

Taking In Charge of Developments September 2008

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1 INTRODUCTION

This document outlines Galway County Council's policy in relation to the taking in charge of estate developments. The document is in broad compliance with the national guidelines issued in Circular Letter PD 1/08 dated 26th February 2008.

Facilities to be taken in charge

Taking in charge involves planning authorities taking control of the following services and public areas associated with a particular development:

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

Applications for residential development at planning stage should delineate the area that would, in accordance with this document, potentially fall to be taken in charge on the site layout map. It is envisaged that, generally, certain core services will always be taken in charge and that the design of the approved development will facilitate this by separating the areas/facilities that will be taken in charge from those that will not. Sewers and water mains should not be located under landscaping or allocated parking area that will not be taken in charge.

The maintenance services that will be provided by Galway County Council following the completion of the taking in charge process include the following

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

Road sweeping and cleaning services of the principal public routes within the residential development will not be the responsibility of Galway County Council;

1.1 Application Process

Developments for Taking in Charge are divided into two categories, Historical Estates and Current Estates. Historical Estates are defined as those estates on which the Planning Authority can no longer use planning enforcement legislation due to the passage of time. Applications to take Historical Estates into charge will be dealt with on a case-by-case basis. Planning Enforcement Legislation may be enforced generally for a period of 7 years after the expiry of Planning Permission. The taking in charge process may be initiated by the developer or the residents of the estate. All other Estates are termed Current Estates for the purpose of this policy. Current Estates being those where Planning Enforcement Legislation may still be utilised.

Upon receipt of the Taking in Charge Application and associated documents (as required by Galway County Council's Specification Document), an inspection of the estate will be carried out in conjunction with the developer, if available, and if the Planning Authority deem it necessary, a representative of the Residents' Association. The main role of the representative will be to keep the Residents' Association informed and to compile a list of issues that the residents consider need to be addressed prior to taking over the estate.

The local authority will not consider taking any estate development in charge until it determines that the estate has been satisfactorily completed.

Any Agent certifying an estate will be required to produce evidence of Professional Indemnity Insurance at a minimum level of € 6.5 million.

N.B. An application guide for residents' association is included at Appendix 6 of this document.

1.2 Satisfactory Completion

Satisfactory completion will be determined based on compliance with the planning permission granted and construction in accordance with Galway County Council's policy on taking in charge of estates. If there are any vacant sites (which is discouraged) within the estate then the frontage of these sites should be secured and are to be left in a safe, acceptable manner. The proper landscaping and securing of such sites should be agreed in advance of the works taking place between Galway County Council, the Developer and any other relevant person(s).

1.3 Minimum Period

If a new estate, which has just been completed, is proposed for takeover and is deemed to be satisfactorily completed, then a 1-year minimum period begins for any hidden defects to become apparent.

Upon cessation of this period a further inspection will be carried out and a statement of satisfactory completion will be issued by Galway County Council to the developer indicating that the estate has been satisfactorily completed if such is the case.

Alternatively a list of outstanding works that must be completed before the above taking in charge issue can be considered.

If an estate has been completed for a period of 3 years and the majority of the houses are occupied then the 1-year period for hidden defects to appear will not apply.

1.4 Budgetary Considerations

1.4.1 Current Estates

Upon cessation of the 1-year period, where applicable, or otherwise after the estate has been deemed to have been satisfactorily completed and the requirements of Section 180 (1) have been met: Galway County Council will carry out the following:

Prepare:

1. A detailed survey of the estate/development based on the documents, maps and other data submitted by the applicant.
2. A priority listing of Estates within each Electoral Area and consider the cost implications of taking these in charge as part of the Annual Budgetary Process.

The above information will be presented to Galway County Council for consideration and it will be decided to either:

- Take all of the estate/development as a whole or any self contained phases in charge and associated services that would be practical in the circumstances.
- or
- Not to take the estate/development in charge and the reasons will be set out.

1.4.2 Historical Estates

Historical Estates will be treated as above with the following exceptions

1. The fact that a development/estate has not been satisfactorily completed will not be taken into account in deciding whether or not to take the development/estate in charge. All that will be required is that the requirements of Section 180(2) are met.
2. The financial implications to the local authority of maintaining roads which are to be declared public as part of this process will not be taken into account in preparing the estimated cost of maintenance.

In relation to historical estates, priority will be given to resolving those estates that have been left unfinished for the longest period.

A priority list will be drawn up of requests from residents for the taking in charge of unfinished estates, taking into account such factors as the date of application, the condition of the estate and the length of time it has been left unfinished. New requests for the taking in charge of unfinished estates will be added to the priority list, as appropriate.

1.4.3 Guide on use of Management Companies

In general Management Companies would not be encouraged for use in traditional housing estates but developers will be required to maintain such estates until such time as the estate has been taken in charge by Galway County Council

It will be a requirement that the developer enters a legal agreement, under Section 47 of the Planning & Development Act 2000, to maintain the open spaces, car parks, sewers, water mains, or drains, to the standards set in this Taking in Charge policy document or alternatively until Galway County Council take the development in charge or unless alternative arrangements to maintain the development are put in place.

Management companies are normally necessary for multi-unit structures (i.e. apartments and/or apartments and duplex houses) of four dwellings or more. In such developments management companies are necessary to maintain:

- shared exteriors of buildings: e.g. external walls and roofs;
- shared internal areas: e.g. stairways, lifts and lobbies.

In developments comprising houses, apartments, duplexes or a mix of any of these, to maintain external private shared facilities that are exclusive to the development (e.g. boiler houses, switch rooms, bin storage areas communal private gardens/private open spaces, private playgrounds). A management company is considered essential having regard to the nature and scale of such facilities

The management company will remain in place unless alternative arrangements to maintain the development are put in place.

A management company will be required to maintain holiday home developments, that is, residential developments where planning permission was applied for, or granted, on the basis that the residential units are holiday homes, or residential developments used entirely for short-term letting.

Galway County Council will not take 'Gated communities' in charge.

2 Bond of an Insurance Company / Bank, or Other Security

Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond in accordance with the Standard Form of Bond attached to this document at Appendix 4 to secure the satisfactory completion, and maintenance of services until taken in-charge by the authority

All Bonds/Securities shall be open ended and shall remain in place until a certificate of satisfactory completion relating to the estate issues from Galway County Council

However, as a general rule, any bond or other security in place will be drawn down and applied to remedy defects even if the estate is not taken in charge. The drawing down or the release of a bond does not necessarily mean that the estate will be subsequently be taken in charge.

Please see Bond Agreement as per Appendix 4.

3 Register

An Individual Estate register will be established for each Individual Estate for which a bone fide application or enquiry has been made for taking in charge. This will enable residents of an area to keep up to date with the taking in charge status of their estate.

Following the decision to take the development in charge, details will be entered in the Taking in Charge Register a Manager's Order will then be prepared with map attached, stating that the area defined on the map has been taken in charge and this will be recorded in the Register of Public Property (which is available for inspection by the public)

4 Amenity Grants

Amenity Grants may be available for Communities / Residents Associations from the Community, Enterprise and Economic Unit of Galway County Council at **091 746860**.

