

Galway City Council

Taking In Charge Policy

for

Private Housing Developments

PREFACE

This document outlines Galway City Council's policy in relation to the taking in charge of private housing developments. It is not a legal document; it is for guidance only. If clarification is required, reference should be made to the original Acts.

The statutory instruments for the Taking in Charge process are

- Principal Act: Planning and Development Act 2000; Section 180: "Taking in Charge of Estates",
- Amendment: Planning and Development (Amendment) Act 2010; Section 59: "Amendment of Section 180 of Principal Act",
- Roads Act 1993, Section 11: "Declaration of Public Roads",
- Water Services Act 2007, Section 43: "Connections".

Other Acts mentioned herein:

- Multi-Unit Developments Act 2011*

* Section 12.0

TABLE OF CONTENTS

Preface	2
1.0 Introduction.	4
2.0 Certification.....	5
3.0 General Conditions.....	6
4.0 Vesting Maps	9
5.0 Wayleaves.....	9
6.0 Public Lighting.	10
7.0 Roads and Footpaths	10
8.0 Water Services	11
9.0 Open Spaces	13
10.0 Gas Pipelines	13
11.0 Service Ducts.....	13
12.0 Owners' Management Companies	13
13.0 Checklist.....	14
Appendix A: Form TIC 1 (2014): “Application to have a Housing Development taken in charge by Galway City Council”	15
Appendix B: - An Application Guide for House Owners.	
- Form TIC 2 (2014): “Application to have a Housing Development taken in charge by Galway City Council, by house-owners' Plebiscite.”	25

1.0 Introduction

The statutory process for the taking in charge (TIC) of housing estates is set out in Section 180 of the Planning & Development Act 2000, as amended under the Planning & Development (Amendment) Act 2010, Section 59: “Amendment of Section 180 of the Principal Act”.

Where Galway City Council (GCC) proposes to take an estate in charge, it will initiate procedures under the Roads Act 1993, Section 11: Declaration of Public Roads. This requires the passing of a resolution by the elected members of Galway City Council declaring the roads within the estate to be public roads. When the resolution has been passed, GCC will take in charge where feasible open spaces, recreation areas, public car parks, roads, sewerage systems, drainage systems, watermains and public lighting within the development.

This document is to provide a framework for the TIC of an estate where requested by the Developer or by the majority of the owners of the houses involved.

For private housing estates, the following elements of a development will be considered by Galway City Council for TIC, subject to the conditions and requirements indicated below:

- Public lighting,
- Public roads, traffic calming, footpaths and cycleways,
- Watermains,
- Surface water sewers, storm water drainage,
- Foul Sewers,
- Fire Services including fire hydrants,
- Unallocated public surface parking areas,
- Recreation facilities, where they are provided for public use as a condition of Planning,
- Open Spaces,

- Walls, fences, boundaries which are abutted by open spaces, public roads or public footpaths, either existing or proposed, on both sides. [Boundary walls between private property and public open spaces /roads / footpaths remain the responsibility of the property owner and will not be taken in charge].

Developers shall note that liability for the above elements of a development, and the maintenance of associated health, safety and security issues, shall remain within the Duty of Care of the Developer until such time as Galway City Council takes the estate in charge.

Generally, sections of a development will not be taken in charge but in large scale developments GCC may consider the TIC of a completed phase provided it is in isolation of the remainder of the development, has a separate access point onto the public road and there is a clear demarcation between the phases. (In this instance, the bond for the entire estate would remain in place until the satisfactory completion of all phases, subject to planning conditions and to the approval of GCC).

Applications for residential development at planning stage should delineate the area that would potentially be taken in charge on the site layout map. Generally it is envisaged that certain core services will be TIC and the design of the approved development should facilitate this by separating the areas / facilities that will be TIC from those that will not; e.g. sewers and watermains should not be located under (landscaping or allocated private parking) areas that would not necessarily be taken in charge.

The services that will be provided by Galway City Council following the completion of the TIC process include the following:

- Maintenance of all roads and footpaths, including public street parking,
- Maintenance of watermains and drainage services, including Sustainable Drainage Systems (attenuation tanks etc.) where applicable,
- Operation and maintenance of foul and surface water pumping stations,
- Repair and reinstatement of roads, footpaths and landscaped areas resulting from repair and / or maintenance of underground services carried out by GCC,
- Upkeep and maintenance of public lighting installations,
- Consideration shall be given to the maintenance of public open spaces, subject to the prior approval of GCC's Parks Section.

