

North Tipperary Local Authorities



Comhairle Contae Thiobraid Árann Thuaidh
North Tipperary County Council



Taking In Charge Policy

For

Private Housing Developments

TABLE OF CONTENTS

| | SECTION | PAGE |
|-----|---------------------------|-------------|
| 1.0 | Introduction | 3 - 5 |
| 2.0 | General Conditions | 5 - 8 |
| 3.0 | Public Lighting | 9 - 9 |
| 4.0 | Roads and Footpaths | 9 - 9 |
| 5.0 | Water Services | 9 - 10 |
| 6.0 | Open Spaces | 10 - 10 |
| 7.0 | Fire | 10 - 10 |
| | Appendix A | 11 - 13 |
| | Appendix B | 14 - 15 |
| | Appendix C | 16 - 16 |
| | Certificates | 17 - 19 |
| | Taking in Charge Register | 20 - 20 |

1. INTRODUCTION

This document outlines North Tipperary Local Authorities Policy in relation to Taking in Charge of private housing developments. This Policy shall apply to the administrative area of North Tipperary County Council, Nenagh Town Council, Thurles Town Council and Templemore Town Council and shall be referred to as the Taking in Charge Policy for North Tipperary Local Authorities.

Application Process

Developments for Taking in Charge are divided into two categories, Historical Estates and Current Estates. Historical Estates are defined as those estates on which the Planning Authority can no longer use planning enforcement legislation due to the passage of time. Applications to take Historical Estates into charge will be dealt with as applications arise.

However, as a general rule, any bond or other security still in place will be drawn down and applied to remedy defects.

All other Estates are termed Current Estates for the purpose of this policy.

Application forms are available from:-

- 1) Planning Section, North Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary or online at www.tipperarynorth.ie
- 2) Nenagh Town Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary or online at www.nenaghtc.ie
- 3) Templemore Town Council, Templemore, Co. Tipperary or online at www.templemoretc.ie
- 4) Thurles Town Council, Slievenamon Road, Thurles, Co. Tipperary or online at www.thurlestc.ie

Upon receipt of the Taking in Charge Application and associated documents an inspection of the estate will be carried out in line with 2.1.

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

Developers are obliged to comply with the conditions of the planning permission granted for Estates including the payment in full of all development contributions. The Council may take enforcement action under planning legislation if the development is not being or has not been carried out in accordance with the permission granted.

Certain private housing developments (e.g. apartment complexes etc.) will have a condition in the planning permission that a properly constituted

management company be established for the purpose of maintaining the public lighting, roads, footpaths, parking areas, services and open spaces. The said public lighting, roads, footpaths, etc. shall be conveyed to the Management Company.

For all housing developments, it will be a requirement of the planning permission that the roads, footpaths, services etc. are constructed in accordance with the "Recommendations for Site Development Works for Housing Areas" (or where otherwise stated in the Planning Permission) as published by the Department of the Environment 1984/1998 (as amended) with the technical standards outlined in this document. Any security lodged with the planning authority for such a development will not be released or reduced until the satisfactory completion of the works and the said roads, footpaths, services etc..

Facilities to be taken in charge

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

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

Applicants shall note that **liability for the above elements of a development shall remain with the Developer** until such time as they are taken in charge by North Tipperary Local Authority.

Individual phases of a development will not be taken in charge, only the entire completed development will be considered.

The attention of developers is brought to the provision of Section 35 of the Planning and Development Act, 2000. This section deals with the failure of a developer to comply with the terms of a previous planning permission and allows the Council as planning authority, to refuse a current planning application. If the Council is satisfied that a developer has not complied with a previous planning permission, it may consider that there is a real risk that a proposed development, if granted permission, would not be carried out in accordance with the conditions of the planning permission and therefore may

form the opinion that permission should not be granted. The Council shall serve a Notice in writing on the applicant to that effect.

Developers will be required to submit a Bond in accordance with the form specified in the planning permission.

Maintenance services

The maintenance services that will be provided by the authority following the completion of the taking in charge process include the following:-

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

In accordance with section 180(2) of the Planning and Development Act 2000 and the guidance set out in this document, unfinished estates will have to be taken in charge where the majority of residents so request. Priority shall be given to older estates when considering them for taking in charge. The taking in charge process is a reserved function of the Local Authority following on a recommendation of the County Manager.

2. GENERAL CONDITIONS

2.1 For developments which are currently under construction the developer shall notify the Planning Authority upon completion of the conditions of the planning permission/housing estate. All developments shall be completed for 2 years before the Local Authority will consider taking them in charge. For developments which are completed prior to the adoption of this policy planning permission must have expired in excess of 2 years.

- 2.2 As part of the planning application the developer must delineate areas to be taken in charge.
- 2.3 The Developer or majority of qualified electors who are owners/occupies may apply to have the development taken in charge by submitting an application form to the Planning Authority of North Tipperary Local Authority (copy attached in Appendix B of this document or by download on the website) – “Application to have Development taken in charge by North Tipperary Local Authority”, as set out in Appendix B of this document. The application form must be certified by a suitably qualified person, who holds professional indemnity insurance up to €2,600,000 for the purpose of signing such forms. Such cover to be kept in place for a period of 6 years after certification. Evidence of such insurance shall be furnished to the Local Authority. The contents of the application form shall be deemed to be for the benefit of North Tipperary Local Authority.
- 2.4 The development is an authorised development.
- 2.5 The development must be constructed in accordance with the planning permission granted.
- 2.6 All development contributions have been paid in full.
- 2.7 Any bond or security lodged with the Planning Authority will not be released or reduced until the works have been taken in charge.
- 2.8 All connection fees have been paid in full.
- 2.9 The roads, footpaths, sewers, drains and water mains shall be constructed in accordance with
- i) the Planning Permission and drawings submitted and approved by the Planning Authority;
 - ii) the “Recommendations for Site Development Works of Housing Areas” – Department of the Environment and Local Government (1984/1998) (as amended)* (or where otherwise stated in the Planning Permission), save where the conditions of the permission otherwise require. **Available from Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2 – Tel: 01-6613111.*
- 2.10 The Developer shall furnish evidence to the Council that all necessary legal entitlement, including wayleaves, to traverse lands within individual sites and lands outside the site boundaries, in order to facilitate future access for maintenance purposes to services such as sewers, watermains and all associated works. These entitlements shall

be reserved in perpetuity in the transfer documentation to house purchasers.