5 Construction Inspections

The following procedure for inspecting the construction of residential developments, is recommended. (relating only to such services which may be taken in charge by Galway County Council)

- (i) On receipt of the Commencement Notice a Taking in Charge file will be opened for each residential development;
- (ii) The commencement notice and all requests for inspections and other correspondence arising from the process will be formally acknowledged;
- (iii) A calendar of inspections, tied to the projected completion of the development, including such phasing as may be conditioned in the Grant of Permission or agreed by the planning authority will be set out in the Taking in Charge file at the outset;
- (iv) The record of such inspections and/or testing will be held on the Taking in Charge file;
- (v) Failure to adhere to programmes, to notify the authority in relation to inspections and testing or other such breaches will be referred for Enforcement Action commencing with the issuing of the statutory Warning Notice, copies of which are held in the Taking in Charge file;
- (vi) The record of such Final Inspections and/or Testing will be kept on file and the file is retained by the authority for future reference.

6 Reinspection Fee

Where the estate is found on first inspection to be incomplete or not up to the required standard, any subsequent inspection may at the discretion of the Planning Authority be carried out at a fee of € 500/inspection until the final inspection where taking in charge can be recommended. Where the estate is found to be satisfactory in all respects on first inspection, there will be no fee.

APPENDIX 1

Legislative Requirement In Relation to the Taking In Charge of Developments

Legislative Requirement in Relation to the Taking In Charge of Developments

The introduction of Section 180 of the Planning and Development Act 2000 has imposed increased responsibility on local authorities regarding the taking in charge of, both finished and unfinished, estates.

Section 180(1) and Section 180(2) of the Planning and Development Act, 2000 provide for 2 different situations.

Section 180(1) refers to a development for which permission is granted under *section 34* Planning and Development Act 2000 or under Part IV of the Act of 1963

- 1) Includes the construction of 2 or more houses and the provisions of new roads, open spaces, car parks, sewers, watermains or drains and
- 2) 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.

In the case of such a development, the planning authority must, if requested by the majority of qualified electors who are owners/occupiers to take it in charge, initiate the procedures under Section 11 of the Roads Act 1993 to take the public roads in charge. In this case, under Section 11, the authority must satisfy itself that the road is of general public utility, engage in public consultation and consider any representations made also consider the financial implications of taking the road(s) in charge. The decision as to whether or not to make an order taking the road(s) in charge is a matter for the elected members. Where the local authority does make an order declaring the road(s) to be public, it must also take in charge any open spaces, car parks, sewers, watermains or drains within the attendant grounds of the development (S.180(4)).

Section 180(2) provides for the case of a development which unlike the development referred to in S.180(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 qualified electors who own or occupy the houses in question, comply with section 11 of the Roads Act, 1993, except that subsection (1)(b)(ii) of that section shall be disregarded namely *Where a public authority proposes to declare a road to be a public road it shall - (ii) consider the financial implications for the authority of the proposed declaration*

It is a matter for the planning authority to decide which of the following categories that an estate falls into i.e.

- (a) completed to the satisfaction of the planning authority in accordance with the permission and any conditions to which the permission is subject and thus is subject to Section 180(1) (financial implications of taking the roads in charge may be considered) or

- (b) not completed to the satisfaction of the planning authority and is thus subject to Section 180(2) (financial implications of taking the roads in charge may not be considered)

Irrespective of which category it falls into a planning authority must, if requested to take a development in charge by the majority of qualified electors, who are owners/occupiers, initiate the procedures under S.11 of the Roads Act. However, in the case of an estate which is being considered under Section 180(2), (not been satisfactorily completed and enforcement proceedings not initiated within the appropriate period), the financial implications of taking the road in charge do not fall to be considered. There is no obligation on a local authority to take the roads in any such estate in charge: this is at the discretion of the elected members. However, where the authority does make an order declaring the road(s) to be public in compliance with S.180 of the Planning and Development Act, 2000, it must also take in charge any open spaces, car parks, sewers, watermains, etc.

Roads Act, 1993 - Section 11.

Declaration of public road 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.

(7) Any road constructed or otherwise provided by a road authority after the commencement of this section shall, unless otherwise decided by such road authority, be a public road and it shall not be necessary for the authority to make an order under *subsection (1)* in relation to any such road.

APPENDIX 2

Specifications for Taking Developments in Charge

Specifications for Taking Developments In Charge

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Specification 1: General Conditions and Protocol.

The Developer may apply to have the development taken in charge by submission to Galway County Council of an application form, as set out in Appendix 3: Taking in Charge Application Form. The application form must be certified by a suitably qualified person, who holds professional indemnity insurance for the purpose of signing such forms. Evidence of such insurance shall be furnished to the Council as per application form. The following requirements are to be met.

- The development (applies to current Estates only) is an authorised development.
- All development contributions have been paid in full.
- All connection fees have been paid in full.
- The development must be constructed in substantial compliance with the planning permission granted.
- Any bond or security lodged with the Planning Authority will not be released until the satisfactory completion of the works.
- The roads, footpaths, sewers, drains and water mains shall generally be constructed in accordance with the "Recommendations for Site Development Works for Housing Areas" - Department of the Environment and Local Government (1998) save where the specifications outlined hereunder otherwise require. The Department's Recommendations for Site Development Works for Housing Areas (1998) is currently being updated to reflect a more sustainable approach to site development works.
- The Developer shall furnish evidence to the Council that all necessary wayleaves for services are reserved forever in the transfer documentation to house purchasers.
- The Developer shall note that a reasonable width shall be required in respect of any wayleave for sewers or water mains. Width to be agreed only after consultation with the Council.
- Three copies of "as constructed" drawings (scale 1:500) of the development shall be submitted to the Council. The drawings shall indicate the following information:
 - (i) The estate boundary depicted in red, open spaces coloured green, all roads, footpaths and public lights. (Playgrounds if required under Planning)
 - (ii) All services including water mains, valves (both Scour and Sluice), hydrants, sewers, (both Foul and Surface Water Sewer clearly shown) road gullies Telecom ducts/poles, ESB ducts/poles, cablelink (UPC) ducts and all manholes, gas mains and any ancillary equipment. The invert and cover levels of all manholes shall be indicated relative to Malin Ordnance datum. The gradients of all sewer sections shall be indicated on the drawings.

- Subsequent to an application form being lodged with the Council for taking in charge of an estate-the protocol outlined hereunder will come into effect

Protocol for Galway County Council

Galway County Council's protocol for the taking in charge of a residential development in response to a request from either a developer or a majority of the residents is set out below. The protocol clearly sets out each step in the taking in charge process and accompanying time frames

- (i) **Within 2 weeks** from receipt of the request for taking in charge, the planning authority will acknowledge receipt of the request and the "as constructed drawings" and any way leaves submitted.
- (ii) **Within 8 weeks** of receipt of the request for taking in charge, the planning authority will in conjunction with the developer, carry out a comprehensive inspection of the development or phase of development; and notify the developer in writing of all outstanding issues remaining to be addressed in relation to the satisfactory completion of the development.
- (iii) 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 the authority 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.
- (iv) The authority will, **within 4 weeks** of being notified of completion of the works at (iii), arrange for final inspection of the development to determine the satisfactory completion of the said outstanding issues as identified at (ii).
- (v) Upon final inspection of the development or phase of the development and satisfactory completion of the works, the planning authority 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. All reasonable efforts shall be utilised to ensure that formal procedures are completed for the taking in charge process with minimum delay.
- (vi) The developer will vest in the planning authority (at no cost to the authority) the public areas, including open spaces, which have been designated for taking in charge.
- (vii) Following the decision to take the development in charge, details will be entered in the Taking in Charge register. A Manager's Order will then be prepared with map attached, stating that the area defined on the map has been taken in charge and this will be recorded in the Public Property Register (which is available for public inspection)

The Developer shall transfer or convey to Galway County Council, at his expense, all of the lands to be taken into public charge

It should be noted that a total of 18 weeks from the submission by the developer of the request / necessary documentation to the commencement of the actual taking in charge procedure is set out in our protocol however this is (subject to the proviso that the developer completes any outstanding works within the 4 week period set out at (iii) of the protocol).