2.0 Certification

2.1 The details of an “Application to have a Housing Development taken in charge by Galway City Council” must be certified by a bonded chartered civil engineer / consulting engineer or bonded / certified architect who holds professional indemnity insurance, minimum amount of cover €6.5 million. An undertaking by engineer / architect to keep this insurance in place for a period of 3 years after the date of certification must accompany submission.

2.2 Structural elements, e.g. retaining walls, will be certified by a structural engineer. The level of Professional Indemnity Insurance shall be agreed in writing with Galway City Council. Evidence of such insurance to be provided to GCC.

2.3 Certification of completed works to public open spaces and landscaping shall be by a registered landscape architect (Irish Landscape Institute) or Chartered Landscape Architect (UK Landscape Institute).

2.4 With respect to sites containing trees that were listed for retention as part of a new estate, the developer must issue certification from a qualified arborist approved by the Arboricultural Institute or equivalent professional body.

2.5 With respect to Play Facilities the developer must issue safety certification and construction compliance as required by GCC's Parks Section (part of Transportation, Infrastructure, Recreation & Amenity Department), and as per planning conditions.

3.0 General Conditions

3.01 The development is an authorised development.

3.02 The development has been constructed in full compliance with the Planning Permission granted.

3.03 All development contributions shall have been paid to Galway City Council in accordance with the Planning Permission granted.

3.04 All connection fees have been paid.

3.05 Any costs associated with the TIC process is to be paid by the Developer / Residents Association.

3.06 The developer/ owner will apply to have the development taken in charge by submission of completed Form TIC 1 (2014) "Application Form to have a Housing Development Taken in Charge by Galway City Council", as contained in Appendix A of this document.

3.07 All major elements of the development, roads, services, retaining structures, boundary walls etc. to be certified as per 2.0 above as complying with the requirements of current structural design and construction standards by the engineer / architect. Structural elements must be certified by a structural engineer. Where applicable, a basement shall have been designed as a water-retaining structure with a recommended minimum design Top Water Level of +4.00 m OD Malin.

3.08 As an alternative to 3.06, under section 59 of the Planning and Development (Amendment) Act 2010, GCC will consider an application to have an estate taken in charge where the majority of the owners of the houses involved hold a plebiscite and agree to apply for TIC. The completed Application Form TIC 2 (2014) (Appendix B) will be accompanied by the signed plebiscite. The Plebiscite shall be accompanied by verifiable evidence of ownership from the house-owners/signatories involved, with a supporting calculation to demonstrate that greater than 50% of house-owners have signed. The house-owners' application will be considered under due process, check for compliance with Planning Conditions etc., and the TIC of the estate will be subject to the discretion and budget constraints of GCC. If the estate is taken in charge, it does not alleviate the developer from his/her liabilities and the developer may still be pursued by Enforcement for non-compliance issues.

3.09 Any bond or security lodged with the Planning Authority will not be released until GCC deem the works to be completed satisfactorily and in full compliance with the planning conditions.

3.10 Roads, footpaths, public lighting, sewers, drains and water mains shall be constructed in accordance with the requirements / standards specified in **“Recommendations for Site Development Works for Housing Areas”** - Department of the Environment and Local Government (latest edition), and the latest edition of the **“Specification for Road Works”** published by the National Roads Authority; unless specified or required otherwise by Galway City Council.

3.11 The Developer shall furnish evidence to GCC that all Wayleaves / Consent to Access for services are reserved in perpetuum in the transfer documentation to house purchasers.

3.12 Three copies of as-constructed drawings (scale 1:500) of the development shall be submitted to GCC.

The drawings shall indicate the following information:

(i) The parts of the estate that are to be taken in charge (outlined in red), open spaces (coloured green), roads, footpaths and public lights, road names and house numbers. For large housing estates where several 1/500 drawings will be required to cover the estate, provide a minimum overlap of 20m. In this case 1/1000 Map(s) outlining the exact area to be taken in charge will be acceptable.

GCC will not take in charge forecourts, private parking areas or private common areas.