- 2.11 The Developer shall note that a minimum width of 6 metres shall be required in respect of any Wayleave/entitlement for sewers or watermains in private property. This width may be reduced in certain circumstances only after consultation with the Council. All wayleaves and rights of way shall be accessible to vehicular traffic and registered on the land through which they pass.
- 2.12 Three copies of “as constructed” drawings (scale 1:500) of the development shall be submitted to the Council. The drawings shall indicate the following information:
- (i) The estate boundary depicted in red, open spaces coloured green, all roads, footpaths, public lights, road names and house numbers.
 - (ii) All services including watermains, valves, hydrants, sewers, road gullies, Telecom ducts/poles, ESB ducts/poles, cablelink ducts and all manholes. Digitised layout (DXF Format) of housing estate shall be prepared to national grid co-ordinates.
 - (iii) The invert and cover levels of all manholes shall be indicated relative to Malin Head ordnance datum. The gradients, pipe type, pipe diameter, location of all service connections of all sewer sections shall be indicated on the drawings. Watermain class, diameter, all valves connections, hydrants stopcocks and meters to be indicated on drawings.

All drawings shall be properly titled, numbered and dated. All amendments to have revisions noted and dated.

- 2.13 Where the estate is found on first inspection and second inspection to be incomplete or not up to the required standard, then any subsequent inspections will be carried out at a fee of €1,000 per inspection until the final inspection where taking in charge can be recommended. Where the estate is found to be satisfactory in all respects of the first two inspections, there will be no fee. This charge will be index linked from the 1st January every year in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office). These inspections by the Council are only general and do not in any way exonerate the applicant or certifying engineer from his liabilities.

The Planning Authority will notify the Applicant/Developer of any incomplete or outstanding works and these issues must be corrected by the applicant at his own expense. The Developer/Applicant shall notify the

Planning Authority that these issues have been dealt with. Upon receipt of this notification the Planning Authority will re-inspect the development.

The Developer shall transfer or convey to North Tipperary Local Authority, at his expense, all of the land contained in the planning permission affected by this policy document.

- (i) Upon a written notification that a housing estate is complete in line with 2.1 above, the Planning Authority will inspect as outlined below.
- (ii) Within 2 weeks from receipt of the request for taking in charge, the planning authority will acknowledge receipt of the request and the "as constructed drawings" and any way leaves submitted.
- (iii) Within 8 weeks of receipt of the request for taking in charge, the planning authority will in conjunction with the developer, carry out a comprehensive inspection of the development or phase of development; and notify the developer in writing of all outstanding issues remaining to be addressed in relation to the satisfactory completion of the development.
- (iv) The developer will within 4 weeks of receipt of details of outstanding issues from the planning authority arrange for completion of the said works, and notify the authority when works are completed. If works cannot be carried out within that period the developer must notify the authority as to when the works will be completed.
- (v) The authority will, within 4 weeks of being notified of completion of the works at (iii), arrange for final inspection of the development to determine the satisfactory completion of the said outstanding issues as identified at (ii).
- (vi) Upon final inspection of the development or phase of the development and satisfactory completion of the works, the planning authority will release that element of the security lodged to secure completion of the works and proceed to take the development or phase of the development in charge. All reasonable efforts shall be utilised to ensure that formal procedures are completed for the taking in charge process with minimum delay.
- (vii) The developer will vest in the planning authority (at no cost to the authority) the public areas, including open spaces, which have been designated for taking in charge.
- (viii) Following the 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 (which is available for public inspection).

3. PUBLIC LIGHTING

- (i) Where not previously submitted the Developer shall furnish to the Council, a copy of the public lighting design/layout.
- (ii) The developer shall submit a Certificate of Completion certified from the appropriate provider and clearly demonstrates that a public lighting scheme has been constructed to the required standards and specifications.
- (iii) The Developer shall be responsible for maintenance and charges of the public lighting system until the development has been taken in charge by the Local Authority.

4. ROADS AND FOOTPATHS

- (i) The roads and footpaths shall be taken in charge in conjunction with watermains, sewers and open spaces.
- (ii) The roads and footpaths shall be constructed in accordance with Section 2 of "Recommendations for Site Development Works for Housing Areas" – Department of Environment and Local Government (1998) (as amended), (or where otherwise stated in the Planning Permission) with the exception of Section 2.24 (Surface Dressing) as surface dressing will not be accepted as a surfacing layer in Housing Estates.
- (iii) All road signs and markings shall be provided by the Developer as per the Planning Permission.
- (iv) All gullies shall be cleaned and free from obstruction. There shall be no visible evidence of ponding of surface water.

5. WATER AND SEWER SERVICES

Elements under this section include watermains, surface water sewers, storm water attenuation systems, waste water treatment plants and pumping stations, foul sewers, and all associated chambers, pipelines and fittings.

These elements shall be taken in charge in conjunction with roads/footpaths and open spaces and must comply with "Recommendations for site development works for Housing Areas" – Department of Environment and Local Government (1998) (as amended) and planning permission conditions.

Individual sewer and water supply service pipes will not be taken in charge. These connections serving individual houses will remain the responsibility of the individual house owner.

CCTV Survey / Manhole Survey

An appropriate CCTV survey/manhole survey (as defined by the Water Services section of the Local Authority) of the sewer collection systems will be submitted to the Council prior to lodging an application form for taking in charge. The survey shall be completed at the Developers expense. CCTV survey to be carried out in accordance with Water Services policy document "Standard Condition and requirements for CCTV Sewer Network Surveys" (See Appendix C).

The Applicant shall ensure that all Chambers and covers are readily accessible, free from debris and allow easy access for inspection.

6. OPEN SPACES

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

7. FIRE

The development shall be in accordance with the Planning Permission granted and the relevant publication of the "Recommendations for site development works for housing areas" – Department of Environment and Local Government (1998) (as amended) (or where otherwise stated in the Planning Permission).

APPENDIX A

Legislative Requirement In Relation To The Taking In Charge Of Housing Developments

The introduction of Section 180 of the Planning and Development Act 2000 has imposed increased responsibility on local authorities regarding the taking in charge of, both finished and unfinished, estates. Section 180(1) and Section 180(2) of the Planning and Development Act, 2000 provide for 2 different situations.

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

- 1) Includes the construction of 2 or more houses and the provisions of new roads, open spaces, car parks, sewers, watermains or drains and
- 2) The development has been completed to the satisfaction of the planning authority in accordance with the permission and any conditions to which the permission is subject.

