

## Fingal County Council Summary of Taking in Charge (TIC) Policy 2008

Circular Letter PD 1/08 as a follow up from PD 1/06, require that all planning authorities develop or update, as appropriate, their policy on taking in charge by the end of June 2008 on the basis of the framework set out in PD 1/08 and the annex to this circular, along with taking into account the wider housing and planning policy guidance.

### **The core principles underpinning the Local Authorities framework for taking in charge, should include the following actions:**

#### **1. Pre-Planning Stage:**

- a. The issue of taking in charge must be addressed at the pre-planning stage; a draft phased TIC programme should be agreed.
- b. Construction and design standards set out for residential estates/areas<sup>1</sup>
- c. A statement of the facilities that will be taken in charge
- d. A statement of the maintenance services that will be provided
- e. Protocols to include time frames

#### **2. Planning Stage:**

- a. Secure adequate bonds for the full development management/permission process,
- b. A management company planning condition must not be attached in respect of traditional housing estates, save in very exceptional circumstances<sup>2</sup>
- c. Planning authorities should only attach planning conditions requiring management arrangements in relation to certain shared facilities in the newer type of mixed residential development in limited circumstances<sup>3</sup>
- d. Attach a planning condition setting out the TIC Programme and Fingal's specification for the completed development.
- e. Ensure that developments are completed in compliance with the planning permission granted-inspections, enforcement etc as necessary

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<sup>1</sup> A residential estate means a development, which includes the construction of 2 or more houses (as defined in section 2 of the Planning and Development Act 2000 i.e. includes apartments and other dwelling units) and the provision of new roads, open spaces, car parks, sewers, water mains or drains.

<sup>2</sup> S 5.1 P18 Circular Letter PD 1/08

<sup>3</sup> S5.3 & S5.3 P18 & P19 Circular Letter PD 1/08

**3. Post Planning/Commencement Notice/Completion of Development Taking in Charge procedure**

- a. Ensure that developments are completed in compliance with the planning permission granted-inspections, enforcement etc as necessary, building control and/or planning legislation
- b. Open the TIC file on receipt of the valid commencement notice.
- c. Begin TIC process promptly on foot of a request by the majority of the residents in the development or
- d. by the developer, as appropriate.

**4. Existing Residential Developments**

- a. Where there are core facilities in existing residential developments which were approved by the planning authority on the basis that they would remain private and be maintained by a management company, these must be taken in charge if the majority of residents request it,
- b. In relation to older estates, priority must continue to be placed on resolving those estates that have been left unfinished /not taken in charge for the longest period.

**5. Monitoring and Review**

- a. The planning authority's policy on taking in charge is to be made available to the public, published on its website and be reported on to the elected members on a regular basis and at least once annually.
- b. As part of the overall review and update of the local government service indicators a new indicator in relation to taking in charge is being introduced from 2008 onwards.

## **Fingal County Council in compliance with Circular Letter PD 1/08:**

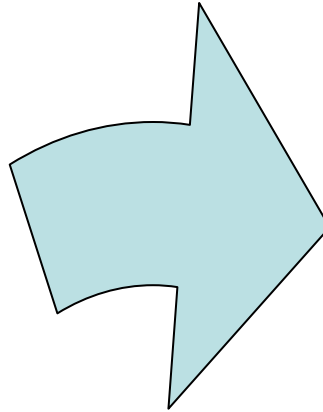
- a. Have set out the updated Protocol for Taking in Charge of Developments which include updated Specifications as follows:
- **“Road and hard surface construction and completion standards”;**
  - **“Public lighting installations”;**
  - **“Public Open Space Landscape Works Specifications for inclusion in contract documentation for Housing Schemes which will be taken in charge by Fingal County Council”**
  - Specifications for particular elements in landscaped areas, such as play equipment
  - **Standards for the Location of waste Storage and collection facilities**
  - **Pumping Stations**
  - **Water mains Networks/Services including regime of testing**
  - **Drainage Networks/Services including regime of testing**
  - **Surface water retention and disposal systems including attenuation areas**
  - **Health and Safety File requirements**
  - **Construction Products Directive**
  - **The location of services provided and maintained by other service providers (telephone, cable television, broadband services etc.) in relation to those provided and maintained by the authority;**
- b. In relation to older estates which have not been taken in charge the situation a programme to address the Taking in Charge issue is being set out as follows,
- Existing housing estates where an application has been received by the local Authority to Take in Charge
  - Older housing estates where no application has been received to Take the Estate in Charge
  - Housing estates where a management company has been conditioned or is in place
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# Taking In Charge (TIC) Roadmap

- (i) On receipt of the Commencement Notice a Taking in Charge file is opened for each residential development;
- (ii) The commencement notice and all requests for inspections and other correspondence arising from the process are 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, is set out in the Taking in Charge file at the outset;
- (iv) The record of such inspections and/or testing is 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 is referred for Enforcement Action commencing with the issuing of the statutory Warning Notice, copies of which are held in the

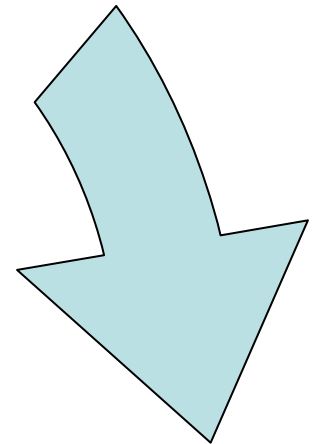
**(1) Pre-Planning Stage**

Planning Legislation  
Development Plan  
2005-2011  
Fingal Protocol, TIC  
Developer & Planning  
Authority  
Agree areas to be TIC



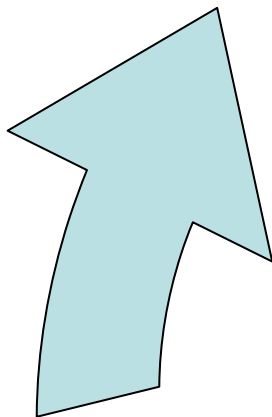
**(2) Planning Stage Conditions**

Protocol for TIC  
Phased Development  
Timeframe



**(3) Construction Stage**

Commencement  
Notice  
Open TIC File  
Prepare Planning &  
Building Control  
Inspection Protocol

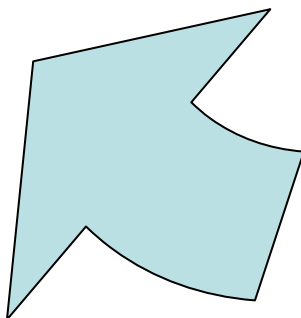


**(5) TIC Legislative Procedure**

**S11 Roads Act 1993,  
S180 P&D Act 2000**

Request Received  
from Developer or  
Plebiscite 85%  
residents

Agree areas as per  
protocol  
Council notice of



**(4) Taking in Charge Checklist**

Cross-Compliance  
BC & Planning  
As constructed Dwgs  
Test Results  
Deeds of Dedication