For mixed developments where private houses are located in proximity to apartments, townhouses, duplexes, shopping facilities, crèches and the like, it will be necessary to clearly delineate on the 1/500 drawings the property boundaries of such facilities or the area over which the management company will exercise control for maintenance and repair in the future. The developer must grant wayleaves to the management company for services that run through lands/ foot paths that are to be taken in charge.

(ii) All services including watermain, valves, hydrants, sewers, road gullies, telecommunication ducts/poles, electricity service provider ducts/poles, cablelink service provider ducts, gas mains and all manholes / chambers will be located accurately on the as-built. The invert and cover levels of manholes shall be indicated relative to Malin Ordnance Datum. Drawings shall indicate the bench mark and value used. The gradients and direction of flow of sewer sections, distances between manholes and diameters of pipelines shall be shown.

Drawings shall be clearly titled, numbered and dated. Amendments to have revisions noted and dated. Title blocks shall comply with ISO/IEC Guide 7 1994 or BS 8888, latest versions.

3.13 If it is intended that a **part of a development** is to be maintained by a management company, the safety file pertaining to that part will be passed on to the management company. The information contained in the safety file will alert those who are responsible for a structure (e.g. pumping station) and services within of the safety and health risks that will need to be addressed during subsequent maintenance, repair or other construction work.

Relevant information 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 lifts, electrical and mechanical installations, gas and heating installations and window cleaning;
- details of location and nature of utilities and services, including emergency and fire-fighting systems

3.14 Subsequent to an application form for taking in charge (and / or release of bond) being lodged, GCC will carry out an inspection of the estate. Inspections should be joint inspections between the developer's engineer / architect and GCC inspector. Any items found to be incomplete or not up to the required standard will be corrected by the developer at his/her own expense. To expedite the TIC process, developers may request GCC's Building Control Officer to participate in a joint inspection for building-control compliance during construction.

3.15 Timeframe for the Taking in Charge process shall be as follows:

GCC to acknowledge receipt of a formal request to take in charge an estate within 4 weeks of receipt of written application. The appropriately completed application form and associated documents shall be accompanied by a CCTV survey of sewers, a technical audit of the water distribution system and corresponding Reports.

After initial GCC inspection and report, developer to resolve outstanding issues within 1 month or such period as is agreed,

GCC to carry out a re-inspection within 1 month of being notified of completion of remedials,

On basis that all technical, monetary, legal and vesting issues are resolved, GCC will initiate statutory procedure for taking in charge under Section 11 of the 1993 Roads Act, i.e. advertise intention to take the estate in charge and invite submissions. The submissions having been satisfactorily addressed, thereafter the elected members of Council shall vote at their discretion on the motion of taking the estate in charge.

4.0 Vesting Maps

4.1 The open spaces, roads etc. in an estate shall be developed for, and devoted to, public use and shall be kept free of any development. When the development has been taken in charge, the public areas including open spaces, roads etc. that have been designated for TIC shall be transferred to the ownership of Galway City Council by the developer, at no cost to GCC. A prerequisite to TIC-process commencement shall be the receipt of a commitment from the owner / developer to transfer title of designated lands to GCC on completion of the TIC process.

4.2 The land to be transferred is to be indicated on 1/2500 or 1/1000 original Ordnance Survey Maps, (or certified and stamped copies of the OS Map), covering the entire estate with the specific TIC areas outlined in red and in accordance with Land Registry requirements.

4.3 On a different map to that required under 4.2, the estate layout should be indicated and the open spaces, hard play areas and communal areas such as arbours, gardens or woods within the TIC area should be clearly delineated and coloured green.

4.4 OS Map Ref No., scale, north point, estate name and location to be clearly shown. Digital maps may be submitted.

4.5 A schedule is to be written on the map giving the area in hectares of each open space, hard play area etc. and showing a total area signed by an architect or engineer with indemnity insurances, as per section 2.0. Relevant Land Registry / Property Registration Authority folio reference information must also be provided.

4.6 To this map there should be appended the vesting document transferring ownership of the above areas to Galway City Council for the sum of €1 with the necessary signatures, witnesses etc.

5.0 Wayleaves

5.1 For wayleave proposed for services outside of the site, and not in a public road or estate already taken in charge, a wayleave map will be required, together with the Standard

Wayleave Document which grants exclusive right of access to GCC by persons and plant for the purposes of maintenance, repair, and improvement to the relevant service.