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

Section 180(2) provides for the case of a development which unlike the development referred to in S.180(1), has not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced by the planning authority within seven years beginning on the expiration, as respects the permission authorising the development, of the appropriate period, within the meaning of *section 40* or the period as extended under *section 42*, as the case may be, the authority shall, where requested by the majority of qualified electors who own or occupy the houses in question, comply with section 11 of the Roads Act, 1993, except that subsection (1)(b)(ii) of that section shall be disregarded namely *Where a public authority proposes to declare a road to be a public road it shall – (ii) consider the financial implications for the authority of the proposed declaration.*

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

- (a) completed to the satisfaction of the planning authority in accordance with the permission and any conditions to which the permission is subject and thus is subject to Section 180(1) (financial implications of taking the roads in charge may be considered) or
- (b) not completed to the satisfaction of the planning authority and is thus subject to Section 180(2) (financial implications of taking the roads in charge **may not** be considered).

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

APPENDIX B

Application to have development taken in charge by North Tipperary Local Authority



Applicant's Name: _____
Applicant's Address: _____

Telephone No.: _____
Developer's Name. _____
(if different from above)
Developer's Address.: _____

(if different from above)
Development Name: _____
Residents Association Contact: _____
Development Location: _____
O.S. Map No.: _____
Planning Reference Numbers: _____
Development Contribution Receipt Numbers: _____
Connection Fee Receipt Numbers _____
No. of Houses: _____
No. of Apartments: _____
No. of Commercial Units: _____
As-Constructed Drawings
Completed By: _____
Qualification: _____

Items Submitted With This Application Form: (Tick As Appropriate ✓)

As-Constructed Drawing _____
Public Lighting Design _____
Third Party Insurances Certificate _____
Certificates from independent service suppliers
(Bord Gais, Eircom etc.) _____
Copies of Wayleaves _____
Drainage Layout Plan (C.D.) _____
CCTV Survey _____

I the undersigned hereby apply to have the following elements of the above development taken in charge by North Tipperary Local Authority.

Signed: _____ Date: _____
Applicant

1. Public Lighting

No. of Public Lights: _____

Type of Lantern: _____

2. Roads

3. Footpaths

Length of Roadway _____ (metres)

Length of Footpath _____ (metres)

4. Watermains

| Lengths (m) | Diameters (mm) | Material | Class |
|-------------|----------------|----------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

5. Foul Sewers

Number of foul sewer manholes: _____

| Lengths (m) | Diameters (mm) | Material |
|-------------|----------------|----------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

6. Surface Water Sewers

Number of S.W.S. Manholes: _____

Number of Road Gullies: _____

| Lengths (m) | Diameters (mm) | Material |
|-------------|----------------|----------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

7. Open Spaces

Area (s) _____ (hectares)

8. Performance Bonds

Amount _____

Expiry Date of Bond: _____

Appendix C

Standard Conditions and Requirements for CCTV Sewer Network Surveys

In general the final CCTV survey submitted to the Planning Authority by a private developer is intended to demonstrate that the network surveyed is in compliance with the relevant planning conditions and in particular with the following recommendations and standards:

- 1) The UK WRc publication, Sewers for Adoption 5th Edition.
- 2) Recommendations for Site Development Works for Housing Areas (1988)
- 3) Guidelines for the Opening, Backfilling and Reinstatement of Trenches in Public Roads (April 2002).
- 4) The relevant sections of BS EN 752, EN 1917, IS 420, EN 1916, IS 6, BS 8301, and BS 8005 1987.

The essential survey and reporting requirements for this work are summarised below:

- 1) Two original copies of the completed CCTV recording and inspection/condition report should be submitted to North Tipperary County Council's Planning Department in the case of surveys undertaken outside of Town Council functional areas and to the relevant Town Council in the case of surveys undertaken in these areas. These two copies should be in the form of a VHS high Resolution video tape recording. Additional copies may be submitted in DVD format.
- 2) The survey work and subsequent inspection report should be undertaken by persons suitably trained to WTI standards by a recognised training body, in the use of the survey technology, the interpretation of video evidence and the preparation of inspection and condition reports.
- 3) The inspection/condition report should demonstrate how % height/diameter measurements have been arrived at and how consistency is maintained in this process, by reference to the method set out in the WTI training manual.
- 4) The CCTV camera should have a pan & tilt facility and all connections including those entering manholes should be recorded on video and detailed in the inspection/condition report.
- 5) The CCTV operator should record on video and detail on the inspection/condition report, the internal condition of all manholes on the sewer network.
- 6) The CCTV camera should provide a high resolution sharp image free from shadows.
- 7) Sewer and manholes should be clean, free from debris and deleterious material before the final CCTV recording is made.
- 8) Pipe jetting units should not be in operation in the same sewer as the one in which the CCTV survey is taking place.
- 9) A representative of North Tipperary County Council Water Services should be attendance at the commencement of each survey.

THIRD PARTY CERTIFICATION

Certificate No. 1

For the benefit of North Tipperary Local Authority, this is to certify that:

- (a) Sewers have been tested and passed tested and passed in accordance with the requirements of Clause 3.20 of “Recommendations for Site Development Works for Housing Areas” – Department of Environment and Local Government (1984/November 1998) (as amended) (or where otherwise stated in the Planning Permission).

- (b) Water pipes have been tested, passed and sterilised in accordance with the requirements of Clause 4.18 of “Recommendations for Site Development Works for Housing Areas” – Department of the Environment and Local Government (1984/November 1998) (as amended) (or where otherwise stated in the Planning Permission).

Subject to the following limitations/variatioins:-

| COMMENTS |
|-----------------|
| |
| |
| |
| |
| |
| |
| |

This Opinion is issued solely for the purpose of providing evidence to North Tipperary Local Authorities of the compliance with the relevant requirements of the Planning Permission(s). Except in so far as it relates to such compliance, it is not a report on the condition of buildings within the Relevant Development, nor a Valuation Report in connection with such.

I hereby accept that I shall be responsible in the event of any claims or losses arising from any inaccuracies or derivations from the “as constructed” drawings as certified above following the taking in charge of the estate.

Signed: _____
Third Party

Date: _____

Qualification: _____

Details of Professional Indemnity Insurance (copy to be attached)

THIRD PARTY CERTIFICATION

Certificate No. 2

I, _____, have been asked to furnish an Opinion on the compliance with the Planning Permission(s) of the development at

(hereinafter called the Relevant Development)

to which the following the following planning permission(s) refer

This Opinion is issued solely for the purpose of providing evidence to North Tipperary Local Authorities of the compliance with the relevant requirements of the Planning Permission(s). Except in so far as it relates to such compliance, it is not a report on the condition of buildings within the Relevant Development, nor a Valuation Report in connection with such.

I have provided the following professional services in connection with the Relevant Development

I hereby certify that the roads and footpaths within the Relevant Development are in substantial compliance with the requirements of North Tipperary Local Authority's "Taking in Charge Policy for Private Housing Developments" document and that the Relevant Development has been constructed in substantial compliance with the Planning Permission(s) granted, subject to the deviations as set out in Schedule 1 to this certificate.

