



**Comhairle Chontae Dhún Laoghaire–Ráth an Dúin  
Dún Laoghaire–Rathdown County Council**

**TAKING IN CHARGE POLICY  
FOR  
RESIDENTIAL DEVELOPMENTS  
GUIDANCE DOCUMENT**

**April 2016**

## CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	
1.1	Interpretation	4
1.2	Scope	4
1.3	Legislative Framework for Taking in Charge Residential Developments	4
1.4	Required Standards for new Residential Developments	5
1.5	Planning Conditions applicable to Residential Developments	5
<b>2</b>	<b>TAKING IN CHARGE OF RESIDENTIAL DEVELOPMENTS</b>	
2.1	Facilities which may be Taken in Charge by the County Council	6
2.2	Facilities which will not be Taken in Charge by the County Council	6
2.3	Maintenance Services which may be provided by the County Council	6
2.4	Private Areas not Taken in Charge by the County Council	7
	2.4.1 Private Areas	
	2.4.2 Management Companies	
	2.4.3 Standards of Construction for Development Works in Private Areas	
	2.4.4 Wayleaves for Public Services routed through Private Areas	
<b>3</b>	<b>SATISFACTORY COMPLETION OF RESIDENTIAL DEVELOPMENTS</b>	
3.1	General Principles for Taking in Charge	8
3.2	Phased Taking in Charge of Residential Developments	8
3.3	Standards Required for Development Works	8
3.4	Information to be submitted at Taking in Charge stage	8
3.5	Inspection of Construction Works	9
3.6	Enforcement	9
<b>4</b>	<b>PROTOCOL FOR TAKING IN CHARGE A RESIDENTIAL DEVELOPMENT</b>	
4.1	Period for lodgement of request for Taking in Charge	11
4.2	Timeframe for dealing with a request for Taking in Charge	11
4.3	Release of Bond/Security following Taking in Charge	11
<b>5</b>	<b>TAKING IN CHARGE OF OLDER RESIDENTIAL DEVELOPMENTS</b>	
5.1	Requests to Take in Charge Older Residential Developments	12
5.2	Older Residential Developments completed satisfactorily	12
5.3	Older Residential Developments not completed satisfactorily	12

## **Appendices**

Appendix 1	-	Summary of website links to guidance documents	13
Appendix 2	-	Sample Planning Conditions relating to Taking in Charge	14
Appendix 3	-	Application Form for Taking in Charge and/or Release of Bond/Security	15
Appendix 4	-	Drawing indicating areas for Taking in Charge	19
Appendix 5	-	Wayleave Agreement Form	20
Appendix 6	-	Contact Details	24

## 1 Introduction

### 1.1 Interpretation

For the purposes of this document the following terms shall be interpreted as described below:

**County Council:** Dún Laoghaire-Rathdown County Council.

**Taking in Charge:** Taking in charge involves the County Council taking control of certain roads, services and public areas associated with a residential development, and being responsible for their future maintenance.

**Private Areas:** Areas of a residential development not taken in charge by the County Council.

**Private Development:** A residential development not taken in charge by the County Council

**Development Works:** The development works referred to in this document include roads, public lighting, sewers, watermains and open spaces.

**Public Services:** Drainage systems, water distribution systems, public lighting installations, and all ancillary apparatus, which are taken in charge by the County Council.

### 1.2 Scope

This document outlines the policy of the County Council in relation to the efficient and timely taking in charge of residential developments, including certain elements in apartment and duplex developments. It is the intention of the County Council to take in charge residential developments as expeditiously as possible upon receipt of a valid request to do so.

The guidance in this document may be updated from time to time. The current version of this document is available on the County Council's website at:

<http://www.dlrcoco.ie/aboutus/councildepartments/planning/findit/buildingcontrol/>

It is advisable to check that the most up to date version of this document is being referred to.

### 1.3 Legislative Framework for Taking in Charge Residential Developments

Where a development includes the construction of two or more houses and the provision of new roads, open spaces, car parks, sewers, watermains or drains, and the development has been carried out and completed in accordance with the planning permission and any conditions to which the permission is subject, Section 180 of the Planning and Development Act 2000, as amended, empowers the County Council, where requested by the person carrying out the development, or by the majority of the owners of the houses involved, to initiate procedures under Section 11 of the Roads Act, 1993.

Section 11 of the Roads Act, 1993 empowers the County Council to declare a road to be a public road.

Section 180 of the Planning and Development Act 2000, as amended, requires that where a road within a development is declared to be a public road, the County Council shall also take in charge any public open spaces, public car parks, sewers, watermains or service connections within the development.