5.2 In general, the wayleave requirement is 10m width with the service(s) centrally located. However, depending on the size, depth and type of service, a greater or narrower width may be acceptable in certain circumstances. This should be checked and approved with GCC in advance.

5.3 In the event of GCC permitting one of its existing mains / sewers in a site to be diverted to facilitate a new development, this diversion will be carried out only with the approval of GCC Water Services section, and a new wayleave should be provided concurrently with the diversion works to the relevant GCC standards.

6.0 Public Lighting

6.1 Public Lighting shall be in accordance with the “Recommendations for Site Development Works for Housing Areas” - Department of the Environment, Community and Local Government, (1998).

6.2 The Developer shall be responsible for maintenance of the public lighting system and all power charges until such time as the GCC has taken the development in charge or at the discretion of GCC.

6.3 Certification will be submitted to GCC from an electrical contractor, who is listed on the Register of Electrical Contractors of Ireland (RECI), stating that the public lighting installation within the development has been installed using approved materials and that the system is operating to the required standards. A copy of the RECI certificate will be supplied to GCC. Public Lighting will comply with planning conditions and will be certified by the electricity service provider.

6.4 Each standard shall be clearly, individually and uniquely numbered by the electricity service provider.

6.5 The Meter Point Reference Number (MPRN) and the loads associated with each micro-pillar shall be submitted.

7.0 Roads and Footpaths

7.1 The application for Taking in Charge shall be accompanied by:

- (i) A condition survey of the roads and footpaths together with a list of defects having been identified and certification that the list of all remedial works agreed with GCC have been carried out,

and where required by GCC:

- (ii) The results of Falling Weight Deflectometer (FWD) tests to determine the strength of sub-grade and permanent construction layers for roads.

7.2 Roads and footpaths shall be taken in charge in conjunction with water mains, sewers and open spaces. Roads and footpaths shall be constructed in accordance with the “Recommendations for Site Development Works for Housing Areas” - Department of the Environment and Local Government (1998).

8.0 Water Services

8.01 Elements under this section include water mains, surface water sewers, foul sewers, drains, pumping stations, soakaways, sustainable drainage systems and attenuation tanks.

8.02 These elements shall be taken in charge in conjunction with roads / footpaths and open spaces.

8.03 The water mains and collection systems shall comply with the “Recommendations for Site Development Works for Housing Areas” - Department of the Environment and Local Government (1998).

Drainage:

8.04 The Developer shall employ a CCTV contractor to carry out the CCTV survey/ manhole survey of both the foul and storm water sewerage systems. Prior to commencement of the survey, the sewers shall be thoroughly cleaned out. Defects identified in the contractor's preliminary survey shall be rectified by the contractor and the **final CCTV survey** shall be submitted as part of the TIC application. The onus will be on the Developer to rectify, to the satisfaction of GCC, any defects remaining.

8.05 A drainage layout plan of as-constructed sewers shall be submitted in electronic format prepared to *SUS 25*, showing details of every sewer overlaid on a digitised layout of the as-constructed housing estate. The manhole survey and digitised layout of the estate shall be prepared to national grid co-ordinates. The invert and cover levels of the manholes shall be indicated relative to Malin ordnance datum.

8.06 A collection system shall include where applicable attenuation tanks, pump sumps, pipelines and appurtenances, the design of which shall be certified as per section 2.0 above.

8.07 In the case of foul sewerage collection systems, which shall in future be connected to a public system, the developer shall be required to enter into an arrangement with GCC for the maintenance and operation of the system in the interim. No new connections may be made to the system without the express written approval of GCC.

8.08 Connections of individual houses to sewers: the developer shall confirm that there are no foul / surface water drainage cross-connections. Foul pipes connecting to surface water sewer, or surface water pipes / drains connecting to foul sewer, will not be acceptable.

Water Supply

8.09 The developer / applicant shall commission an independent technical audit of the distribution system to be prepared by a specialist water network management company and the resulting report will form part of the TIC application. This audit / report will require the company to

- Review the existing as-built watermain network layout drawings,
- Install data logging equipment on the main distribution input meter, the results of which will be used to assess and calculate the level of leakage / unaccounted for water (UFW),
- Survey all network fittings including sluice valves, fire hydrants, air valves, etc., to confirm the accuracy of the as-builts,
- Perform a fire hydrant Flow and Pressure Test in accordance with BS 9990,
- Mark, record and report all defects, including anomalies if any in the network drawings,
- Compile a post-survey Report including
 - 7-day flow logging carried out on the main distribution input meter,
 - Calculated level of UFW,
 - Leak Detection Survey results,
 - Network fittings survey results,
 - Fire Hydrant Test results,
 - A marked-up copy of network layout drawing,
 - Recommendations, comprising a specific identification and quantification on the details of remedial works if any that remain to be done; these to be done by developer to GCC satisfaction.