Specification 2: Public Lighting

The Developer shall furnish to the Council, a copy of the public lighting design.

The public lights shall be in accordance with the requirements set out hereunder.

The Developer shall be responsible for maintenance of the public lighting system for a period of one year after the lights have been switched on or until such time as the development has been taken in charge by the Council.

Public Lighting - Technical Requirements

The lanterns for the public lights shall be one of the following types:

1. Thorn 55 watt Sox Low Pressure Sodium Beta 2 high frequency.
2. Philips 55 watt Sox Low Pressure Sodium high frequency.
3. 70 watt or 100watt SONT - various manufacturers.

The steel columns and brackets for the public lights shall be in accordance with the attached Specification, "Specification for Steel Columns and Brackets for Minor Road Lighting".

The location of the auxiliary public lighting micro pillar shall be agreed, in advance of construction, with the local E.S.B. office. In the situation where a design for a housing estate layout includes for estate houses fronting onto an existing public road together with some other estate houses fronting onto an estate road it is necessary that there should be a separate public lighting micro pillar for the public road.

Specification for Steel, Columns and Brackets for Minor Road Lighting

Columns shall meet the requirements of EN40 and the particularities of B.S.5649 except where otherwise specified herein.

Types

Two types of luminaire support are required, one, a fixed column, giving 6 metre mounting height, and the other a hinged column, to be used where vehicular access is not possible, e.g. access alleyways and open grassed areas which may be tilted over to allow for servicing of the luminaries.

Construction

The fixed column shall consist of two parts, the shaft and the bracket.

These shall be so fabricated that when fitted together there shall be no rotation of the bracket on its spigot.

For 6 metre mounting height side entry luminaries, the same shaft shall be fitted with a bracket giving 1 metre rise and 0.5 metre projection, and angled at an angle of 5°.

The shaft shall be of 3 mm folded high tensile steel of octagonal shape and gradually tapered from the base to the bracket spigot.

Shaft (Fixed Column)

The column shall be provided with a plain root without a baseplate and it shall be suitable for planting depth of 1000 mm. A drawing indicating the preferred type of column is attached. (Drg. No.TIC 08/02)

A cable slot measuring 175mm x 60mm shall be provided in the root of the shaft in line with the base compartment door. The bottom of the cable slot shall be 500mm below ground level. The cable slot shall have rounded edges and shall be free of sharp or rough edges.

A base compartment having an internal diameter of not less than 100 mm shall be provided in the shaft. A hardwood baseboard should be provided in the base compartment so as to permit easy installation or replacement of electrical equipment.

An earthing connection shall be provided within the base compartment. The fastening screw for this connection shall preferably be stainless steel and have a diameter of 10 mm.

The base compartment shall have a reinforced door opening with a flush fitting, door which is tamper-proof and weatherproof to I.P.33. All doors must be interchangeable. A drawing indicating the preferred type of door is attached. (Drg. No.TIC 08/01) Bottom of door to be 1300 mm above ground level.

The door shall be secured by two recessed locking mechanisms requiring a female triangular key of 10mm side. The top of the shaft shall terminate in a luminaire/bracket spigot which may form part of the top of the shaft. This spigot shall have an outside diameter of 74mm.

Shaft (Hinged Column)

The shaft of the hinged column shall be constructed in two parts which shall be hinged together. The hinging shall be so arranged that the top section of the shaft can be slowly lowered to allow for maintenance of the luminaire from ground level.

The raising/lowering mechanism shall be capable of being easily operated by one operative.

Details of any necessary tool for the raising/lowering operation shall be given.

The mechanism shall have incorporated adequate safety arrangements, which shall limit the speed of descent of the column in the event of a malfunction.

Bracket

The bracket shall be of the single arm type in medium tube giving an uplift of 1 metre and a projection of 0.5m to the end of the luminaire spigot as per attached drawing. (Drg.. No. TIC 08/03).The bracket shall be of the swept type having a radius of curvature of 500mm approximately. The upper part of the bracket shall have a straight section which shall be inclined 5° above the horizontal.

The luminaire spigot shall be of plain tube having an outside diameter of 33mm and a projecting length of 100mm.

Finish

After fabrication, the shaft and bracket shall be hot dip galvanised both inside and outside. Where retaining bolts or grub screws are used to secure the bracket to the shaft these shall be made of stainless steel and they shall not be galvanised.

The root of the shaft to a height of 50mm above planting depth to be dressed both inside and outside with a double protective thick bitumen coating.

All columns and brackets shall carry a permanent identification mark indicating the manufacturer. The column identification mark shall be permanent and clearly visible within the base compartment. This may be achieved by a permanent label fixed inside the base compartment, but not on the door. Alternatively, the marking may be formed in the material of the column immediately above or below the door. The bracket identification shall be hard stamped onto the lantern spigot, and must be legible after galvanising or any other surface coating.

Loading

The shaft and bracket shall be designed to carry either a post top luminaire of weight 11.5KGS and wind area 0.20 sq. metres or a side entry luminaire of weight 11.5KGS and wind area 0.10 sq. metres. The center of the side entry luminaire should be considered to be 1m from the shaft axis. A wind load factor of $k=3$ shall be applied.