## 1.4 Required Standards for new Residential Developments

The standards required by the County Council for completion of new residential developments are those applicable at the date of grant of planning permission. The County Development Plan sets out the County Council's policies for continuing sustainable development within its administrative area. Local Area Plans set out detailed guidance for development in the relevant areas. The current versions of these documents are available on the County Council's website at:

<http://www.dlrcoco.ie/aboutus/councildepartments/planning/>

The Department of the Environment, Community and Local Government has provided guidance on the design of residential developments, including the following documents:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Urban Design Manual – A Best Practice Guide (2009)
- Design Manual for Urban Roads and Streets (2013)
- Sustainable Urban Housing: Design Standards for New Apartments (2015)

These documents are available on the Department's website at:

<http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/Planning/PlanningGuidance/>

Guidance on the standards required for development works is set out in the Development Works Guidance Document produced by the County Council. The current version of this document is available to view on the County Council's website at:

<http://www.dlrcoco.ie/aboutus/councildepartments/planning/findit/buildingcontrol/>

The same standards apply to the construction of development works irrespective of whether a development is to be taken in charge or managed and maintained by a private management company.

## 1.5 Planning Conditions applicable to Residential Developments

Section 34 of the Planning and Development Act 2000, as amended, provides the legislative basis for attaching conditions to planning permissions. The Planning Authority may attach appropriate conditions to grants of permission for residential development in relation to:

- The giving of adequate financial security and the length of time the security must remain in place.
- The phasing of a development, if appropriate.
- The completion of a development in accordance with specified standards.
- The evidence to be produced by a developer to demonstrate that a residential development has been completed to the appropriate standards and the time period for the production of such evidence.
- The maintenance by a developer of a residential development until such time as it is taken in charge.
- Details of those areas to be taken in charge and those areas which are to remain private.

A sample list of the types of planning conditions which may be attached to planning permissions are set out in Appendix 2.

## **2. Taking in Charge of Residential Developments**

### **2.1 Facilities which may be Taken in Charge by the County Council**

The County Council will seek to address the taking in charge issue at the pre-planning and/or planning application stage when the type of residential development and the standards proposed can be ascertained and considered. As a general principle the County Council requires that developers set out at an early stage a clear and discernible delineation between those areas that are proposed to be taken in charge and those areas that will remain the responsibility of the property owners (or combinations of property owners who may assemble in their common interest).

The following elements of a residential development will be considered by the County Council for taking in charge:-

- Public roads and footpaths.
- Unallocated street parking areas.
- Public water supply, including fire hydrants.
- Foul and storm water drainage systems.
- Public lighting installations.
- Public open spaces (spaces to which the general public have access), but not including incidental ornamental/landscaped areas or shrubberies.
- Playgrounds and play lots, where these are required by condition of a planning permission as facilities for public use.

### **2.2 Facilities which will not be Taken in Charge by the County Council**

The County Council will not take in charge the following:

- External private shared facilities in developments, including apartments and duplexes, which are exclusive to the development, e.g. boiler houses, switch rooms, storage areas, bin storage areas, communal private gardens, private open spaces, and private playgrounds.
- Developments where responsibility for future maintenance has been allocated to a private management company by way of a condition of the planning permission.
- Allocated car parking spaces.
- Highly landscaped open spaces.
- Boundary walls between private property and public open spaces/roads/footpaths.

### **2.3 Maintenance Services which may be provided by the County Council**

Where elements of a residential development are taken in charge by the County Council, the maintenance services that will be provided by the County Council for those elements will include the following:

- Maintenance of roads and footpaths, including unallocated street car parking.
- Maintenance of water mains and drainage services.
- Repair and reinstatement of roads, footpaths and public open spaces resulting from repair and/or maintenance of underground services (water mains and drainage services) carried out by the County Council.
- Road sweeping and cleaning services of the principal public routes within the residential development.
- Upkeep and maintenance of public lighting installations.
- Maintenance of public open spaces and, subject to specific arrangements, of monuments and other such structures contained therein.
- Upkeep and maintenance of all surfaces, fixed elements and rigid play equipment in play lots and playgrounds.

## **2.4 Private Areas not Taken in Charge by the County Council**

### **2.4.1 Private Areas**

Areas designated by way of a planning condition to be managed and maintained by a management company will be considered to be private, and will not be taken in charge by the County Council.

### **2.4.2 Management Companies**

It is the general policy of the County Council not to require by way of a planning condition the establishment of management companies in traditional housing developments, i.e. developments of houses with individual private gardens. Management companies may be required in such developments under certain circumstances, e.g. to maintain a specific facility which is for residents use only (such as a private playground).

