanizing, in accordance with BS 729: 1971(1994).

Mill test certificates may be required for the column and bracket steel sections.

Octagonal columns should be 7m long, of folded steel, gradually tapered at a constant rate from the base and terminating with a dimension of 68mm across flats at the top.

Columns with a tubular cross-section should be 7m long, with a base minimum diameter of 140mm and a shaft minimum diameter of 76mm. The base length should be 3m. The junction of the base and shaft sections should be a swaged and welded joint.

The base should be fitted with a cable entry opening, 180 x 60mm, with the top of the opening 700mm from the base end, together with a compartment door and welded-in frame.

The top of the compartment door and frame assembly should be 2700mm from the base end and in line with the cable entry opening.

The door should be weatherproof to IP 33 (IEC classification system) and should be secured by two recessed locking mechanisms requiring a female triangular key of 10mm side. An earthing connection should be provided within the base compartment. The fastening screw for this connection should be of stainless steel.

The bracket assembly should be manufactured with the bracket arm inclined 50° above the horizontal. The bracket should be fitted with an anti-rotation device, when fitted to a tubular column.

The column and bracket should carry a permanent identification mark, indicating the manufacturer and the year of manufacture.

Appendix IX

Technical Requirements for Water Services

All water services shall comply with the requirement set out hereunder:

Water mains shall comply with the Recommendations for Site Development works for Housing Areas issued by Department of the Environment and Local Government.

1. Water Main Requirements

Specific conditions relating to water mains shall include the following:-

1.1 The developer shall provide a bulk water meter at the connection point to the public water main. The bulk meter must be in accordance with Roscommon Co. Co. standard detail and specification it shall be fully commissioned and operational prior to connection to the public water main. All magmeters shall have permanent electricity connections.

1.2 Domestic Control Units (Water Meter Boxes) shall be installed on all water service connections in accordance with County Council standard detail and Specification. These shall be located outside the curtilage, but not in the driveway, of each individual housing site. The sequence shall be as follows:-

Water main -> Control Unit (Meter Box including stopcock) -> Stopcock -> House

The domestic Control Unit (Water Meter Box) must contain a non return Valve.

1.3 Individual water supply services shall be provided for each apartment. Domestic control units to Roscommon County Council specification shall be provided on each service.

1.4 Leak Detection Surveys must be conducted on all developments applied to be taken in charge. The leak detection survey must be accompanied by a report. The report must contain but is not limited to the following.

- Brief.
- Procedures and Methodology used.
- Leak detection results.
- Water Audit – Flow results. Data logging must be put in place for a minimum of one week prior to the taking in charge application. A flow graph must be produced illustrating the flow figures through the bulk meter supplying the development to be taken in charge.
- Conclusion.

The County Council reserve the right to establish the integrity of the system by monitoring water use within the development to be taken in charge. All water leakage within the development to be taken in charge must be located and repaired by the developer at his own expense.

1.5 The developer shall submit to the Planning Authority, a CD containing a file of the as-constructed Water main layout.

2.0 Collection Systems

All collection systems shall comply with the requirement set out hereunder:

Collection systems shall comply with Section 3 of the Recommendations for Site Development works for Housing Areas issued by Department of the Environment and Local Government.

Specific conditions relating to sewer collection systems shall include the following:-

2.1 A separate storm water and foul water system shall be provided.

2.2 The developer shall provide the following on completion of the development.

(i) Details of water and air tests carried out on foul water sewers.

(ii) Infiltration test for manholes.

(iii) CCTV survey to Roscommon County Councils specification including location map and condition report.

(iv) Record drawings of all underground services including sewer survey in Mapdrain format.

All of above shall be certified by a qualified Civil Engineer, with professional indemnity insurance. The provision of above information shall be the subject of a bond at planning stage.

2.3 On completion of the construction works, all sewers (including tanks, sumps etc.) for taking in charge shall be thoroughly cleaned and all deleterious matter removed. They shall be maintained in a clean and serviceable condition by the developer until they are taken in charge by Roscommon County Council.

2.4 The developer shall submit to the Planning Authority, a CD containing a file of the as-constructed drainage layout. Manholes will be allocated a permanent reference number to National Grid. A record drawing of the area is to be issued by the developer showing the drainage with each manhole individually referenced. All sewer manhole reference numbers must match both the CCTV survey and the as constructed drawings.