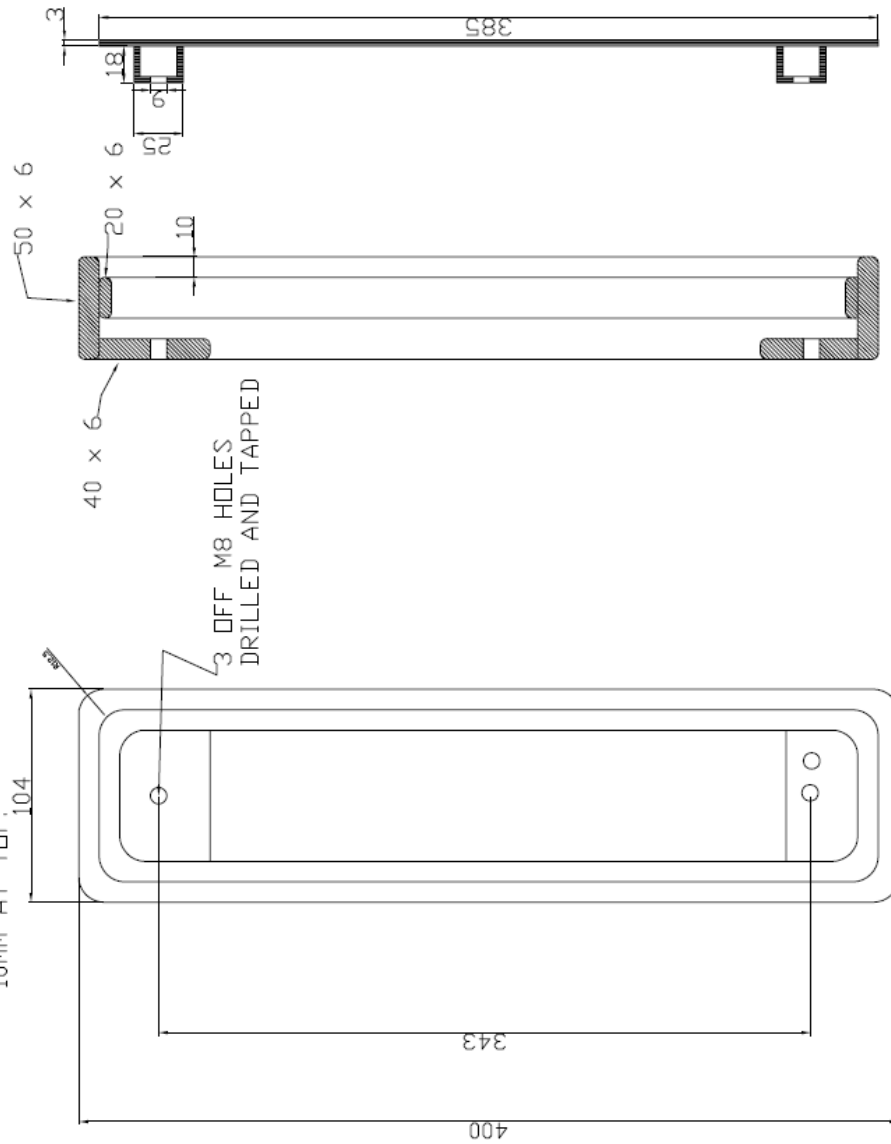
**Comhairle
Chontae
Na
Gaillimhe
Galway County
Council**

Door Details
(6m Public
Lighting
Column)

Dwg. No.
TIC 08/01

Date: May
2008

NOTE:
DOOR FRAME TO BE
MOUNTED
VERTICAL AND
PROTRUDING
10mm AT TOP.

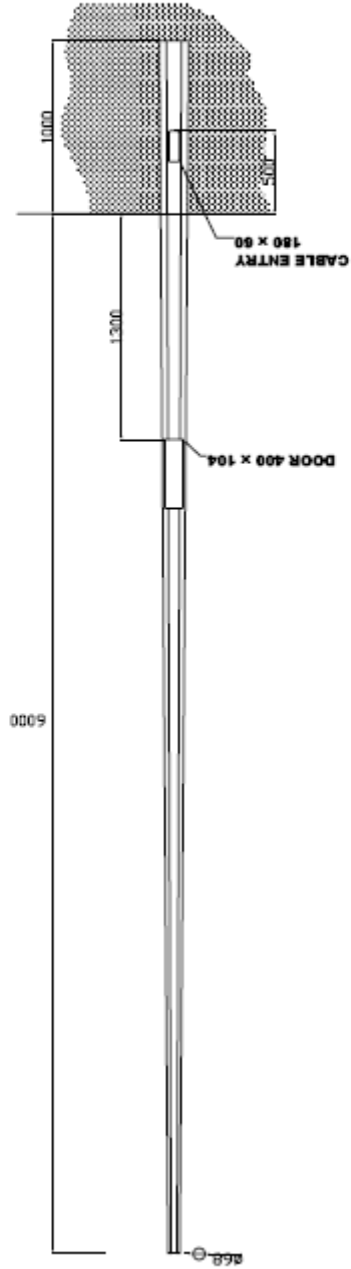




**Comhairle
Chontae
Na
Gaillimhe
Gaibhye County
Council**

6m Steel Public
Lighting
Column
(Octagonal)

Dwg. No.
TIC 08/02
Date: May
2008

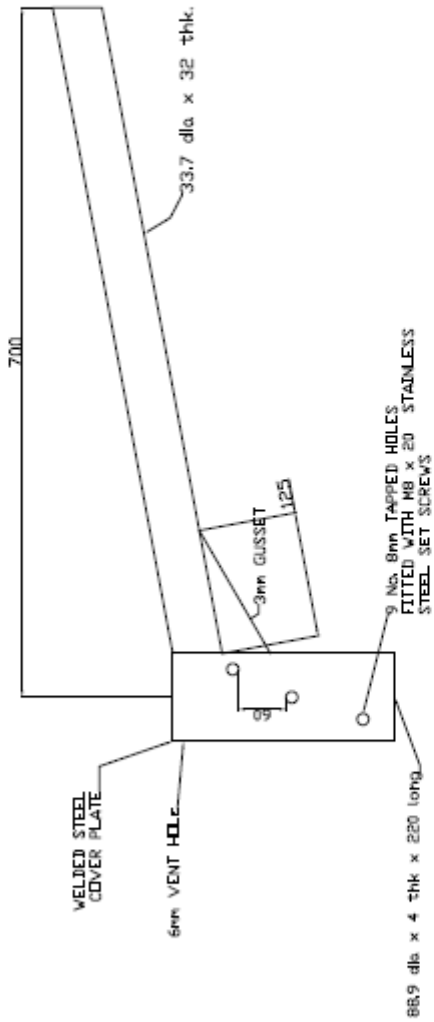




**Comhairle
Chontae
Na
Galillíne
Galway County
Council**

Public Lighting
0.7m Bracket
(Straight)

DWG. NO. |
TIC 08/03 |
Date: May |
2008 |



Specification 3: Roads and Footpaths

The roads and footpaths shall be constructed in accordance with the requirements set out hereunder.

Roads and Footpaths - Technical Requirements

Galway County Council require that road and footpath construction in all housing estate developments be in accordance with the requirements set out in "Recommendations for Site Development Works for Housing Areas" Department of Environment and Local Government (November, 1998) (This Document is currently under review).

Roads

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

Road Surfacing: (Two Courses)	(i) Course 25mm thickness (compacted) dense bitumen macadam wearing course (10mm nominal size aggregate) in accordance with Clause 904 "Specification for Roadworks" by Department of Environment. (ii) Course 40mm thickness (compacted) dense bitumen macadam basecourse (20mm nominal size aggregate) in accordance with Clause 902 "Specification for Roadworks" by Department of Environment
Road Base	Single course 80mm thickness (compacted) dense bitumen macadam basecourse (40mm nominal size aggregate) in accordance with Clause 902 "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 at the discretion of Galway County Council, 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 and markings shall be supplied and implemented by the Developer, as per guidance given in the Traffic Signs Manual

Footpaths

Galway 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) which is currently under review.

Developers shall note that all precast kerbs shall be laid on edge and not on the flat

Developers shall note that wheelchair/pram accesses shall be provided at all roadway junctions. All crossings are to comply with current legislation.

There shall be no steps incorporated in the footpath construction. Where necessary, a ramp shall be provided in accordance with current legislation.