In residential developments of apartments and/or duplexes of four dwellings or more, management companies are normally required by way of a planning condition to maintain:

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

In residential developments comprising houses, apartments, duplexes or a mix of any of these, the establishment of a management company may be required by way of a planning condition in certain circumstances, including the following:

- 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.
- To maintain facilities which though not necessarily inaccessible to the general public are not required to be taken in charge, e.g. highly landscaped open spaces, allocated car parking spaces.

The developer of a residential development, some or all of which is to be managed and maintained by a management company, is required to comply with the provisions of the Multi-Unit Developments Act 2011. This Act sets out the requirements for, and obligations of, a management company.

### **2.4.3 Standards of Construction for Development Works in Private Areas**

The standards of construction required for development works in private areas are the same as those for areas which are to be taken in charge. These standards take into consideration potential future maintenance costs which will be the responsibility of the management company.

### **2.4.4 Wayleaves for Public Services routed through Private Areas**

Wayleaves are required by the County Council for any sections of public services which are to be laid in private properties, and to be subsequently offered to the County Council for taking in charge. Such wayleaves are necessary to facilitate access by the County Council for future maintenance of the public services.

### **3. Satisfactory Completion of Residential Developments**

#### **3.1 General Principles for Taking in Charge**

In order for a residential development to be taken in charge, the following requirements must be fully met:

- The development, including the development works, must be constructed in accordance with the planning permission(s) granted and any conditions attached thereto.
- The development works must be constructed to the standards required by the County Council, including those set out in the Council's Development Works Guidance Document.
- All development contributions must be paid in full.
- Part V agreement(s) must be satisfactorily completed
- All connection fees must be paid in full.
- Bonds/securities must be lodged.

#### **3.2 Phased Taking in Charge of Residential Developments**

Applications for phased taking in charge of a development may be considered in instances where phases are completed and are appropriately isolated and separated from the remainder of the development yet to be completed.

#### **3.3 Standards required for Development Works**

The standards required for development works are set out in the Development Works Guidance Document produced by the County Council, and in the other complementary guidance documents listed in Section 1.4.

#### **3.4 Information to be submitted at Taking in Charge stage**

When a developer wishes to have a residential development taken in charge, and is satisfied that the development works have been completed in accordance with the requirements and standards set out in this document, the developer should submit an Application form for Taking in Charge and/or Release of Bond/Security to the Planning Department of the County Council. Refer to Appendix 3 for the application form.

The application form should be accompanied by the following drawings and documentation:

- A drawing showing the areas to be offered by the developer to the County Council for taking in charge. The drawing should outline the areas of roads, footpaths and public open spaces being offered for taking in charge, together with wayleave areas, in the manner indicated on the sample drawing in Appendix 4.
- Detailed "as-constructed" drawings, in both hard-copy and approved digital format, of the roads, public lighting, sewers, water mains and open spaces, together with a list of the drawings and documents submitted.
- The drawings showing details of the drainage should be prepared to the format shown in Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works, and should include a list of the National Grid Co-Ordinates (accurate to +/- 300mm) for the manholes, cover and invert levels, upstream and downstream pipe diameters, pipe materials and direction of flow. The layout should be accurately positioned (+/- 300mm relative to local detail) on the latest published version of the ordnance survey 1:1000 series. All dimensions shall be metric, and all levels must be related to Ordnance Survey Datum, Malin Head, to an accuracy of +/- 25mm, and stating which benchmark was used. Drawings showing longitudinal sections of the sewers shall also be provided. The drawings should include locations and details of attenuation systems.



- Confirmation from the developer's Engineer that all drainage works to be taken in charge have been constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.
- A CCTV survey of the sewers, both in hard-copy and digital format, carried out by an approved contractor, together with a report on the findings from the developer's Engineer.
- The drawings showing details of the water distribution systems should include a list of the National Grid Co-Ordinates (accurate to +/- 300mm) for valves and hydrants, and should indicate their locations on the drawings. Drawings showing longitudinal sections of the watermains shall also be provided.
- The drawings showing details of the public lighting system shall indicate the locations of the public lighting columns, mini-pillars and cable ducting, together with appropriate wiring diagrams. The drawings shall also clearly indicate how the public lighting system in private areas is segregated from the system in areas to be taken in charge. Any other relevant documentation to support the maintenance of the public lighting installation should be provided, including relevant ETCI Certification for the cabling and lighting installations.
- A report on the road cores taken at the locations agreed with the County Council.
- Appropriate records, manuals, specifications and maintenance agreements to enable the roads, public lighting, sewers, water mains and open spaces to be maintained to an appropriate standard in the future. Copies of relevant Irish, UK or EU Agreement Certs (or equivalent) for all SuDS systems/devices should be included.
- Any Wayleave Agreements and related drawings required to enable the County Council to maintain public services which are to be taken in charge and which are laid in private areas. Refer to Appendix 5 for the template Wayleave Agreement Form. The drawings should show the location, type and size of the services to be taken in charge within the private areas. The developer must satisfy the County Council that a right of access is available and that any necessary wayleaves have been obtained, and any land transfers have been completed. All such wayleaves must be incorporated in the Title Deeds of the private properties concerned. Written confirmation that this has been complied with shall be furnished by the developer to the Building Control Section.