8.10 All water mains, stoptaps, valves, water service control units (boundary boxes) and fire hydrants are to be located in the public footpath or roadway, with minimum acceptable cover as per standard details. All boundary boxes shall be fitted at the property boundary in the public footpath. A separate stoptap or shut-off valve shall be fitted for each house.

8.11 The water service connection for each house shall be taken in charge as far as the boundary wall / curtilage of the site and will include the stoptap. The householder will be responsible for the service between WSCU and the internal building system which excludes any part of the service connection which is laid in the public footpath.

9.0 Open Spaces

9.1 The development and landscaping of open spaces shall be carried out in accordance with the Planning Permission granted and to the approval of GCC Parks Section, (Transportation & Infrastructure, Recreation & Amenity Department).

9.2 Maintenance of open space areas (including grass cutting) shall be the responsibility of the developer until the TIC process has been completed.

9.3 Certification of completed works to public open spaces and landscaping shall be by a registered landscape architect (Irish Landscape Institute) or Chartered Landscape Architect (UK Landscape Institute).

10.0 Gas Pipelines

10.1 The location of all gas pipelines will be shown on as-constructed drawings.

10.2 Gas Pipelines will be constructed to and certified as compliant with current statutory standards.

10.3 Full certification of installation by Bord Gáis Eireann will accompany the Application.

11.0 Service Ducts

11.1 Telecommunication and power ducts to be shown accurately on as-constructed drawings.

11.2 All services ducts (including water services and gas pipelines) shall be spaced in trenches as per relevant codes, regulations and standards.

12.0 Owners' Management Companies

12.1 Further to 3.13, if a **part of a development** is to be maintained by a management company, e.g. apartment complexes and duplex units, there may be a planning condition that a properly constituted OMC (owners' management company) be established for the

purpose of maintaining public lighting, roads, footpaths, parking areas, services, common areas and open spaces within the apartment /duplex complex.

12.2 In that event the said public lighting, roads, footpaths, parking areas, services, common areas and open spaces would be vested in the OMC and works should be carried out with the Planning Permission granted and with current relevant technical standards.

12.3 The security bond lodged with the Planning Section of GCC would not be released until the developer

- demonstrates that the satisfactory completion of the development to GCC approval has been achieved,
- certifies compliance with the Multi-Unit Developments Act 2011*,
- submits for processing to GCC Form DS1 (2013) “Application Form for Security / Insurance Bond Release”.

*The Multi-Unit Developments Act 2011, in force since 01 April 2011, is applicable to both new and existing developments.

13.0 Checklist

Application for the taking in charge of estates will include

- Application Form TIC 1 (2014), Appendix A, completed by developer / owner; refer to 3.06,
or in the event of a plebiscite,
- Completed Application Form TIC 2 (2014), Appendix B, including a Signed Plebiscite from the majority of house owners; refer to 3.08,
- Letter of commitment by the developer / owner to transfer title of lands to Galway City Council on completion of the TIC process; refer to 4.1,
- CCTV survey of sewers; refer to 8.04, 8.05,
- Water network survey, audit and report; refer to 8.09,
- Evidence of Certifications; refer to 2.0,
- Public Lighting certification; refer to 6.3,
- Wayleaves, Consent to Access maps; refer to 5.0.

Appendix A: Application Form TIC 1 (2014)

Application to have a Housing Development taken in charge by Galway City Council

Comhairle Cathrach na Gaillimhe
Galway City Council

**Application to have a Housing Development taken in charge by
Galway City Council.**

Developer's Name:			
Developer's Address: Telephone No:			
Location of Development			
Development Name:			
Planning Reference Numbers:			
Roads (metres)	Length: m.	Width: m.	
Footpaths: (metres)	Length: m.	Width: m.	
Foul Sewers:	Lengths (m)	Diameter (mm)	Material
Number of Foul Sewer Manholes:	No.		
Surface Water Sewers:	Lengths (m)	Diameter (mm)	Material
Number of Surface Water Sewer Manholes & Road Gullies:	Manholes ____ ____ No.	Road Gullies ____ No.	
Sewer Connection Permit Receipt No.			