The footpaths and kerbs should comply with the following which is taken from "Recommendations for Site Development Works for Housing Areas" Department of the Environment and Local Government (1998) which is currently under review.

Footways

Footways should have a sub-base, of minimum thickness 100mm, complying with clause 2.19 and should normally be of in-situ concrete construction, 100mm in depth generally, but increasing to 150mm where there is vehicular access. Other forms of footway construction are subject to approval.

The minimum footway width should normally be 2m. Where isolated obstructions occur on footways, the minimum clear width at the obstruction should be 1.2m. Footways should have a cross slope of 2.5% and where adjacent to roadways, this slope should be towards the roadway. Joints should be formed in a straight line, at right angles to the footway, at a maximum spacing of 3m and each joint should include a double layer of roofing felt, complying with IS 36, for the full depth of the joint. A separation membrane, as specified in clause 2.21, should be placed between the concrete and the sub-base.

Concrete should be air entrained paving quality, as specified in Table 2.6 of clause 2.21 above.

Kerbs

At roadway edges, kerbs should show between 100mm and 150mm above the channel, except at vehicular accesses, where they should be reduced to 25mm over the channel and at wheelchair and pram accesses where an upstand of 10mm should be provided. The footway slope at such dished kerbs should not normally exceed 7%.

Cast-in-situ concrete kerbs should be 300mm deep by 225mm wide, laid on a 100mm subbase which should be haunched. Concrete should be air entrained, as specified in Table 2.6 of clause 2.21 above. Precast kerbs should be 250mm by 125mm, complying with IS 146 and should be laid on a 100mm thick by 300mm wide concrete bed and haunch.

Alternative kerb types at roadway edges are subject to approval.

Specification 4: Water Services

Elements under this section include watermains, surface water sewers and foul water sewers.

The watermains and collection systems shall comply with the technical requirements included in Water Services - Technical Requirements (as outlined on the following page).

CCTV Survey/Manhole Survey

A CCTV survey/manhole survey of the collection systems will be submitted to the Council together with an application form for taking in charge. The survey shall be completed at the Developers expense. The sewers to be surveyed shall be thoroughly cleaned out first. The CCTV Survey shall be carried out using a camera which is capable of measuring distances from one manhole to another. 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, prior to taking in charge. The printed report shall be supplemented by high resolution photographs and quality CD and / or DVD formats.

A drainage layout plan of as-constructed sewers shall be submitted on diskette in agreed format showing a detailed survey of each manhole, sewer structure and a digitised layout of the as-constructed housing estate. The manhole survey and digitised layout (DXF Format) 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.

Collection Systems/Private Treatment Plants

Collection systems shall be taken in charge, subject to them complying with the requirements of this document.

Where a private treatment plant is proposed, it will be a requirement of the planning permission that the Developer maintain the treatment plant as indicated by the suppliers /manufacturers recommendations until such time as the estate is taken in charge by Galway County Council. The treatment plant shall be operating in accordance with the conditions of the discharge license before the roads, footpaths, watermains Public Lighting and open spaces shall be considered by the Council for taking in charge.

In general Package Treatment Plants and Temporary Treatment Facilities will not be maintained by Galway County Council unless the Package Treatment Plant and associated Buffer Zone are transferred to Galway County Council free of charge.

Service Connections

All watermains, valves, stopcocks and fire hydrants are to be located in the public footpath or roadway. Stopcocks shall not be located in private driveways. A separate stopcock or shut-off valve shall be fitted within each house.

Marker plates are to be mounted on an adjacent wall or concrete marker post for fire hydrants, sluice valves or scour valves.

The water service connection for each house shall be taken in charge as far as the stopcock/water service control unit (i.e. including the stopcock/water service control unit).

Developers shall note that sewer service connections will not be taken in charge.

Water Services- Technical Requirements

Watermains

The following minimum specific requirements shall apply.

1. All water mains serving estates greater than five units shall be 100mm diameter (min) and Class C pressure rating.
2. All water service connections shall incorporate a water service control unit (round type). The WSC unit shall be located in the footpath and shall include a stopcock in the unit. The stopcock shall be capable of being opened / closed without removal of the top of the WSC unit.
3. A Bulk Integrating Meter is required to be located at the connection point to the existing watermain at the entrance to the estate.

Collection Systems

The following minimum specific requirements shall apply.

1. A separate storm water and foul water system shall be provided.
2. Separate sewer service connections shall be provided for each dwellinghouse.
3. All manhole covers and frames in public property shall comply with Standard I.S./EN 124:1994 and Loading Class D400.
4. All surface water pipes serving more than one house shall be a minimum of 225 mm diameter.
5. All precast manholes greater than 1 metre deep shall be minimum of 1200 mm in diameter.
6. Manhole construction shall comply with the attached appropriate manhole details.
7. All connections to sewers shall be made in the top left or right quadrant of the pipe by using coring equipment and a proper saddle.
8. Intrusions greater than 5 mm. shall not be permitted
9. All surface water collection systems discharging to a soakpit shall have trapped gullies rather than untrapped gullies.

Collection Systems (Ironwork)

Frame height should be 150mm. Product shall carry the following requisite markings.

- 1) Name of the manufacturer.
- 2) The standard to which it is certified (EN124).
- 3) The certifying authority for the standard (BSI).
- 4) The load classification of the cover and frame.

Gratings and Frames

Gratings and Frames shall comply with EN124 C250.

Gratings and frames shall be clearly marked with

- 1) The name of the manufacturer.
- 2) The standard to which it is certified (EN124).
- 3) The certifying authority for the standard (BSI).
- 4) The load classification of the frame and cover.
- 5) The direction of traffic.

All gratings and frames are to be lockable

Waterworks Covers and Frames

Hydrant, Meter, Sluice Valve, Scour Valves and Air Valve covers and frames are to comply with IS261. The cover shall be marked clearly with:

- 1) The name of the manufacturer.
- 2) The standard to which it is certified (IS261).
- 3) The certifying authority for the standard (NSAI).
- 4) The load classification of the frame and cover.

N.B The load classification for covers and frames for water meter boxes is IS261 grade B.

Pumping Stations and Treatment Plants

The following minimum specific requirements shall apply.

1. Emergency foul water overflow capable of holding and returning 48 hours dry weather flow into the works.
2. Access for vehicular traffic which will accommodate desludging trucks.
3. Health and welfare facilities for plant operatives in particular washing facilities.
4. Alarmer system to call out emergency response in the event of plant breakdown.
5. Anti-intruder perimeter fencing appropriate to the plants surroundings.
6. Control panels fitted with a socket to accept a supply from a generator.

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

1. Capacity to measure inflows and outflows and to take influent and effluent samples.
2. Automatic recording of the principal operating parameters of the particular process.
3. Duty and standby units for all equipment essential to the correct functioning of the process.
4. Sludge holding tanks, sealed and suitable for connection to a sludge tanker, capable of holding 6 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.
5. Include for disposal of sludge in the maintenance agreement.

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

1. Duty and standby pumps.
2. Flow meter on the outlet.
3. Hours run meters for each pump.
4. Ammeters.

Commissioning of Plant

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

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.

Specification 5: Open Spaces

The development and landscaping of open spaces shall be carried out in accordance with the planning permission granted and the attached specification.