### **3.5 Inspection of Construction Works**

During the construction period, the County Council will carry out inspections on residential developments to be taken in charge.

On completion, the developer must satisfy the County Council that the development has been carried out and completed in accordance with the planning permission and any conditions to which the permission is subject. Also, that the development works have been designed and constructed in accordance with the guidance in this document, and are performing satisfactorily.

On receipt of an application form and accompanying documentation, the County Council will carry out additional inspections on the development, and may require further tests to be carried out. Following this, a list of any outstanding and remedial works necessary to bring the development works up to the required standards will be sent to the developer. The County Council will monitor the carrying out of such works, and will re-inspect the development on their completion to ensure that they have been carried out to the required standards.

### **3.6 Enforcement**

To avoid the necessity to make a claim on the bond/security, the County Council may pursue early enforcement action under the Planning and Development Acts. Should such a situation arise, the County Council will notify the developer of the planning conditions which have not been complied with, together with details of the issues to be addressed, and a time period within which they are to be completed. Further non-compliance will result in legal action being taken by the County Council.

Should a developer fail to construct, complete, make good and maintain the development works in a satisfactory manner, the County Council reserves right to carry out any works, which in the opinion of the County Council are necessary, and to recover the cost from either the developer or from the bond/security.

## **4. Protocol for Taking in Charge a Residential Development**

### **4.1 Period for lodgement of request for Taking in Charge**

The period for receipt of an application from a developer to take in charge a development should not be later than one year after the substantial completion of the building works on site.

### **4.2 Timeframe for dealing with a request for Taking in Charge**

Upon receipt of a satisfactory Application Form for Taking in Charge and/or Release of Bond/Security, the following timeframe shall apply to the process:

- Within two weeks, the County Council will acknowledge receipt of the request, and will list any further requirements.
- Within six weeks, the County Council will, in conjunction with the developer, carry out inspections of the development.
- Within two weeks of the completion of the inspections, the County Council will notify the developer in writing of any outstanding and remedial works necessary to effect the satisfactory completion of the development.
- On receipt of notification, the developer will advise the County Council of the period required for the completion of the necessary works. This period should preferably be within four weeks of notification, but should not exceed a period of six months. The developer will notify the County Council when the works commence on site, and when they have been completed.
- Within four weeks of being notified of the completion of any outstanding and remedial works, the County Council will arrange for a final inspection of the development to determine the satisfactory completion of the works
- Upon the final inspection of the development, or phase of the development, and satisfactory completion of the works, the County Council will proceed to take the development, or phase of the development, in charge. All reasonable efforts will be utilised to ensure that formal procedures are completed for the taking in charge process with minimum delay.

### **4.3 Release of Bond/Security following Taking in Charge**

The bond/security lodged with the County Council will be released when the development is taken in charge, provided that the General Principles as set out in Section 3.1 have been met. A partial release of a bond/security may be considered in a situation where individual phases of a development are taken in charge on an incremental basis over time.

## **5. Taking in Charge of Older Residential Developments**

### **5.1 Requests to Take in Charge Older Residential Developments**

Where a development was not offered to the County Council for taking in charge by the developer at the time of its completion, and the majority of the owners of the houses subsequently request that it be taken in charge, the County Council will check whether:

- The development has been carried out and completed in accordance with the planning permission and any conditions to which the permission is subject.
- The development works have been designed and constructed in accordance with the guidance in this document, and are performing satisfactorily.

The results of the above investigations will show whether the development has been completed satisfactorily, and if not, will identify the additional and remedial works required, and the costs for carrying them out.

The County Council cannot accept requests for taking in charge developments where responsibility for future maintenance has been allocated to a private management company by way of a condition of the planning permission.

### **5.2 Older Residential Developments completed satisfactorily**

Where the investigations show that an older development has been completed satisfactorily, the County Council will commence the taking in charge procedure within a two month period.

### **5.3 Older Residential Developments not completed satisfactorily**

The County Council will maintain a list of requests for taking in charge older developments which have not been completed satisfactorily. This list will be prioritised, taking into account such factors as the date of application, the condition of the development, and the length of time since its construction. New requests for taking in charge such developments will be added to the priority list, as appropriate.

In relation to these developments, the County Council will investigate whether the necessary works can be carried out at the expense of the developer, through enforcement action, or whether a claim can be made on the bond. If these options are not possible, or are unsuccessful, the costs of the necessary works will be funded by the County Council, where such resources are available.