Signed: _____ Date: _____

Qualification: _____

Details of Professional Indemnity Insurance (copy to be attached)

SCHEDULE 1

Subject to the following limitations/variatioins:-

| COMMENTS |
|-----------------|
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |

Taking in Charge Register

Estate Name/Development Name:

Estate Location/Development Location:

Applicant Name: (requesting the taking in charge)

Residents Association Contact:

Developer:

Planning Reference Number: _____

Development Description:

Date of Receipt of Taking in Charge Application: _____

Status of the Taking in Charge Application:

| Date of Initial Inspection | Date of Development was taken in charge |
|----------------------------|---|
| | |
| | |

Údaráis Áitiúla de Thiobraid Árann Thuaidh



Comhairle Contae Thiobraid Árann Thuaidh
North Tipperary County Council



**Beartas um Thógáil Cúraim
Le haghaidh
Forbairtí de Thithíocht
Phríobháideach**

RÉAMHRÁ

Sa cháipéis seo tugtar léargas ar Bheartas na nÚdarás Áitiúil de Thiobraid Árann Thuaidh maidir le Tógáil i gCúram de na forbairtí tithíochta príobháidí. Beidh an Beartas seo is infheidhme do cheantar riaracháin de Chomhairle Contae Thiobraid Árann, Comhairle Baile Aonach, Comhairle Baile Durlas agus de Chomhairle Bhaile Cheantair Teampaill Móir agus sainaitheofar é mar Beartas um Thógáil i gCúram le haghaidh na nÚdarás Áitiúil de Thiobraid Árann Thuaidh.

Cuirtear Forbairtí i bPróiseas na nIarratas le haghaidh Tógáil i gCúram in dhá aicme, Eastáit Stairiúla agus Eastáit Reatha. Sainítear Eastáit Stairiúla mar eastáit nach féidir leis an tÚdarás Pleanála reachtaíocht fhorfheidhmithe pleanála a úsáid mar gheall ar rith ama. Déileálfar le hiarratas lena dtógtar Eastáit Stairiúla i gcúram de réir mar a thagann siad chun cinn. Ach, mar riail ghinearálta, áfach, tarraingeofar aon bhanna nó urrús eile ata fós i bhfeidhm anuas agus cuirfear i bhfeidhm iad chun lochtanna a leigheas.

Sainítear gach Eastát eile mar Eastáit Reatha chun críche an Bheartais seo. Tá na foirmeacha iarratais ar fáil ón:-

1) An Rannóg Pleanála, Comhairle Contae Thiobraid Árann Thuaidh, Oifigí Cathartha, Bóthar Luimnigh, An tAonach, Co. Thiobrad Árann nó ar líne ar www.tipperarynorth.ie

2) Comhairle Baile an Aonaigh, Bóthar Luimnigh, An tAonach, Co. Thiobrad Árann nó ar líne ar www.nenaghtc.ie

3) Comhairle Baile Ceantair Teampall Mór, Teampall Mór, Co. Thiobrad Árann nó ar líne ar www.templemoretc.ie

4) Comhairle Baile Durlas, Bóthar Shliabh na mBan, Durlas, Co. Thiobrad Árann nó ar líne ar www.thurlestc.ie

Ar iarmhír an Iarratais don Tógáil i gCúram agus na gcáipéisí a ghabhann leis, déanfar iniúchadh ar an eastát i gcomhréir le 2.1. Ní mheasfar an t-údarás áitiúil aon forbairt eastáit a thógáil i gcúram go dtí go gcinneadh sé gur críochnaíodh an eastát go sásúil. Tá dualgas ar fhorbróirí comhlíonadh leis na coinníollacha den cead pleanála arna deonú do na hEastáit, lena n-áirítear an íocaíocht iomlán de na ranniocaíochtaí forbartha go léir. D'fhéadfadh an Chomhairle gníomh forfheidhmithe a thógáil faoi réir reachtaíochta pleanála mura bhfuil nó murar raibh an forbairt déanta i gcomhréir leis an gcead arna deonú. Beidh coinníoll sa chead pleanála d'fhorbairtí tithíochta príobháidí áirithe (m.sh. coimpléisc árasáin agus araile) go mbunófaí cuideachta bhainistíochta atá comhdhéanta i gceart d'fhonn cothabháil den soilsiú, bóithre, cosáin, limistéir páirceála, agus seirbhísí poiblí agus de spásanna

oscailte. Tíolacadh an amhail soilsiú, bóithre agus cosáin phoiblí chuig an gCuideachta Bhainistíochta. Le haghaidh na forbairtí tithíochta go léir, ceanglófar leis an gcead pleanála go dtógfaí na bóithre, cosáin, seirbhísí agus araile, de réir na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta” (nó mar a luaitear a mhalairt sa Chead Pleanála) arna bhfoilsíú ag an Roinn Comhshaoil 1984/1998 (arna leasaithe) leis na caighdeáin theicniúla a luaitear sa cháipéis seo. Ní scaoilfear aon urrús a thaisceadh leis an údarás pleanála d’amhail forbairt ná ní laghdófar é go dtí go gcríochnófar go sásúil na hoibreacha ar na bóithre, cosáin agus seirbhísí sin, srl.

Áiseanna le tógáil i gcúram

Is éard atá i gceist le tógáil i gcúram ná go mbíonn an chumhacht ag na húdaráis áitiúla de na seirbhísí agus na ceantair phoiblí seo a leanas, a bhaineann le forbairt áirithe:

- Bóithre agus cosáin phoiblí;
- Ceantair pháirceála dromchla nach bhfuil leithdálte;
- Soilsíú Poiblí;
- Seirbhísí poiblí lena n-airítear hiodraint dóiteáin;
- Soláthar uisce poiblí, draenáil uisce stoirme agus fuíolluisce;
- Ionad Cóireála Fuíolluisce agus na criosanna maolánacha a ghabhann leis;
- Ionad Cóireála Uisce Inólta agus na criosanna coanta a ghabhann leis;
- Spásanna oscailte poiblí;
- Faichí Imeartha, nuair a cheanglaítear iad le coinníoll den chead pleanála mar áiseanna le haghaidh úsáide poiblí.
- Comharthaíocht