Maintenance of open space areas (including grass cutting) shall be the responsibility of the residents after the Taking in Charge process has been completed.

Amenity Grants may be available for Communities / Residents' Associations from the Community, Enterprise and Economic Unit of Galway County Council at **091 746860**.

Facilities such as highly landscaped open spaces, allocated car park spaces will not be the responsibility of the local authority.

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 will not be the responsibility of Galway County Council

Open Spaces - Specification for the Development of Grassed and Landscaped Open Space Areas

With the exception of any features to be retained, grassed open space areas shall be free of rock and all hazardous objects and be developed for usage by persons present on the areas for the purpose of engaging safely in recreational activity.

Topsoil

Topsoil shall conform to the description of topsoil set out in British Standard Specification No. 3882; 1994, entitled "Specification for Topsoil". Topsoil shall be good quality medium topsoil loam, easily moulded when moist. It must be neither too sticky nor leave a smooth polished surface when smeared. It shall be free from all chemical or other pollutants without excessive proportions of stones or flints and those present must not exceed 50mm gauge. It must not include subsoil, excessive proportions of clay, sand, chalk or lime, nor may it include rubbish or other extraneous material, pernicious weeds or couch grass whether roots or top growth, or roots of trees or shrubs. A minimum depth of 150mm of topsoil is required.

Grading and Cultivation

All grassed open space areas should be suitably graded so that the areas can be safely cut by four wheel drive ride on mowers.

Surface cultivation shall be carried out where appropriate and shall be as defined and described in British Standard Specification No. 4428; 1989, entitled "Code of Practice for General Landscape Operations", Section 4.

Drainage

Drainage works shall be provided where appropriate and for the reasons outlined in British Standard Specification 4428; 1989, entitled "Code of Practice for General Landscape Operations", Section 3.

Connection to existing drains or manholes shall be executed in a careful and workmanlike manner and to the satisfaction of Galway County Council.

Sand Slit Drainage to consist of a 300mm x 50mm trench. The spoil from trench excavations shall be removed simultaneously with the trenching operation. The trench shall have the profile of 225mm approx. of clean evenly sized washed pebble topped to surface levels with silica sands Grade T.

Seeding Of Grass Areas

Grass seeding shall be carried out in accordance with British Standard Specification 4428; 1989, entitled "Code of Practice for General Landscape Operations", Section 5.

In the development of grass landscape areas the seeds to be used are the amenity grass mixtures and certification of these mixtures are to be presented to Galway County Council. On no account should grass seed mixture intended for high yield grass for agricultural purposes be used.

Preparation of the Seed Bed

The seed bed shall be prepared in accordance with British Standard 4428; 1989 entitled "Code of Practice for General Landscape Operations", Section 5.3. No seed shall be sown until the cultivation and preparatory work have been approved. Finish topsoil level shall be 25mm above adjoining paths, kerbs and manholes.

Sowing of seed strains shall be carried out during calm weather conditions with equal sowing in traverse directions at the specified rate per square metre as described in British Standard 4428; 1989, entitled "Code of Practice for General Landscape Operations", Section 5.3.

Initial Topping Cut

Immediately before cutting, all stones above 25mm in any dimension should be hand picked and the area should be crossed with a lightweight roller to firm the grass and consolidate the surface.

When the grass is established from 40mm to 75mm high, according to seed mixture, it should be topped with a rotary mower so as to leave from 25mm to 50mm of growth and to cut weeds, in order to control the growth of coarser grass and to encourage tillering.

A mowing programme should be organised that gradually reduces the height of the grass. Grass cutting machinery should be very sharp and in good condition to avoid pulling out young seedlings.

When cutting takes place without a box all arisings should be spread evenly to prevent damage to the growing grass beneath. This applies particularly to grass cut during periods of dull or wet weather.

Supply and Planting of Trees

Quality of Plants

All feathered trees and ordinary nursery stock trees shall conform to British Standard 3936; Part 1, 1992, and all advanced nursery stock trees shall conform to British Standard 4043; except where otherwise specified. They shall have a strong fibrous root system with sufficient anchorage roots to give stability, a straight self supporting stem with at least three lateral branches, and be in a condition for successful transplanting.

Bare roots shall be protected with hessian or other suitable material during delivery to site. Plants with balled roots shall be supplied with the root system, together with the original ball of soil securely wrapped with hessian, polyethylene sheeting or other suitable material during delivery to site.

Trees shall be supplied with a rootball of adequate diameter and depth appropriate to the size and species of the tree. The minimum diameter of the rootball in all cases shall be not less than 10 times the diameter of stem measured at 300mm above ground level.

Timing of Planting and Delivery to Site

Planting of field grown plants shall not be commenced before 30th September or continued after 31st March following unless authorised in writing. Planting will be suspended during periods of severe frost or when planting positions or areas are water logged.

No plant shall be delivered to site until the preparation of its planting position or area is practically complete. The landscape contractor will be responsible for the adequate protection of all plant material from the time of delivery from whatever source until Planting has been approved. Care is to be taken to protect the foliage and roots from adverse weather conditions including heat, frost and drying winds. Where delay between delivery of plants and planting is unavoidable, the landscape contractor shall heel in property bare rooted plants in a prepared trench and pack moist soil/compost around the root. In frosty weather the plants shall be given extra protection with straw or similar material. Pot grown and balled rooted plants shall be protected from exposure to direct sunlight and shall be watered as necessary to prevent drying out of the roots. All pot grown and balled root plants shall be thoroughly watered two hours prior to the removal of the pots or wrappings. Pots, containers and other protective materials shall not be removed until immediately prior to planting.

Setting out and Planting Instructions

In paved and hard surface areas, tree pits 1220mm square and at least 1200mm in depth shall be prepared by the excavation and removal from the site of surfacing material, hard-core foundation and subsoil prior to the importation of which shall conform to the description of topsoil as set out in British topsoil Standard Specification No. 3882; 1994, entitled "Specification for Topsoil".

The landscape contractor shall carry out planting in accordance with supplied drawings. All trees shall be planted in the positions and in numbers indicated on the drawings and shall be planted in an informal manner so as to avoid a rigid matrix.

Unless otherwise agreed the ground shall be cultivated to a depth of 600mm in all shrub planting areas.

Planting Method

Standards of workmanship and materials used for planting and staking shall be as is outlined in British Standard Specification No. 4428; 1989, entitled "Code of practice for General Landscape Operations", Section 7 - amenity tree planting, Section 8 - woodland planting, Section 9 - planting of shrubs, herbaceous plants and bulbs.

The roots of all bare root shrubs and transplants are to be treated with alginure root dip prior to planting, using a mixture of one part alginure to three parts water.

Tree stakes should be driven into the ground off centre of the prevailing wind side of tree. The pit will be partially backfilled with a mixture of topsoil, compost and fertiliser and the tree placed in the pit to the depth of the nursery soil mark, ensuring the roots are fully spread. The remaining mixture shall be used to cover the roots and shall be distributed amongst them by shaking them with a gently up and down movement and then firming by walking.

Each tree shall be firmly secured to the stake after planting so as to prevent excessive movement or abrasion using a rubber buffer between the tree and stake. The tree shall be secured at the top of the stake about 0.6M from ground level. These ties shall allow for growth or secondary thickening of the tree stems.