## **Appendix 1 – Summary of website links to guidance documents**

It is advisable to check on the websites that the most up to date version of the documents are being referred to.

### **Guidance documents produced by the Department of the Environment, Community and Local Government.**

The Department of the Environment, Community and Local Government has provided guidance on the design of residential developments, including the following documents:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Urban Design Manual – A Best Practice Guide (2009)
- Design Manual for Urban Roads and Streets (2013)
- Sustainable Urban Housing: Design Standards for New Apartments (2015)

The above documents are available on the Department's website at:

<http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/Planning/PlanningGuidance/>

### **Guidance documents produced by Dun Laoghaire-Rathdown County Council**

The County Council has provided guidance on standards for planning and for development works, and on taking in charge policy, including the following documents:

- The County Development Plan
- Local Area Plans

The above documents are available on the County Council's website at:

<http://www.dlrcoco.ie/aboutus/councildepartments/planning/>

- Taking in Charge Policy for Residential Developments
- Development Works Guidance Document

The above documents are available on the County Council's website at:

<http://www.dlrcoco.ie/aboutus/councildepartments/planning/findit/buildingcontrol/>

## **Appendix 2 – Sample Planning Conditions Relating to Taking in Charge**

### **Sample Conditions to provide control of site development works on new residential and industrial developments.**

1. Prior to commencement of development the applicant shall agree with the Planning Authority which areas of the proposed development are to be taken in charge by the Council. This shall be clearly detailed on a layout map. All areas not to be Taken in Charge by the Council shall be maintained by a properly constituted Private Management Company. Membership of this Company shall be compulsory for all purchasers of property in the development. Confirmation that this Company has been set up shall be submitted to the Planning Authority prior to the occupation of the first residential unit. Access for members of the public to the open space and links/accesses to and from adjoining public roads and footpaths outside of the development, over roads and footpaths which are to be vested in the Management Company, shall be maintained. All roads, services and open space are to be completed to the standards required for development works as set out in the Council's "Development Works Guidance Document".

REASON: To ensure a proper standard of residential development and maintenance of communal facilities, and access to public areas.

2. Those proposed private communal open spaces, private grouped car parking areas, all external elevations and private access roads, within the site to be retained in private ownership shall be maintained by a properly constituted Private Management Company. Membership of this Company shall be compulsory for all purchasers of property on the development. Confirmation that this Company has been set up shall be submitted to the Planning Authority prior to the occupation of the first residential unit.

REASON: To ensure a proper standard of residential development and maintenance of communal facilities

3. Prior to commencement of development the applicant shall submit full details of the Private Management Company for the written agreement of the Planning Authority. This shall include a detailed layout map of the development showing those areas to be Taken in Charge and those areas to be maintained by the Private Management Company. Membership of this Private Management Company shall be compulsory for all purchasers of property in the development. Confirmation that this Company has been set up shall be submitted to the Planning Authority prior to the occupation of the first residential unit. All roads, services and open spaces within the privately managed areas, irrespective of the management and maintenance regime to be put in place for these areas, shall be satisfactorily completed to the standard for development works as set out in the Council's "Development Works Guidance Document".

REASON: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

**Appendix 3 - Application Form for Taking in Charge and/or Release of Bond/Security**

**Dun Laoghaire-Rathdown County Council**

**Application Form for Taking in Charge and/or Release of Bond/Security**

Is application being made for Taking in Charge as well as Release of Bond/Security **YES/NO**

Development Name: \_\_\_\_\_

Development Address: \_\_\_\_\_

Developer's Name: \_\_\_\_\_

Developer's Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

O.S. Map No: \_\_\_\_\_

RBN: \_\_\_\_\_

Details of Bond/Security Lodged: \_\_\_\_\_

Development  
 Contribution Details: \_\_\_\_\_

Receipt Numbers: \_\_\_\_\_

Connection Fee Ref No's: \_\_\_\_\_

No of Houses: \_\_\_\_\_

No of Apts/Duplex: \_\_\_\_\_

**Items submitted with this Application:**

Refer to Section 9.2 of the Development Works Guidance Document published by the County Council for details of the drawings and documentation to be submitted. This document is available on the County Council's website at:

<http://www.dlrcoco.ie/aboutus/councildepartments/planning/findit/buildingcontrol/>

Indicate below whether the required drawing and documents are attached.