Ba chóir go bhfuil sé ar eolas ag na hiarrthóirí **go mbeidh an dliteanas fós ag an bhForbróir do na gnéithe thuasluaite den fhorbairt** go dtí go bhfuil said tógtha i gcúram ag an Údarás Áitiúil de Thiobraid Árann Thuaidh. Ní thógfar i gcúram aon chéimeanna aonair d’fhorbairt, ach amháin nuair a chríochnófar an fhorbairt iomlán. Tugtar aird na bhforbróirí ar an bhforáil d’Alt 35 den Acht um Pleanáil agus Forbairt 2000. Is éard atá san alt ná loiceadh an fhorbróra maidir le comhlíonadh na dtéarmaí de chead pleanála arna deonú roimhe seo, agus tugtar cead don Chomhairle mar údarás pleanála, iarratas pleanála reatha a dhiúltaíú. Má tá an Chomhairle sásta nár chomhlíon an forbróir le cead pleanála arna deonú roimhe seo, d’fhéadfadh sí é a mheas go bhfuil fíor-riosca ann nach ndéanfar an fhorbairt molta, má ndeonófaí cead, de réir na gcoinníollacha den chead pleanála agus mar sin de, d’fhéadfadh sí a bheith den tuairim nár cheart cead a dheonú. Seirbheálfaidh an Chomhairle Fógra i scríbhinn ar an iarrthóir chuige sin. Ceanglófar ar fhorbróirí Banna a chur faoi bhráid, de réir na foirme arna sonrú sa chead pleanála.

Seirbhísí Cothabhála

San áireamh sna seirbhísí cothabhála a chuirfidh an t-údarás ar fáil tar éis an phróisis de thógáil i gcúram a chur i gcrích beidh é seo a leanas:-

- Cothabháil de na bóithre agus cosáin go léir, lena n-airítear pairceáil sráide nár leithdháileadh.
- ;

- Cothabháil de phríomhphíobáin uisce agus seirbhísí draenála;
- Deisiú agus athchur de na bóithre, cosáin agus ceantair thírdhreachaithe a bhfuil mar thoradh ar dheisiú agus/nó cothabháil de seirbhísí faoin talamh (príomhphíobáin uisce agus seirbhísí draenála) arna ndéanamh ag an údarás;
- Scuabadh bóithre agus seirbhísí glantacháin de na príomhbhealaí poiblí laistigh den fhorbairt chónaithe;
- Cothabháil de na feistí soilsithe phoiblí lena n-áirítear na feisteas soilsithe neamh-chaighdeánacha;
- Cothabháil de spásanna oscailte don phobail (is iad sin, na spásanna a bhfuil rochtain ag an bpobal ginearálta orthu), ach níl iad seo a leanas san áireamh; gearradh féir nó cothabháil de ghruaimhíní féir, ceantair thírdhreachaithe/ornáideacha teagmhasacha, scotharnach nó faichí imeartha, seachas nuair atá a leithéid d'fhaichí imeartha riachtanach, mar áis a bheidh ar fáil don phobal ginearálta, ag an údarás áitiúil trí choinníoll pleanála.
- Cothabháil de na dromchlaí go léir, gnéithe i ndaingean agus trealamh imeartha teann i lotaí imeartha agus i bhfaichí imeartha i gcásanna nuair a cheanglaítear an fhaiche imeartha nó an lota imeartha le coinníoll de chead pleanála.

I gcomhréir le halt 180(2) den Acht um Phleanáil agus Forbairt 2000 agus leis an treoir a leagtar amach sa cháipéis seo, caithfear eastáit nár críochnaíodh a thógáil i gcúram nuair a iarann formhór na gcónaitheoirí air. Tabharfar tosaíocht do na heastáit atá níos sine, nuair a mheastar iad le haghaidh tógáil i gcúram. . Is éard atá sa phróiseas tógáil i gcúram ná feidhm fhorchoimeáda den Údarás Áitiúil lena leantar moladh de Bhainisteoir an Chontae.

COINNÍOLLACH GINEARÁLTA

2.1 D'fhorbairtí atá i mbun tógála, cuirfidh an forbróir in iúl don Údarás Pleanála nuair a chuirfear i gcrích na coinníollach den chead pleanála/eastát tithíochta. Ba cheart go gcuirfear i gcrích na forbairtí go léir ar feadh dhá bhliain sula measfaidh an tÚdarás Áitiúil iad a thógáil i gcúram. Maidir le forbairtí a chríochnaítear roimh ghlacadh an bheartais seo, ba chóir go ndeachaigh an chead pleanála in éag thar dhá bhliain.

2.2 Mar chuid den iarratas pleanála ní mór don fhorbróir na ceantair atá le tógáil i gcúram a dhreachadh.

2.3 Is féidir leis an bhforbróir nó formhóir na dtoghthóirí a bhfuil ina n-úinéirí/áititheoirí iarratas a dhéanamh chun go dtógfar an fhorbairt i gcúram trí foirm iarratais a chur faoi bhráid an Údaráis Pleanála den Údarás Áitiúil de Thiobraid Árann Thuaidh (cóip i gceangal leis seo in Aguisín B den cháipéis seo nó tríd í a íoslódáil ón suíomh gréasáin) – “Iarratas chun an Fhorbairt a Thógáil i gCúram ag an Údarás Áitiúil de Thiobraid Árann Thuaidh”, mar a leagtar amach in Aguisín B den cháipéis seo. Ní mór don fhoirm iarratais a bheith deimhnithe ag duine cáilithe oiriúnach, a bhfuil árachas proifisiúnta slánaíochta aige le huasmhéid de €2,600,000 d'fhonn a leithéid d'fhoirmeacha a shíniú. Ba chóir go gcoinneofaí an cumhdach sin ar feadh tréimhse de 6 bhliain tar éis deimhniúcháin. Ba chóir go dtugtar fianaise d'amhail árachas don Údarás Áitiúil. Measfar ineachair na foirme iarratais a bheith do leas an Údaráis Áitiúil de Thiobraid Árann Thuaidh.

2.4 Is forbairt údaraithe í an fhorbairt.

2.5 Ní mór don fhorbairt a thógáil i gcomhréir leis an gcead pleanála arna deonú. .

2.6 Tá na ranníocaíochtaí forbartha íoctha go hiomlán.

2.7 Ní scaoilfear ná ní laghdófar aon bhanna nó urrús arna taisceadh leis an Údarás Pleanála go dtí go dtógfar i gcúram na hoibreacha.

2.6 Tá na táillí cónaisc íoctha go hiomlán.

2.9 Ba chóir go dtógfaí na bóithre, cosáin, searraigh, draenacha agus na príomhphíobáin uisce i gcomhréir

i) leis an gCead Pleanála agus leis na dearaí a cuireadh faoi bhráid agus ar faomh an Údarás Pleanála iad;

ii) leis na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta”- An Roinn Comhshaoil agus Rialtais Áitiúil (1984/1998) (arna leasú)* (nó mar a luaitear a mhalairt sa Chead Pleanála), ach amháin nuair a cheanglaítear a mhalairt sna coinníollacha den chead. *Ar fáil ó Oifig Díolacháin na bhFoilseachán Rialtais, Sun Alliance House, Sráid Molesworth, Baile Átha Cliath 2 – Teil: 01-6613111.