& Permit No.:				
Watermains:	Length (m)	Diameter (mm)	Material	Class
Water Connection Fee receipt No:				
Area of Open Space:				
Area of Development:				

No. of Houses:		
Housing Density per Hectare:		
Size of Water Meter:		
Details of surface-water or sewage pump(s):		
No. of Public Lights:		
Development Levy Receipt No.:		
Security Bond:	Amount €	Expiry Date:
Development Commencement Date:		

As-Constructed Drawings and CCTV survey of sewers to be enclosed with this Form.

As-Constructed Drawings (“As-builts”) completed by:

Qualifications: _____

Drawings to be certified by a bonded chartered civil engineer / consulting engineer or bonded / certified architect.

Drawings and CCTV Format.

The “as-constructed” drawings shall consist of 3 copies each of four separate drawings of scale 1:500 that will detail the following information:

Drawing 1:

The portion of the development for TIC to be bounded by a red line, and shall indicate roads, footpaths, public lighting and road gullies. The location of all other services which may include Electrical ducting/ poles, Gas , Cablelink/ NTL, Broadband and telecom ducting/ poles shall be included on the “as-constructed drawings”.

Drawing 2:

The portion of the development for TIC to be bounded by a red line, and shall indicate watermains layout.

Watermains layout to show watermeter location, watermain diameter, watermain class and include location of bulk meters, Water Meter Boundary Box/ manifold units/ stopcocks, valves and hydrants.

Drawing 3:

Sanitary services layout to show layout and longitudinal sections of foul sewers, surface water sewers, diameters/ materials, location of connection to public sewers, location of surface-water discharge points, manholes and road gullies. The invert level and cover level of all manholes shall be clearly shown in plan and section and values shall be expressed relative to the Malin Head datum.

Drawing 4: Map depicting the open space coloured green, and shall detail any services that traverse the open space.

Applicant to submit three copies of each drawing, and submit drawings on CD (AutoCAD format).

CCTV Survey of Sewers.

A CCTV survey/manhole survey of the sewer systems, prepared to SUS 25 electronic format, shall be submitted to Galway City Council with this Form.

The survey shall be completed at the developer's owner's expense.

The sewers to be surveyed shall be thoroughly cleaned out prior to survey.

The CCTV Survey shall be carried out using a camera which is capable of measuring and recording distances between manholes.

The CCTV survey report shall conform to the standards set out in the WRC Manual on Sewer Condition Classification. All defects identified in the developer's initial inspection of the sewerage systems will be repaired and made good by the developer prior to submission of CCTV survey to Galway City Council. In the event of any defects remaining, such defects shall be repaired by the developer at his/her own expense as a prerequisite to GCC accepting the works and /or releasing the Security Bond.

The hard-copy report shall be supplemented by high-resolution photographs and quality recordings submitted on CD-ROM, DVD or memory stick.

As-built invert and cover levels of the manholes shall be indicated relative to Malin Head Ordnance Datum. Gradients of pipework will be shown.

Developer to provide Galway City Council with the following where applicable:

- Evidence that any necessary Wayleaves / Consent to Access for Galway City Council's unfettered access to Services are reserved in perpetuity in the transfer documentation to house purchasers, or other relevant parties,
- Copy of receipts showing that all levies and development contributions have been paid,
- Copy of the agreed Bond for the development,
- Copy of any correspondence from GCC or other agency with regard to site instructions or field change orders which occurred during the construction phase.
- Safety File in respect of the areas of the Development to be taken in charge.
- CCTV survey of sewers,
- Water network survey, audit and report,
- Evidence of technical adviser's Certification and Professional Indemnity Insurance,
- Public Lighting certification.

Galway City Council inspection of Works, Snag-list etc.

Where the development/estate/ apartment block is found on initial inspection by GCC to be incomplete and/or not up to the required standard, then any subsequent inspection by GCC will carry a charge of €300 per inspection, until such time as Taking in Charge or Release of Bond is recommended.

Legal Title to Lands.