On completion of planting any broken branches shall be pruned, damaged areas of bark shall be cut back to sound tissue. After planting trees, they should be watered thoroughly, with approximately 30 litres per tree.

Tree Stakes Ties and Tree Guards

Trees shall be staked using straight well formed Douglas fir or spruce poles, 1.53M in length (2.75M in length where use of tree guards is specified), driven 750mm into the ground before planting. These poles shall have all side shoots and laterals removed and shall be impregnated with copper chrome or copper chrome arsenic water borne wood preservative in accordance with I.S. 131; 1964. The poles shall be 90mm to-100mm in diameter at the heavy end and 75mm to 90mm at the light end. They shall be tapered to a point of 300mm in length at the heavy end and shall be trimmed to an angle of 45' at the light end after planting.

Tree guards shall be manufactured from 50mm X 50mm X 10 gauge weld mesh and shall be 1830mm X 920mm cylinder shape formed to 300mm diameter and are to be hot dipped galvanised, with an overall weight of 0.25kg/ft.

Where the use of tree guards is specified, a 2.75M length of tree stakes specified above should be used.

Supply and Planting of Shrubs, Climbing Plants and Hedges

Shrubs shall be provided and planted in precise locations as agreed by Galway County Council. Shrubs shall be as is defined and described in British Standard Specification No. 3936; 1992. entitled "Nursery Stock Part 1. Specification for Trees and Shrubs".

Standards of workmanship and materials used shall be as is described in British Standard Specification No. 4428; 1989, entitled "Code of Practice for General Landscape Operations", Section

9. All shrubs be true to name, vigorous, well grown specimens of their type, free from disease and insect pest. All shrubs shall be container grown in removable plastic containers unless otherwise stated. Shrubs considered to have inadequate size development at the time of planting must be replaced upon the instructions of Galway County Council.

Replacement Planting: The landscape contractor shall replace during the following planting season all plants which fail to show growth or develop full foliage during the first growing season after planting. All such replacement planting shall be at the landscape contractor's expense who shall also be responsible for any preparatory and other work necessary to be properly carried out, including the removal and disposal of dead plant material.

Grass Maintenance on Reseeded Areas: The Developers shall carry out the following operations prior to taking in charge by Galway County Council - stone picking down to 25mm, weed elimination, cutting, repair of all erosion and settlement, filling of all holes to ensure uniform grading throughout and reseeded as necessary to establish a uniform and healthy stand of the specified grasses.

APPENDIX 3

Taking in Charge Application Form

Taking in Charge Application Form

**COMHAIRLE CHONTAE NA GAILLIMHE
GALWAY COUNTY COUNCIL**

Application to have development taken in charge by Galway County Council

Applicants Name:	_____	
Applicants Address:	_____	
Telephone No.:	_____	
Development Name:	_____	
Development Location:	_____	
O.S. Map No:	_____	
Planning Reference Numbers:	_____	
Development Contribution Receipt Numbers:	_____	
Connection Fee Receipt Numbers:	_____	
Value and Type of Bond	_____	
No. of Houses:	_____	
No. of Apartments:	_____	
No. of Commercial Units	_____	
As-Constructed Drawings Completed by:	_____	
Qualification:	_____	
Items Submitted with this Application Form: (Tick as appropriate <i>J</i>)		
As Constructed Drawings	<input type="checkbox"/>	<input type="checkbox"/>
Public Lighting Design	<input type="checkbox"/>	<input type="checkbox"/>
Third Party Insurance Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Professional Indemnity Insurance Details	<input type="checkbox"/>	<input type="checkbox"/>
Copies of Wayleaves	<input type="checkbox"/>	<input type="checkbox"/>
Drainage Layout Plan (diskette)	<input type="checkbox"/>	<input type="checkbox"/>
Grass Seed Mixture Certification	<input type="checkbox"/>	<input type="checkbox"/>
CCTV Survey & Report of Collection Systems	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Development Safety File as required under Health, Safety and Welfare Act 2005 (See Overleaf)	<input type="checkbox"/>	<input type="checkbox"/>
<p>I the undersigned hereby apply to have the following elements of the above development taken in charge by Galway County Council.</p> <p>Signed: _____ Date: _____</p> <p>Developer</p>		

Development Safety File

Under current Health and Safety legislation, on completion of a development, a safety file containing information relevant to the development works must be passed on to the local authority if it is intended that the development is to be taken in charge. If it is intended that the development is to be maintained by a private management company, the safety file must be passed on to the management company.

The safety file for a development is a record of information for the end user that focuses on safety and health. The information it contains will alert those who are responsible for the structure and services in it of the significant safety and health risks that will need to be addressed during subsequent maintenance repair of other construction work. Relevant information, which could be included in the safety file, may include:

- Construction drawings, specifications etc used and produced throughout the construction process;
- General design criteria;
- Details of equipment and maintenance facilities within the development;
- Maintenance procedures and requirements for the development;
- Manuals, and where appropriate certificates, produced by specialist contractors and suppliers which outline operating and maintenance procedures and schedules for plant and equipment installed as part of the development, typically lights, electrical and mechanical installations, gas and heating installations and window cleaning; and details of location and nature of utilities and services, including emergency and fire-fighting systems;

1. Public Lighting

No of Public Lights: _____

Type of Lantern: _____

If any of the lanterns are non standard (i.e. Not in accordance with Specification) _____

Please indicate (1) TYPE _____

(2) Supplier of Replacement Parts _____

(3) No. of Lanterns _____

2. Roads and Footpaths

Length of Roadway: _____ (metres)

Length of Footpath: _____ (metres)

3. Watermains

Lengths (m)	Diameters (mm)	Material	Class

4. Foul Sewers

Number of foul sewer manholes: _____

Lengths (m)	Diameters (mm)	Material

5. Surface Water Sewers

Number of S.W.S. Manholes: _____

Number of Road Gullies: _____

Lengths (m)	Diameters (mm)	Material

6. Open Spaces

Area(s) _____ Hectares

THIRD PARTY CERTIFICATION

Certificate No. 1

For the benefit of Galway 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 for Site Development Works for Housing areas" - Department of Environment and Local Government (November 1998) or relevant document at the time of construction
- (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) or relevant document at the time of construction

Signed: _____ Block Capitals _____
Third Party
Date _____

Qualification: _____

Certificate no. 2

- (c) For the benefit of Galway County Council, this is to certify that the roads, footpaths, open spaces and Public Lighting comply with the requirements of Galway County Councils "Taking in Charge Policy for Private Housing Developments" document and all subsequent revisions.

Signed: _____ Block Capitals _____
Third Party
Date: _____

Qualification: _____

Certificate No. 3

For the benefit of Galway County Council, this is to certify that the development has been constructed in substantial compliance with the Planning Permission granted.

Signed: _____ Block Capitals _____
Third Party
Date _____

Qualification: _____

APPENDIX 4

Bond

Bond

KNOW ALL MEN BY THESE PRESENTS that we:

_____ of _____ hereinafter called "the Developer" and

_____ (hereinafter called "the Surety") are hereby jointly and severally bound to

GALWAY COUNTY COUNCIL OF COUNTY HALL, PROSPECT HILL, GALWAY (hereinafter called "the Planning Authority") in the sum of € _____ to be paid to the Planning Authority its Successors and Assigns for the payment of which said sum well and truly to be made and done the Surety and Developer bind themselves their successors and assigns jointly and severally.