2.10 Soláthróidh an Forbróir fianaise don Chomhairle go bhfuil an teideal dlíthiúil riachtanach ann, lena n-áirítear ceadanna slí, chun tailte a thrasnú laistigh de láithreáin agus tailte aonair laistigh de theorannacha an láithreáin, d’fhonn rochtain sa todhchaí a éascú i gcomhair críche cothabhála ar sheirbhísí amhail mar séaraigh, príomhphíobáin uisce agus oibreacha a ghabhann leis. Forchoimeadtar na teidil seo i suthaineacht i gcáipéisíocht aimsithe do cheannaitheoirí tí.

2.11 Beidh an forbróir ar an eolas go gceanglaítear íosmhéid de 6 mhéadar sa leithead maidir le aon Chead slí/teideal do shéaraigh nó do phríomhphíobáin uisce i réadmhaoine príobháideach. Ní fhéadtar an leithead a laghdú i gcúinsí áirithe ach amháin tar éis comhairliúcháin leis an gComhairle. Ba chóir go bhféidir le trácht feithicle teacht an na ceadanna slí go léir agus ba chóir go gclárófaí iad ar an talamh trína théann siad.

2.12 Ba chóir go gcuirfeadh tri chóip de dhearaí forbartha “mar a thógtar” (scála 1:500) faoi bhráid na Comhairle. Ba cheart go mbeadh é seo a leanas sna dearaí:

(i) Teorann an eastáit i ndúch dearg, spásanna oscailte i ndath glas, na bóithre, cosáin, soilsiú poiblí, ainmneacha na bóithre, agus uimhreacha na dtithe go léir.

(ii) Na seirbhísí go léir, lena n-áirítear príomhphíobáin uisce, comhlaí, hiodraint, séaraigh, claiseanna bóithre, duchtanna/cuaillí Telecom, duchtanna/cuaillí ESB, duchtanna cablelink agus na dúnphoill go léir. Ullmhófar an leagan amach digiteach (Formáid DXF) den eastát tithíochta de réir na comhordaithe den eangach náisiúnta.

(iii) Taispeánfar na híosleibhéil agus na leibhéil clúdaigh de na dúnphoill go léir maidir le sonraí léarscáileanna de Chionn Mhálanna. Taispeánfar na grádáin, cineál píopa, lárline píopa, áit na gcónaisc seirbhíse go léir de na codanna séaraigh ar na dearaí. Tá aicme na bpríomhphíobán, lárline, comhlaí, buacairí hiodraint agus méadair le taispeáint ar na dearaí. Ba chóir go mbeadh an teideal, uimhir agus dáta ceart ar na dearaí. Ba chóir go mbeadh nóta na n-athbhreithnithe agus an dáta ar na leasuithe.

2.13 Nuair a fuarthas an eastát ar an gcéad iniúchadh agus an dara iniúchadh i stádas neamhiomlán nó nach gcomhlíonann sé an caighdeán riachtanach, déanfar aon iniúchadh eile ar táille de €1,000 in aghaidh iniúchta go dtí an iniúchadh deireanach ina bhféadfar tógáil i gcúram a mholadh. Nuair a fuarthas an t-eastát i stádas sásúil i ngach gné sna dhá chéad iniúchadh, ní bheidh aon táille i gceist. Beidh an muirear seo i treoir nasc ó 1 Eanáir de

gach bliain i gcomhréir leis an Innéacs Praghsanna Mórdhíola – Foirgneamh agus Tógáil (arna fhoilsiú ag An Phríomh-Oifig Staidrimh). Níl san iniúchtaí seo ón gComhairle ach amháin iniúchadh ginearálta agus ní saortar leo an t-iarrthóir ná an t-innealtóir deimhniúcháin óna dhliteanais.

Cuirfidh an tÚdarás Pleanála in iúl don Iarrthóir/Forbróir aon oibreacha atá neamhiomlán nó atá fós le críochnú agus ní mór don Iarrthóir iad seo a cheartú ag a chostais féin. Cuirfidh an tIarrthóir/Forbróir in iúl don Údarás Pleanála gur réitíodh na saincheisteanna seo. Ar iarmhír an fhógra seo déanfar an Údarás Pleanála athiniúchadh ar an bhforbairt. Aistroidh nó tiolacfaidh an Forbróir an talamh go léir atá san áireamh sa chead pleanála agus a bhfuil faoi fheidhm an cháipéis beartais seo don Údarás Áitiúil de Thiobraid Árann, ar a chostas féin.

(i) Nuair a faightear an fógra i scríbhinn go gcríochnaíodh an t-eastát tithíochta i gcomhréir le 2.1 atá thuasluaite, déanfar an tÚdarás Áitiúil iniúchadh mar a leagtar amach thíos.

(ii) Laistigh de dhá sheachtain ón dáta a fuarthas an t-iarratas de thógáil i gcúram, aithneoidh an t-údarás áitiúil go bhfuarthas an t-iarratas agus na “dearaí mar a thógtar” agus aon cheadanna slí arna gcurtha faoi bhráid.

(iii) Laistigh d’ocht seachtaine ón dáta a fuarthas an t-iarratas de thógáil i gcúram, déanfar an t-údarás pleanála i gcomhar leis an bhforbróir, iniúchadh cuimsitheach den fhorbairt nó den céim forbartha, agus cuirfidh sé in iúl don fhorbróir i scríbhinn faoi na saincheisteanna go léir atá fós le cur i gcrích maidir le críochnú sásúil na forbartha.

(iv) Eagróidh an forbróir, laistigh de 4 sheachtain ón dáta a fuarthas na sonraí ón údarás pleanála faoi na saincheisteanna atá fós le críochnú, an críochnú de na hoibreacha luaite, agus cuirfidh sé é in iúl don údarás pleanála nuair a chríochnófar na hoibreacha. Mura bhféadtar na hoibreacha a dhéanamh laistigh den tréimhse sin, ní mór don fhorbróir é a chur in iúl don údarás cén uair a chríochnóidh na hoibreacha.

(v) Eagróidh an t-údarás, laistigh de 4 sheachtain tar éis dó an fhaisnéis a fháil gur críochnaíodh na hoibreacha ag (iii), iniúchadh deireanach ar an bhforbairt d’fhonn an críochnú sásúil a chinntiú de na saincheisteanna luaite mar a aithnítear ag (ii).