Detailed "as-constructed" drawings attached, in both hard-copy and approved digital format, of the roads, public lighting, sewers, water mains and open spaces.	Y/N
Drawings showing details of the drainage prepared to the format shown in Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works, and including a list of the National Grid Co-Ordinates (accurate to +/- 300mm) for the manholes, cover and invert levels, upstream and downstream pipe diameters, pipe materials and direction of flow. The layout should be accurately positioned (+/- 300mm relative to local detail) on the latest published version of the ordnance survey 1:1000 series. All dimensions shall be metric, and all levels must be related to Ordnance Survey Datum, Malin Head, to an accuracy of +/- 25mm, and stating which benchmark was used.	Y/N
Confirmation from the developer's Engineer that all drainage works to be taken in charge have been constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.	Y/N

Drawings showing details of the public lighting system indicating the locations of the public lighting columns, mini-pillars and cable ducting, together with appropriate wiring diagrams and other relevant documentation to support the maintenance of the public lighting installation, including relevant ETCI Certification for the cabling and lighting installations. The drawings should clearly indicate how the public lighting system in private areas is segregated from the system in areas to be taken in charge.	Y/N
A report on the road cores taken at the locations agreed with the County Council	Y/N
A CCTV survey of the foul and surface water sewers/drains, both in hard-copy and digital format, carried out by an approved contractor, together with a report on the findings from the developer's Engineer.	Y/N
Appropriate records, manuals, specifications and maintenance agreement to enable the roads, public lighting, sewers, water mains and open spaces to be maintained to an appropriate standard in the future, together with copies of relevant Irish, UK or EU Agreement Certs (or equivalent) for all SuDS systems/devices.	Y/N
Wayleave Agreements and Drawings for any sections of drainage systems, water distribution systems, or public lighting installations laid in private properties and being offered for taking in charge by the County Council.	Y/N

As constructed Drawings

Completed by: \_\_\_\_\_  
 \_\_\_\_\_

Qualifications: \_\_\_\_\_

List below the drawings and documents submitted:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**If some or all of the development works are being offered to the County Council for Taking in Charge, provide details of these:**

Roads: \_\_\_\_\_  
\_\_\_\_\_

Public Lighting: \_\_\_\_\_  
\_\_\_\_\_

Open Spaces: \_\_\_\_\_  
\_\_\_\_\_

Sewers: \_\_\_\_\_  
\_\_\_\_\_

Water Mains: \_\_\_\_\_  
\_\_\_\_\_

I confirm that the development referred to above has been completed:-

- (a) In accordance with the Planning permissions pertaining to this development. Planning Reference No:- \_\_\_\_\_ and all conditions attached thereto, and
- (b) in accordance with the following subsequent permission(s) granted and the conditions attached varying the parent permission (where applicable)

Subsequent Planning Reference Nos: \_\_\_\_\_

**Signed by Architect / Engineer:-** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Qualifications:** \_\_\_\_\_

I confirm that the Roads, Drainage Systems and Water Distribution Systems have been designed & constructed in accordance with the standards and requirements set out in the Development Works Guidance Document published by the County Council.

**Signed by Architect / Engineer:-** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Qualifications:** \_\_\_\_\_

I confirm that the Public Lighting Systems have been designed & constructed in accordance with the standards and requirements set out in the Development Works Guidance Document published by the County Council.

**Signed by Architect / Engineer:-** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Qualifications:** \_\_\_\_\_

I confirm that the Landscaped Areas have been designed, constructed and planted in accordance with the standards and requirements set out in the Development Works Guidance Document published by the County Council.

**Signed by Landscape Architect / Architect:-** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Qualifications:** \_\_\_\_\_

**Signed By The Developer:-** \_\_\_\_\_ **Date:** \_\_\_\_\_

---

For Office Use:

Inspection Report Building Control Section: Notes/Comment

Signed: (Inspector/Engineer) Date:-

Recommendation for release of Bond:-  
Signed:- Date:-

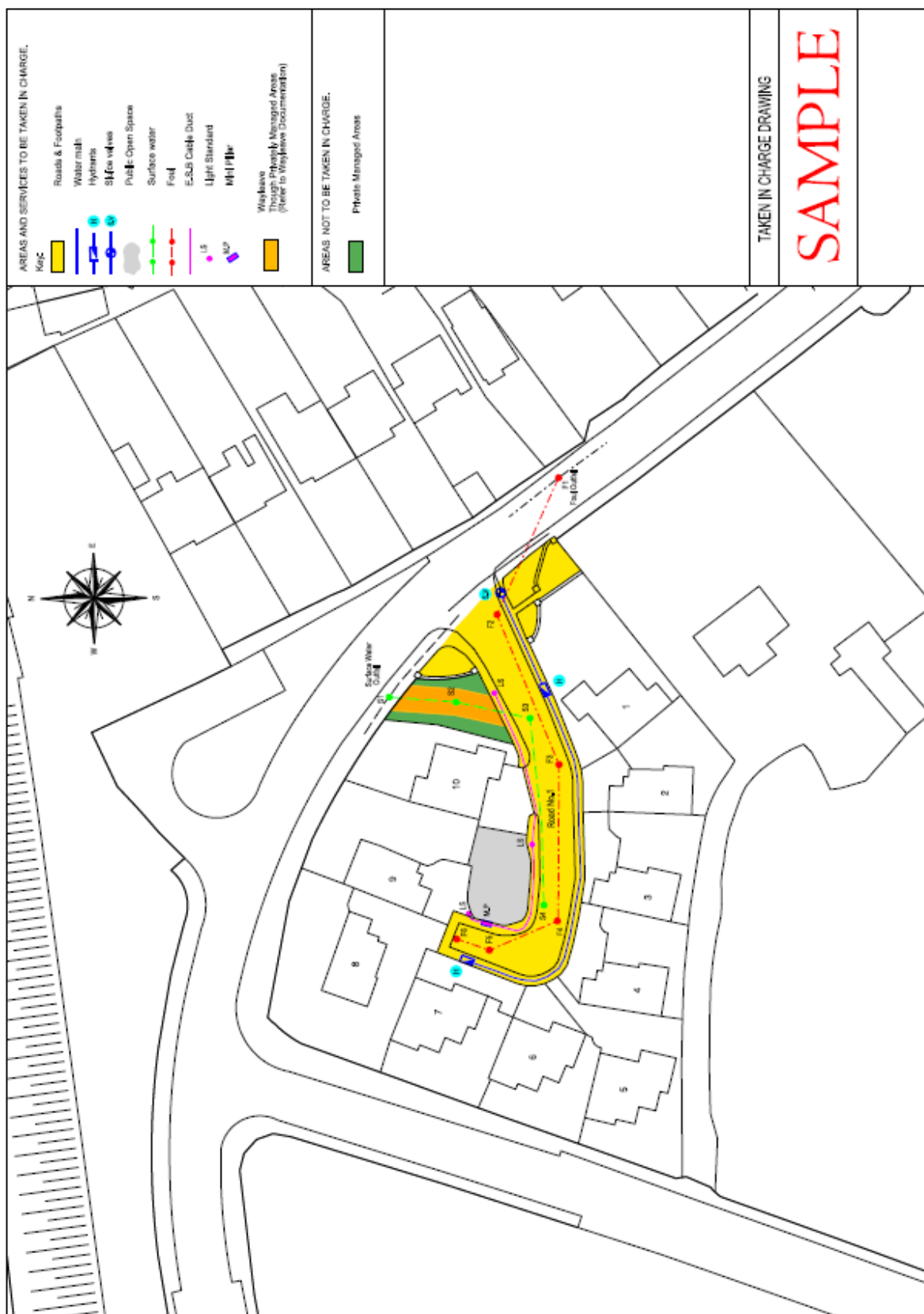
Managers Order for Release of Bond:- No.

Date:-

Bond Returned Date:-

File Closed Date:-

**Appendix 4 – Drawing indicating areas for Taking in Charge**



## **Appendix 5 – Wayleave Agreement Form**

**THIS AGREEMENT** made the        day of                                  between

having its registered office at  
(hereinafter called the **Grantor**) of the one part and **Dun-Laoghaire-Rathdown County Council** of  
County Hall, Dun Laoghaire in the County of Dublin (hereinafter called the **Council**) of the other part.

### **WHEREAS:-**

1. The Grantor is the owner of the land described in the Schedule hereto for an estate in Fee Simple (the **Grantor’s Lands**)
2. The Council is a Sanitary Authority for the purposes of Public Health (Ireland) Act, 1878 as amended and extended.
3. The Grantor has agreed to grant to the Council the easements, rights and privileges, hereinafter mentioned and the Council and the Grantor have respectively agreed to enter into the covenants hereinafter contained.