2.5 The developer shall carry out a sewer condition survey of all sewer lengths that are wholly located in the carriageway and/or footpath and/or grass margin and/or to be "taken in charge". The survey which shall be wholly at the developer's expense shall be carried out by a contractor currently approved by Roscommon County Council and to Roscommon County Council's standard. The survey shall include an internal inspection of sewers using CCTV equipment. A full copy of the results including CD, videotapes/DVD and/or PhotoCD shall be forwarded to the Planning Authority. All defects must be rectified to the satisfaction of Roscommon County Council.

2.6 Separate sewer service connections shall be provided for each dwelling house.

2.7 Where a foul sewer is located in any part of a site not to be taken in charge, the applicant/developer must provide way leave agreements to allow Roscommon County Council access for future maintenance.

3.0 Surface Water Sewer Specific Requirements

3.1 Surface water shall be disposed of on a separate system basis.

3.2 Only clean uncontaminated surface water shall be discharged to the surface water system.

3.3 All surface water pipes serving more than one house shall be a minimum of 150mm diameter.

3.4 Lockable type gully grates to be utilised on all surface water drains shall comply with Standard IS/EN 124:1994, loading class D400 shall be used on distributor roads/major access roads, class C250 on residential roads/minor access roads and to Roscommon County Council approval.

3.5 Where a Surface Water sewer is located in any part of a site not to be taken in charge, the applicant/developer must provide way leave agreements to allow Roscommon County Council access for future maintenance. A minimum way leave of 10.0m is required where possible. Such way leave agreements must be registered with the Property Registration Authority. Applicant must provide details that way leave agreements are registered.

3.6 Non return valves must be fitted on any surface water discharge pipes discharging to a watercourse.

4.0 Pumping Stations and Treatment Plants

The following minimum specific requirements shall apply.

4.1 Systems should have an emergency foul water storage capable of holding and returning a minimum of 24 hours flow at a flow rate equal to the dry weather flow (DWF) for the entire catchment of the development which it serves back into the local network/works, with a minimum capacity of 25m³.

4.2 Access for vehicular traffic.

4.3 Alarmer system to call out emergency response in the event of plant breakdown.

4.4 Anti-intruder perimeter fencing to be provided.

4.5 Control panels fitted with a socket to accept a supply from a generator.

4.6 The location of the discharge pipe from the WWTP must be clearly shown on the as-built drawings with co-ordinates also indicated. Non return valve must be fitted to the discharge pipe.

4.7 The following records and drawings must be provided:

4.7.1 Operation and Maintenance records must be provided to the County Council for the plant or pumping station for the period from which the treatment plant was commissioned to the date of taking in charge.

4.7.2 As constructed drawings and specifications to include type and size of pumps; wiring diagrams for control panel and switch gear; telemetry system; lifting equipment including certification of same.

The following extra specific facilities shall be provided at Treatment plants:

4.8.1 Capacity to measure inflows and outflows and to take composite influent and effluent samples.

4.8.2 Automatic recording of the principal operating parameters of the particular process.

4.8.3 Duty and standby units for all equipment essential to the correct functioning of the process.

4.8.4 Sludge holding tanks, sealed and suitable for connection to a sludge tanker, capable of holding 3 months sludge output from the plant. It must also be fitted with the means to filter the gases given off from the sludge holding tank before releasing them into the environment.

4.8.5 Plants shall be located to ensure distances to current and proposed developments is in accordance with current guidelines set down by the EPA.

4.8.6 Telemetry Link to Roscommon County Council Water Services Specification.

4.8.7 Results of all discharge monitoring from the treatment plant for the period from commissioning to the date of take in charge.

The following extra specific facilities shall be provided at Pumping Stations:

4.9.1 Duty and standby pumps.

4.9.2 Flow meter on the outlet.

4.9.3 Emergency overflow pipe with a non return valve must be fitted.

4.9.4 Penstock on all inlets to facilitate maintenance.

4.9.5 Hours run meters for each pump.

4.9.6 Ampmeters.

4.9.7 30m building exclusion radius and vehicular access at all times.

4.9.8 6A certificate of compliance shall be provided for the electrical installation stating that the installation is in accordance with the current edition of the Institute of Electrical Engineers wiring regulations.

Commissioning of Plant or Pumping Station.

A commissioning report from the plant supplier or from an agreed third party shall be prepared to the satisfaction of the local authority before the plant is brought into operation.