(vi) Nuair atá an t-iniúchadh deireanach den fhorbairt nó céim den fhorbairt déanta agus an críochnú sásúil de na hoibreacha, scaoilfidh an t-údarás pleanála an gné sin den urrús arna taisceadh d’fhonn críochnú na n-oibreacha a dhaingniú agus chun dul ar aghaidh chun an fhorbairt nó céim den fhorbairt a thógáil i gcúram. Déanfar gach iarracht réasúnta chun a chinntiú go gcuirfar i gcrích nósanna imeachta foirmiúla le haghaidh an phróisis de thógáil i gcúram leis an moill is giorra.

(vii) Dílseoidh an forbróir don údarás pleanála (gan aon chostas don údarás) na ceantair phoiblí, lena n-áirítear spásanna oscailte, a ainmníodh le haghaidh an tógáil i gcúram.

(viii) Ina dhiaidh an chinnidh chun an fhorbairt a thógáil i gcúram, cuirfear na sonraí isteach sa chlár pleanála. Ansin ullmhófar Ordú Bainisteora leis an mapa i gceangal, lena maítear go bhfuil an ceantar arna sainiú ar an mapa tógtha i gcúram agus déanfar taifead de seo ar an gclár (a bhfuil ar fáil d'iniúchadh poiblí).

SOILSIÚ POIBLÍ

(i) Mura chuir an Forbróir cóip den dearadh/leagan amach den soilsiú poiblí faoi bhráid roimhe seo, tabharfaidh sé í don Chomhairle.

(ii) Tabharfaidh an forbróir Deimhniúchán Críochnaithe arna dheimhniú ag an soláthraí cuí agus taispeánfar go soiléir gur tógadh scéim soilsithe poiblí de réir na gcaighdeán agus na sainithe riachtanacha.

(iii) Beidh an Forbróir freagrach as cothabháil agus muirir an chórais soilsithe poiblí go dtí go dtógann an tÚdarás Áitiúil an fhorbairt i gcúram.

BÓITHRE AGUS COSÁIN

(i) Tógfar i gcúram na bóithre agus cosáin i gcomhar leis na príomhphíobáin uisce, séaraigh agus spásanna oscailte.

ii) Tógfar na bóithre agus na cosáin i gcomhréir le hAlt 2 de na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta”- An Roinn Comhshaoil agus Rialtais Áitiúil (1998) (arna leasú) (nó mar a luaitear a mhálairt sa Chead Pleanála), seachas Alt 2.24 (Cóiriú Dromchla) mar ní ghlacfar le cóiriú dromchla mar chiseal dromchla in Eastáit Tithíochta.

(iii) Soláthróidh an Forbróir na comharthaí agus marcáil bóithre go léir mar a sainítear sa Chead Pleanála.

(iv) Glanfar na claiseanna go léir agus beidh siad soar ó bhacainn. Níor chóir go mbeadh aon fhianaise sofheicthe de linnte d’uisce dromchla.

SEIRBHÍSÍ UISCE AGUS SÉARAIGH

San áireamh mar ghnéithe faoin alt seo tá príomhphíobáin uisce, séaraigh uisce dromchla, córais tanaithe d’uisce stoirme, ionaid chóireála fuíolluisce agus stáisiúin chaidéalaithe, séaraigh bréan, agus na dúnphoill, línte píopaí agus fearais go léir a ghabhann leo. ii) Tógfar i gcúram na gnéithe seo go léir i gcomhar le bóithre/cosáin agus spásanna oscailte agus nímór dóibh comhlíonadh leis na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta”- An Roinn Comhshaoil agus Rialtais Áitiúil (1998) (arna leasú) agus na coinníollacha den chead pleanála. Ní thógfar i gcúram séarach aonair ná píopaí seirbhíse soláthair uisce. Beidh na cónaisc lena soláthraítear tithe aonair an fhreagracht den úinéir tí aonair.

Suirbhé TCI/ Suirbhé Dúnphoill

Cuirfear faoi bhráid na Comhairle suirbhé TCI/suirbhé dúnphoill cuí (arna sainiú ag an Rannóg Sheirbhísí Uisce den Údarás Áitiúil) de na córais bhailiúcháin séaraigh sula dtaisctear foirm iarratais le haghaidh tógáil i gcúram. Cuirfear an suirbhé i gcrích ag costas an Fhorbróra. Déanfar an suirbhé TCI i gcomhréir leis an gcáipéis bheartais um Sheirbhísí Uisce “Coinníoll agus riachtanais caighdeánacha do Shuirbhé Líonra Séaraigh TCI” (Féach Aguisín C).

Cinntoidh an tIarrthóir go bhfuil rochtain éasca ar na dúnphoill agus na cumhdaigh go léir, go bhfuil siad soar ó smionagar agus go n-éascaítear rochtain éasca i gcomhair iniúchta.

SPÁSANNA OSCAILTE

Beidh an fhorbairt agus an tírdhreachú de na spásanna oscailte i gcomhréir leis an gcead pleanála arna deonú.

DÓITEÁN

Beidh an fhorbairt i gcomhréir leis an gcead pleanála arna deonú agus leis an foilsíúchán ábhartha de na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta”- An Roinn Comhshaoil agus Rialtais Áitiúil (1998) (arna leasú)* (nó mar a luaitear a mhalairt sa Chead Pleanála).

AGUISÍN A:

**Riachtanas Reachtaíochta
Maidir le Tógáil I
gCúram d'Fhorbairtí
Tithíochta**

Le tugadh isteach d'alt 180 den Acht um Pleanáil agus Forbairt 2000 forchuirtear níos mó freagrachta ar údaráis áitiúla maidir le tógáil i gcúram d'eastáit, atá críochnaithe agus nach bhfuil críochnaithe. Le hAlt 180(1) agus le hAlt 180(2) den Acht um Pleanáil agus Forbairt, 2000 foráiltear dhá chúinse difriúla.

In **Alt 180(1)** déantar tagairt ar fhorbairt ar deonadh cead dó faoi réir *alt 34* den Acht um Pleanáil agus Forbairt, 2000 nó faoi réir Cuid IV den 1963 Acht.

1) San áireamh tá tógáil de dhá theach nó níos mó agus solathar d'úr-bhóithre, spásanna oscailte, carrchlóis, séaraigh, príomhphíobáin uisce nó draenacha nua agus

2) Críochnaíodh an forbairt go sásamh an údaráis phleanála i gcomhréir leis an gcead agus le haon coinníollacha ina bhfuil an cead faoi réir.