**NOW THIS AGREEMENT WITNESSETH** and it is hereby agreed and declared as follows:-

1. In pursuance of the said Agreement the Grantor, as beneficial owner **HEREBY GRANTS** unto the Council ALL such easements, rights and privileges as shall be necessary or proper or convenient to enable the Council to construct, lay, maintain, inspect, alter, enlarge, renew, replace, remove, divert, extend or render unusable foul sewers, surface water sewers and water mains and all necessary apparatuses ancillary thereto (hereinafter the **Services**) in accordance with the plan approved by the Grantor on that part of the lands of the Grantor situate at the residential development known as                                  in the County of Dublin and more particularly shown coloured red for foul sewers, green for surface water sewers and blue for water mains on drawing reference number                                  (hereinafter called the **Drawing**) annexed hereto (which portion of the Grantor’s Lands is shaded brown and shall be described as the wayleave area) for the carrying of the Services only together with such full and general right of access to that portion of the Grantor’s Lands shaded brown on the Drawing and also to those parts of the Grantor’s land containing conduits for public lighting and all necessary apparatuses ancillary thereto. It is hereby agreed between the Grantor and the Council that there shall be a general right of access by the Council from the public area across the Grantor’s land to the entirety of the wayleave area.
2. **THE COUNCIL** hereby covenants with the Grantor:-
  - 2.1 The Council will at its own expense keep the Services in proper repair and condition.
  - 2.2 The Council will pay and discharge all taxes, rates, duties, charges, assessments and outgoings (whether parliamentary, local or of any other description) which are now or may at any time hereafter be accessed, charged or imposed upon or payable in respect of the Services.
  - 2.3 The Council will not use or exercise any of the easements, rights or privileges hereby granted in such manner either to cause any unnecessary damage or injury to the Grantor’s Lands or so as to unnecessarily impede the free and uninterrupted access thereto and use thereof by the Grantor and/or the Purchasers of the Grantor.

- 2.4 If, in the course of using or exercising any of the easements, rights or privileges hereby granted, the Council or its servants or agents or workmen cause damage or injury in the manner hereinafter set forth and to the reasonable satisfaction of the Grantor or (if it is not practical to make good such damage or injury) the Council will make good the same and pay such adequate and proper compensation to the Grantor as may be mutually agreed with the respective parties and in default of agreement such compensation shall be fixed by Arbitrator appointed pursuant to clause 4 hereof.
- 2.5 The Council will at all times indemnify and keep indemnified the Grantor against all actions, proceedings, claims, demands, costs, damages and expenses claimed against, incurred by or payable by the Grantor arising out of any accident, damage or injury to any person (including the persons in the employment of the Grantor) whether directly or indirectly, arising out of or in respect of or as a result of the laying, maintenance, inspection, alteration, enlargement, renewal, replacement, removal, diversion, extension or rendering unusable the Services.
- 2.6 On completion of the works pursuant to this Agreement the Council shall immediately restore and make good any damage or injury on the Grantor's Land such works, including works of re-instatement, shall be carried out immediately upon completion of all work on the Services.
3. The Grantor hereby covenants with the Council that the Grantor will not do, permit or suffer to be done on the Grantor's Land anything directly or calculated:-
  - 3.1 to instruct or impede in any way access to the Services.
  - 3.2 to cause damage or injury to the Services and will take all necessary and proper precautions for the prevention of such damage or injury and in particular shall not erect or place over the Services any permanent buildings or other structures without having first obtained the consent of the Council in writing.
4. In case any dispute or difference arises at any time between the parties hereto such dispute shall be referred to Arbitration and the final decision of such persons as the parties hereto may agree to appoint as Arbitrator or in default of an Agreement an Arbitrator shall be appointed on the request of either party by the President of the Incorporated Law Society of Ireland and the decision of such Arbitrator shall be final and binding on the parties. Every reference to Arbitration under this Agreement shall be deemed to be an Arbitration within the meaning of the Arbitration Act, 1954 as amended or extended.
5. The Grantor hereby assents to the registration of this Agreement as a burden against the Grantor's Lands.
6. Nothing in the Agreement shall be deemed to be in substitution for or a diminution of the Council's statutory powers and duties whether arising under the Public Health (Ireland) Act, 1878, as amended or extended or otherwise.

#### **SCHEDULE**

ALL THAT AND THOSE ALL OF THE LANDS situate at the residential development known as in the County of Dublin  
which portion of the Grantor's Lands is shaded brown on drawing reference number  
annexed hereto and shall be described as the wayleave area

**IN WITNESS** whereof the parties hereto have caused their respective Common Seals to be hereunto affixed the day and year first above written.

**PRESENT** when the Common Seal of  
**THE GRANTOR**  
was affixed hereto:

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director/Secretary

**PRESENT** when the Common Seal of  
**DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**  
was affixed hereto:

\_\_\_\_\_  
Cathaoirleach na Chomhairle  
Chontae Dhun Laoghaire-Rath an Duin

\_\_\_\_\_  
Approved Officer

\_\_\_\_\_  
County Council Official  
County Hall, Dun Laoghaire

**Dated this**

**day of**

**20**

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**AGREEMENT**

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## **Appendix 6 - Contact Details:**

Planning and Organisational Innovation Department  
County Hall  
Marine Road  
Dún Laoghaire  
Co. Dublin.

Tel:- 205 4700

Email: [planning@dlrcoco.ie](mailto:planning@dlrcoco.ie)

Building Control Section  
Planning and Organisational Innovation Department  
County Hall  
Marine Road  
Dún Laoghaire  
Co. Dublin.

DDI:- 204 7957

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