The developer will be required to obtain the necessary feed source for the plant in order to enable its performance to be measured.

Safety Requirements for Pump Stations and Treatment Plants.

Each plant shall have a safety statement and safe work practice sheets which will be the responsibility of the plant operator to implement and update as required. The safety statement and safe work practice sheets must be provided at take in charge stage. All confined spaces must be identified and labelled appropriately.

Health and welfare facilities for plant operatives must be provided in particular washing facilities i.e. a tap with running water. The following items must also be provided.

- Lockable hinged up stand manhole cover with hinged ladder/safety grid accessory.
- Lifting handle to enable operators hands to be clear of cover and frame when closing.
- 6mm gap maintained between cover & frame to allow for airflow to ventilate chamber –

Waste Water Pump Station

- Covers to be galvanised.
- Galvanised lifting chains on pumps.
- Lifting davit in place for lifting pumps.
- “Warning Electricity” signage on all EL control panels
- “Danger Deep Water” signage on manhole covers.
- External light in place

5.0 Attenuation tanks / structures

The following minimum specific requirements shall apply.

5.1 Full design details of the attenuation system shall be included with the request for taking in charge. Provision for regular inspection of hydro brake to be included.

5.2 Maintenance schedule required including safety systems to be adopted.

5.3 Performance certificate for hydro brake shall be included with request for taking in charge.

5.4 Access for vehicular traffic for maintenance requirements identified in schedule.

Appendix X

8th December 2015

Roscommon County Council and

IRISH WATER

MEMORANDUM OF UNDERSTANDING

in connection with the development of a process

for the taking in charge of residential estates connected to the Irish Water owned or controlled
water and wastewater network and excluding Developer Provided Infrastructure

("MoU")

1.0 Introduction

This Memorandum of Understanding (MoU) between the parties covers the process for Taking in Charge of water services assets of residential estates to the point of transfer of the water service assets to Irish Water. This MoU and associated protocol should be implemented in conjunction with existing Local Authority Taking in Charge policies.

The MoU relates to the Taking in Charge of water services assets within the attendant grounds of the development provided by Developers that connects directly to public water/wastewater infrastructure and excludes stand alone developer provided water services infrastructure.

In the preparation of the MoU it is accepted that the parties are dealing with a range of legacy issues that exist on housing developments nationally that are either unfinished, inadequately completed and/or not taken in charge and progress has been further complicated by liquidations, receiverships, negotiations with surety providers and other matters.

The parties to this MoU recognise and agree that the taking in charge of residential estates connected to the public network will result in infrastructure at varying levels of compliance with standards or conditions attached to grants of planning permission being taken in charge. The parties note and agree the respective responsibilities as outlined in DECLG circular PL 5/2014, dated 5th November 2014, under which this MoU has been prepared. The MoU has been prepared to comply with current legislation. Where there is any conflict the legislation shall prevail.

2.0 Mechanism for Taking in Charge

The local authorities (LAs) shall take in charge the residential estates pursuant to Section 180 of the Planning and Development Act 2000 (as amended), having regard to the contents of the DECLG circular PL5/2014, dated 5th November 2014.

The Local Authority and Irish Water will work together to advance Taking in Charge of an estate with reference to the Planning Permission, existing Taking in Charge Policies and Department guidelines as applicable.

The water and wastewater assets shall then be transferred to Irish Water (IW) by Ministerial Order under the Water Services (No 2) Act 2013 Part 2 Section 12.

3.0 Implementation of Taking in Charge

To facilitate the Taking in Charge and transfer of water services assets to IW a working group has been established comprising representatives from the LAs and IW. The role of the working

group was to develop the MoU and associated protocol for Taking in Charge of the water services assets of residential estates.

The LAs shall consult and work with IW to ensure the implementation of the agreed protocol for the Taking in Charge process and transfer of water services assets within the attendant grounds of the development to IW.

The protocol attached to this MoU outlines the procedure for taking in Charge that should be followed.