SEALED AND DATED this _____ day of _____ 200 .

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

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

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

But otherwise it shall remain in full force and virtue unless or until such time as the development is taken in charge by Galway County Council.

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

THIS BOND provides that all monies which become due and payable by the Surety under the Bond shall be payable and paid in the Republic of Ireland .and the applicable laws for the purposes of any litigation shall be the laws of Ireland.

IN WITNESS WHEREOF the Developer has hereunto signed his / her name affixed its Common Seal and the Surety has caused its Corporate Seal to be hereunto affixed the day and year first above written.

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

DIRECTOR

DIRECTOR / SECRETARY Dated the

day of 200 .

SIGNED SEALED AND DELIVERED BY THE SAID

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

DIRECTOR

SECRETARY

Dated the _____ day _____ of 200 .

APPENDIX 5

Verification of Professional Indemnity Insurance

Verification of Professional Indemnity Insurance Min. Amount of Cover €6.5 million



(Copies of actual policy also to accompany this document)

Name and address of insured: _____

Description of Business: _____

Policy No: _____

Name/Address of Insurers/Underwriters: _____

Period of Insurance: _____

Renewal Date: _____

Retroactive Date: _____

Limit of Indemnity any one claim: _____

Limit of Indemnity any one period of insurance: _____

Excess applying to each claim: _____

Aggregate Excess: _____

Does cover include sub consultants? _____

Does cover include Joint Venture Projects? _____

Are there are any Restrictions/Limitations/Warranties in relation to the Policy connected with the Project? _____

If so, provide details: _____

APPENDIX 6

An Application Guide for Residents

Introduction

The statutory procedures for taking housing estates in charge following construction are set out in Section 180 of the Planning & Development Act 2000. Where a Planning Authority proposes to take an estate in charge, it must initiate the procedures under Section 11 of the Roads Act 1993. This essentially requires the passing of a resolution by the Elected Members declaring the roads within the estate to be public roads. When a road within a housing estate is declared a public road, the Planning Authority is deemed to take in charge open spaces, carparks, sewers, watermains or drains within the attendant grounds of the development.

This policy sets out the terms and conditions under which Galway County Council in accordance with Section 180 of the Planning & Development Act 2000, will accept, manage and approve requests for the taking in charge of estates by residents' associations.

This policy is not a substitute for existing or future enforcement provisions under the Planning and Development Act 2000, or for the requirements under any Planning Permission to provide or submit a bond or other surety and does not impede on Galway County Council's power under Section 180 to apply any security given for the satisfactory completion of the development. The objective of the policy is to provide a framework for the taking in charge of estates when requested to do so by residents of an estate.

(i.e. the developer may still be pursued by enforcement for non-compliance issues even though the estate is taken in charge by GCC.)

Should Galway County Council receive a petition from residents under Section 180 of the Planning and Development Act 2000 and the development, the subject of the petition, appears to be completed then Galway County Council will inform the developers of the receipt of the petition and request that the developer commence the process. In the event of the developer not complying with this request the following terms shall apply for the processing of the application.

Application

All applications for the taking in charge of estates made by residents must be accompanied by:

1. Completed application form (see Appendix A).
2. Signed plebiscite from the residents of the estate.
3. Documentary evidence of correspondence between residents and developer.

Process

On receipt of an application and the relevant documentation as requested; Galway County Council will commence a process of inspection of the site and assessment of the documentation submitted. This may involve some or all of the following: -

- Site visits.
- Procurement of technical information (e.g. CCTV Survey).
- Meetings with the residents.

An inspection of the estate will be carried out in conjunction with a representative of the Residents' Association. The main role of the representative will be to keep the Residents' Association informed and to compile a list of issues that the residents consider need to be addressed prior to taking over the estate.

Where requests are received, the Council will endeavour to liaise with the developer to have outstanding work carried out. Where this is not possible, an assessment will be carried out by the Council to ascertain the extent of works required to bring the estate up to an acceptable standard. Funding may be made available from Local Authority resources to complement monies retained on deposit (bond) to secure satisfactory completion subject to normal budgetary requirements.

Timescale

It is envisaged that Galway County Council will seek to have applications for taking in charge considered through its normal statutory process within six months of receipt. Therefore residents can expect that once all material is submitted and if all of the documentation is to the standard required that the process for taking in charge should be placed before the Council within six months.

Protocol

1. Within two weeks from receipt of the request for taking in charge, the authority will acknowledge receipt of the request.
2. Within two months of receipt of request for taking in charge, the authority will in conjunction with a representative of the residents association, carry out a comprehensive inspection of the development, and notify the developer in writing of all outstanding issues associated with the satisfactory completion of the development.
3. In the event of an absentee developer an assessment will be carried out by the Council officials to ascertain the extent of works required to bring the estate up to a taking in charge standard.
4. The Taking in Charge Department in association with the Law Agents office will prepare the necessary documentation in order to draw down on the security retained by Galway County Council to secure the satisfactory completion of the estate.
5. A file will be prepared and referred to the enforcement department of Galway County Council highlighting any aspects of the built development which is not in accordance with the planning permission granted. The enforcement department will then pursue the developer as appropriate.

6. The taking in charge department will make a report and recommendation either to take the development in charge or not.
7. In the event that the development is recommended for taking in charge, the necessary procedures under Section 11 of the 1993 Roads Act will be put in motion.
8. The Elected Members pass a resolution declaring the roads within the estate to be public roads.
9. Following a decision to take the development in charge, details will be entered in the planning register. A Managers Order will then be prepared with map attached; stating that the area defined on the map has been taken in charge and this will be recorded in the register (which is of course available for public inspection).
10. The Taking in Charge Section in liaison with the relevant local area office will prepare an itemised schedule of works required to complete the development satisfactorily. Tenders shall be duly advertised and sought from competent contractors to carry out the necessary works; subject to available resources.

APPENDIX A

Taking in Charge Resident Application Form

COMHAIRLE CHONTAE NA GAILLIMHE
GALWAY COUNTY COUNCIL

Application to have development taken in charge by Galway County Council

Residents Association Name:	
Address for Correspondence:	
Telephone No.:	
Development Name:	
Developer Name:	
Development Location:	
Planning Reference Numbers (if known):	
No. of Houses:	
No. of Apartments:	
Items Submitted with this Application Form: (Tick as appropriate ✓)	
Completed application form	
Signed plebiscite	
Correspondence with developer	
I/We the undersigned hereby apply to have the following elements of the above development taken in charge by Galway County Council.	
Signed: _____	Date: _____
Residents	

Please provide as much information as possible:

1. Public Lighting	
No of Public Lights:	
Type of Lantern:	
2. Roads and Footpaths	
Length of Roadway:	(metres)
Length of Footpath:	(metres)
3. Foul Sewers	
Number of foul sewer manholes:	
4. Surface Water Sewers	
Number of S.W.S. Manholes: _____	
Number of Road Gullies: _____	
5. Open Spaces (approx.)	
Area(s) _____ hectares	

NB. Please alert a County Council official if any services are on or running through private property as this may require a wayleave agreement to be entered into.