In the event that roads, footpaths and/or other open areas are being taken in charge by Galway City Council, the owner of the development shall furnish GCC with the following:

- Dimensioned map clearly delineating the areas that are to be handed over to the ownership of GCC,

- Legal title to lands: copy of the title deed; commitment by owner to transfer legal title to GCC on completion of the TIC process, all documents subject to the satisfaction of GCC legal advisers.
- Name and address of person(s) currently holding the title,
- Confirmation that the Title Deeds (originals) are to be handed over to GCC.

Certification.

Certification below applies to the as-constructed works.

AS-BUILT Works:**Certificate No.1**

**Certification to be by a bonded Chartered Civil Engineer / Consulting Civil Engineer.
A copy of his/her/company PROFESSIONAL INDEMNITY INSURANCE shall be
attached to this Form.**

To: Galway City Council,

This is to certify that:

- All sewers are connected to separate systems, i.e. foul to foul and surface water to surface water, with no cross-connections, i.e., no drainage pipes from individual houses are connected in to the incorrect line,
- All sewers and drainage pipes for connection to the public sewer /drainage system have been designed and constructed in accordance with the requirements of Section 3, "Sewers and Drains" of "Recommendation for Site Development Works for Housing Areas" published by the Department of the Environment, Community and Local Government / DECLG and Part H of the Building Regulations, applicable at time of construction,
- All roads and footpaths have been designed and constructed in accordance with the requirements of Section 2, "Roads and Footways" of "Recommendation for Site Development Works for Housing Areas" unless specified and required otherwise by Galway City Council,
 - The water supply system has been designed and constructed in accordance with the requirements of
 - "Recommendation for Site Development Works for Housing Areas", Section 4, "Water Supply",
 - Part G of the Building Regulations, and
 - BS EN 806-2:2005 "Specification for installations inside buildings conveying water for human consumption".
- An independent technical audit of the water distribution system as installed has been done by a specialist water network management company and the resulting Report is attached in this Application.
- The public lighting scheme as installed is fully compliant with relevant standards, regulations and statutory instruments; certification(s) attached.

Signature:_____ **Date:**_____

Name: _____

Professional Qualifications: _____

Professional Indemnity Insurance reference:_____ (attach copy).

AS-BUILT Works:

Certificate No.2

Certification to be by a bonded Chartered Civil Engineer / Consulting Engineer / Architect / Planner. A copy of his/her/company PROFESSIONAL INDEMNITY INSURANCE shall be attached to this Form.

To: Galway City Council,

This is to certify that:

- The Development _____ (name) has been constructed to the appropriate specified standards, and in full compliance with the **Planning Permission** granted; Planning Register Reference _____.

Signature: _____ **Date:** _____

Name: _____

Professional Qualifications: _____

Professional Indemnity Insurance reference: _____ (attach copy)

AS-BUILT Works:

Certificate No.3

Certification to be by a bonded registered landscape architect (Irish Landscape Institute) or bonded chartered landscape architect (UK Landscape Institute). A copy of his/her/company PROFESSIONAL INDEMNITY INSURANCE shall be attached to this Form.

To: Galway City Council,

This is to certify that:

Public open spaces and landscaping have been completed in full compliance with the Planning Permission(s) granted, in liaison with, and with the written approval of, the Parks Section of the Transportation, Infrastructure, Recreation and Amenity Department of Galway City Council.

Signature: _____ **Date:** _____

Name: _____

Professional Qualifications: _____

Professional Indemnity Insurance reference: _____ (attach copy)

Completed forms and stated requirements shall be submitted to:

**Galway City Council,
Transportation, Infrastructure, Recreation & Amenity Section,
City Hall,
College Road,
Galway**

Appendix B:

- **An Application Guide for House Owners.**
- **Application Form TIC 2 (2014): “Application to have a Housing Development taken in charge by Galway City Council, by house-owners' Plebiscite.”**

An Application Guide for House Owners

B/ 1.0 Introduction

This document is not a substitute for existing or future enforcement provisions under the Planning and Development Act 2000, (or amendments thereto), nor for the requirements under any Planning Permission to provide or submit a bond or other surety; nor does it impede on Galway City Council's power under Section 180 to apply any security given for the satisfactory completion of the development. The objective of this guide is to provide a framework for the taking in charge of estates when requested to do so by house-owners of an estate.