4.0 Categories of Residential Estates

All applications are to be assessed prior to categorisation. The following Categories of residential estates to be Taken in Charge have been identified;

Category	Action
A Estates satisfactorily completed in accordance with Planning Permission; including those subject to Special Resolution Fund	Commence the statutory process to take in charge and subsequent transfer of water services assets to IW.
B Estates not completed to the satisfaction of the Planning Authority in accordance with the Planning Permission	Assess condition and agree a resolution plan if required to allow the taking in charge process to commence

5.0 Resolution Plan (relates only to estates which fall under Category B as detailed in Section 4.0 above)

A resolution plan between the local authority and Irish Water shall be prepared for the residential estates setting out a clear methodology for Taking in Charge and will be carried out on an estate by estate basis. This shall become a written agreement between the LA and IW and the agreement shall ensure that;

- there is a reasonable and equitable approach in relation to funding from sources such as the development bonds or other planning security and developer/receiver, for remedial works to the development.
- the integrity of the public infrastructure is ensured and acceptable service levels are achieved for the residents of the estate.

For the avoidance of doubt the remediation costs in relation to water services will be addressed by IW and the remediation costs for roads, surface water, footpaths, public lighting and open

space will be addressed by the relevant LA.

In accordance with best practice every endeavour shall be made to carry out the IW and LA related remediation works concurrently. Both parties acknowledge that is an option whereby one party may undertake works independent of the other.

6.0 Process for Taking in Charge

The process for Taking in Charge is defined in the protocol attached to this MoU.

7.0 Finance

The financing options available to complete outstanding work and facilitate Taking in Charge are as follows;

Option 1	Where the developer, receiver or other party is still in place he shall complete the outstanding work and LA will facilitate Taking in Charge in accordance with the Planning and Development Act 2000 (as amended).
Option 2	Where the developer, receiver or other party has not completed the outstanding works the LA shall draw on developer bonds, sureties and including pursuing enforcement action if viable in order to complete outstanding work.
Option 3	Where there are no funds available or there is a shortfall in finances from option 2 above the LA shall consult with IW and agree the best course of action and the apportionment of costs for the completion of outstanding works with regard to the respective liabilities of the parties and all in accordance with Circular PL5/14, dated 5th November 2014.

8.0 Exclusions

The following developments are excluded from this MoU

- Residential estates that are served by stand alone infrastructure such as wells, water treatment plants and wastewater treatment plants and associated pumping stations that were provided by developers as part of housing developments and

where such infrastructure cannot be connected to the water and wastewater networks for which Irish Water is responsible.

- Holiday developments, gated developments, multi-used (mixed use) developments of other such developments or other such developments precluded by the LA's Taking in Charge policies or Development Plans.

9.0 Disputes

Should any disagreement arise pertaining to this MoU or its implementation the parties should first meet in an attempt to resolve the issue. Should no agreement arise both parties shall refer to section 12 of the SLA on dispute avoidance and resolution.

10.0 The Parties

**Names and Addresses of the parties including to person responsible
Signed for and on behalf of Roscommon County Council**

Signed for and behalf of Irish Water

Taking in Charge Protocol

Lead	Procedure
Planning Authority	1. Taking in Charge application received by Planning Authority.
Planning Authority	2. Planning Authority part completes Schedule 1.
Planning Authority	3. Planning Authority refers TIC application to Water Services / Roads etc for comments and sends email to IW notifying of receipt of TIC Application.
Water Services on behalf of IW	4. Water Services carry out inspection using Schedule 2 checklist - Complete form with available information.
Water Services on behalf of IW	5. Water Services return completed Schedule 2 to Planning Authority with recommendation and Planning Authority complete Schedule 1.
Planning Authority	6. Planning Authority refer application with completed Schedule 1 and Schedule 2 to nominated Irish Water representative with recommendation as to whether application is Category 1 or Category 2 as outlined in the Memorandum of Understanding.
Irish Water	IW Issue No-objection (NO), No objection except as noted (NON) or Not Accepted (NA) response to Planning Authority with regard to categorisation.
Planning Authority	Category A: On receipt of NO or NON response Planning Authority to proceed with bringing application to Council for approval.
Irish Water / Planning Authority	Category B: On receipt of NO or NON response from IW Nominated representative in Irish Water engage with Planning Authority to agree appropriate steps for taking in charge - resolution plan etc.
Irish Water / Planning Authority	On receipt of NA response re categorisation from IW the Planning Authority and Nominated Representative of IW engage to resolve NA issues.

Irish Water

IW will endeavour to engage with the Planning Authority within the following timeframes.

Category A: IW to respond within 10 working days of notification.

Category B: IW to commence engagement with Planning Authority within 20 working days of notification.

Not Accepted (NA) responses. IW to commence engagement with Planning Authority within 10 working days from issue of NA response and Planning Authority and IW to agree category within a further 10 days.