The developer may still be pursued by enforcement for non-compliance issues even though the estate has been taken in charge by GCC.

Should Galway City Council receive a petition from house owners under Section 180 of the Planning and Development Act 2000 as amended under the (Amendment) Act 2010 and the development appears to be completed, then Galway City Council will inform the developer of the receipt of the petition/plebiscite and will request the developer to commence the TIC process. In the event of the developer not complying with this request, the following guidelines shall apply for the processing of the application by GCC.

B/ 2.0 Application

All applications for the taking in charge of estates made by house-owners must be accompanied by:

1. Completed Application Form TIC 2 (2014),
2. Signed plebiscite from house-owners of the estate,
3. Documentary proof of house ownership,
4. Calculation confirming that greater than 50% of house-owners have signed,
5. Letter of commitment by the developer/owner to transfer legal title / ownership of designated land(s) to Galway City Council on completion of the TIC process.
6. Copies of correspondence between house-owners and developer.

If the Planning Permission stipulates that a Management Company be set up to manage the ongoing maintenance of the estate, the TIC process may be subject to GCC Planning Section's approval.

B/ 3.0 Process

Further to Section 3.08 and the receipt by GCC of Form TIC 2 (2014), Galway City Council will commence a process of inspection of the site and assessment of the documentation submitted. This will involve some or all of the following:

- Site visits.
- Procurement of technical information (e.g. CCTV survey, water network survey).

- Meetings with the house owners.

Where requests are received, GCC 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 GCC to ascertain the extent of works required to bring the estate up to an acceptable standard. Subject to normal budgetary constraints, funding *may* be made available from GCC resources to complement monies retained on deposit (bond) to secure satisfactory completion.

B/ 4.0 Procedure

1. Within 4 weeks from receipt of the request for taking in charge, GCC will acknowledge receipt of the request.
2. Within 2 months of receipt of request for taking in charge, GCC will 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. The taking in charge section of TIRA will prepare an itemised schedule of works required to complete the development satisfactorily. The completion of such works shall be at the discretion of GCC and shall be subject to available financial resources.
4. A prerequisite to TIC shall be the receipt of a letter of commitment from the owner / developer to transfer title of the designated lands to GCC on completion of the TIC process.
5. In the event that the development is recommended by TIRA for taking in charge, the necessary procedures under Section 11 of the 1993 Roads Act, public notices etc. will be put in motion.
6. The elected members at their discretion will pass a resolution declaring the roads within the estate to be public roads.
7. Following a decision to take the development in charge, details will be entered in the planning 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.
8. As per 4.0 “Vesting Maps”, when the development has been TIC, the public areas including open spaces that have been designated shall be transferred to the legal ownership of GCC by the owner/developer, at no cost to GCC.

Comhairle Cathrach na Gaillimhe
Galway City Council

Taking in Charge – House Owners' Application Form

**Application to have a Housing Development taken in charge by
Galway City Council, by house-owners' Plebiscite**

Residents Association Name, (if any):		
Address for Correspondence:		
Telephone No.:		
Development Name:		
Developer Name:		
Development Location:		
Planning Reference Numbers:		
No. of Houses:		
No. of Apartments:		
In Planning Conditions, has a Management Company been stipulated? If yes, the TIC process may be subject to Planning Section's approval.		
Items submitted with this Application Form: (Tick as appropriate√)		
- Completed Application Form		
- Signed Plebiscite		
- Documentary proof of house ownership		
- Calculation confirming that greater than 50% of house-owners have signed		
- Letter of commitment by the developer/owner to invest lands in GCC and to transfer title to		

GCC on completion of the TIC process.		
- Copy of correspondence with developer		
<p>I/We the undersigned hereby apply to have the following elements of the above development taken in charge by Galway City Council.</p> <p>Signed: _____ Date: _____</p> <p>(House-owners' representatives)</p>		

Please provide the following information:

1. Public Lighting	
No. of Public Lights:	
Type of Lantern(s):	
2. Roads and Footpaths	
Length of Roadway:	(metres)
Length of Footpaths:	(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	

It must be brought to the attention of Galway City Council if there are any services on, or running through, private property as this may require Wayleave Agreement(s) to be entered into.

Completed Forms and stated requirements shall be submitted to:

**Galway City Council,
Transportation, Infrastructure, Recreation & Amenity Section,
City Hall,
College Road,
Galway.**