I gcás a leithéid d'fhorbairt, ní mór don údarás phleanála, má iarrtar air an fhorbairt a thógáil i gcúram ón duine atá i mbun an fhorbairt nó ó fhorhóir na dtoghthóirí atá mar úinéirí/áititheoirí, tús a chur leis na himeachtaí faoi réir Alt 11 d'Acht na mBóithre, 1993 chun na bóithre poiblí a thógáil i gcúram. Sa chás seo, faoi réir Alt 11, ní mór don údarás a bheith sásta go bhfuil an pobal i gcoitinne ag úsáid an bhóthair, dul i mbun comhairliúcháin phoiblí agus meas aon ionadaíocht atá déanta agus na himpleachtaí airgeadais den tógáil i gcúram den bhóthar/de na bóithre a mheas. Is ábhar do na baill thofa é an cinneadh maidir le hordú a dhéanamh chun an bóthar/na bóithre a thógáil i gcúram. Nuair nach n-ordaíonn an t-údarás áitiúil lena ndearbhaítear an bóthar/na bóithre a bheith poiblí, ní mór dó freisin tógáil i gcúram aon spásanna oscailte, carrchlóis, séaraigh, príomhphíobáin uisce nó draenacha laistigh d'fhaichí choimhdheacha na forbartha (Alt 180(4)).

Foráiltear le **hAlt 180(2)** cás forbartha, nach bhfuil cosúil leis an bhforbairt arna déanamh tagairt dó in Alt 180(1), forbairt nár críochnaíodh go sásamh an údaráis phleanála agus nár cuir an t-údarás phleanála tús le himeachtaí forfheidhmithe laistigh de thréimhse de seacht mbliana ó thús an éaga, maidir leis an gcead lena ndeonaítear an fhorbairt, den tréimhse cuí, laistigh de bhrí *alt 40* nó an tréimhse arna fadú faoi réir *alt 42*, mar atá an cás, comhlíonfaidh an t-údarás, nuair a iarrann formhór na mball tofa a bhfuil ina n-úinéirí nó ina n-áititheoirí de na tithe atá i gceist, le halt 11 d'Acht na mBóithre, 1993, ach ní thabharfar aird ar fho-alt (1)(b)(ii) den alt sin, is e sin le rá ***Where a public authority proposes to declare a road to be a public road it shall – (ii) consider the financial implications for the authority of the proposed declaration, Nuair a mholann údarás poiblí bóthar a dhearbhu mar bhóthar poiblí –(ii) measfaidh sé na himpleachtaí don údarás den dearbhú molta.***

Is ábhar don údarás áitiúil é an cinneadh a dhéanamh maidir le cén chatagóir a théann an eastát ann, is é sin.:

a) críochnaíodh an fhorbairt go sásamh an údaráis phleanála i gcomhréir leis an gcead agus le haon coinníollacha ina bhfuil an cead faoi réir, agus mar sin

de tá sé faoi réir Alt 180(1) (d'fhéadfaí na himpleachtaí airgeadais a mheas maidir le tógáil i gcúram na mbóithre) nó (b) níor críochnaíodh an fhorbairt go sásamh an údaráis phleanála agus mar sin de tá sé faoi réir Alt 180(2) (ní fhéadfaí na himpleachtaí airgeadais a mheas maidir le tógáil i gcúram na mbóithre).

Is cuma cén chatagóir a théann an eastát ann, ní mór don údarás pleanála, má iarrtar air forbairt a thógáil i gcúram ó fhormhór na dtoghthóirí atá mar úinéirí/áititheoirí, tús a chur leis na himeachtaí faoi réir Alt 11 d'Acht na mBóithre. Ach, i gcás eastáit atá á mheas faoi réir Alt 180(2)(nár críochnaíodh go sásúil agus níor cuireadh tús le himeachtaí forfheidhmithe laistigh den tréimhse cuí), ní mheasfar na himpleachtaí airgeadais maidir le tógáil i gcúram an bhóthair. Níl aon dualgas ar an údarás áitiúil na bóithre a thógáil i gcúram in aon eastát dá leithéid: is discríd na mball tofa é seo. Ach nuair a ordaíonn an t-údarás lena ndearbhaítear an bóthar/na bóithre a bheith i gcomhréir le hAlt 180 den Acht um Phleanáil agus Forbairt, 2000, áfach, ní mór dó freisin tógáil i gcúram aon spásanna oscailte, carrchlóis, séaraigh, príomhphíobáin uisce agus araile.

AGUISÍN B:

Iarratas chun an tÚdarás Áitiúil de Thiobraid Árainn Thuaidh an fhorbairt a thógáil i gcúram.



Ainm an Iarratasóra: _____

Seoladh an Iarratasóra: _____

Uimhir Teileafóin: _____

Ainm an Fhorbróra: _____

(Má tá éasgúil ón ainm thuas)

Seoladh an Fhorbróra: _____

(Má tá éasgúil ón seoladh thuas)

Ainm na Forbartha: _____

Teagmháil an Chumainn Chónaitheoirí:

Áit na Forbartha: _____

Uimhir Léarscála Suirbhéireachta Ordanáis: _____

Uimhreacha Tagartha Pleanála: _____

Uimhreacha Admhála den Ranníocaíocht Forbartha:

Uimhreacha Admhála den Táille Nasctha:

Líon na dTithe: _____

Líon na nÁrasán: _____

Líon na nAonad Tráchtála: _____

Dearáí mar a Thógtar

Arna gcríochnú ag: _____

Cáilíocht: _____

Míreanna arna gcurtha leis an bhfoirm Iarratais seo: (Cuir tic sa bhosca cuí)

Dearáí mar a Thógtar _____

Dearadh Soilsithe Phoiblí _____

Deimhniúchán Árachais de Thríú Pháirtí _____

Teastais ó sholáthraithe seirbhíse neamhspleáiche
(Bord Gais, Eircom etc.) _____

Cóipeanna de Cheadanna Slí _____

Plean Leagan Amach den Draenáil (C.D.) _____

Suirbhé TCI _____

Leis seo is mise a bhfuil a síniú thíos a iarrann ar an Údarás Áitiúil de
Thiobraid Árann Thuaidh na ghnéithe seo a leanas den fhorbairt a thógáil i
gcúram.

Sínithe _____ Dáta:

larratasóir:

1. Soilsiú Poiblí

Líon na Soilsiithe Poiblí: _____

Cineál Lochrainn: _____

2. Bóithre

3. Cosáin

Fad an Bhóthair _____ (méadair)

Fad an Chosáin _____ (méadair)

4. Príomhphíobáin Uisce

| Fad(m) | Lárlínte (mm) | Ábhar | Aicme |
|--------|---------------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

5. Dúnphoill Séaraigh

Líon na ndúnphoill séaraigh: _____

| Fad(m) | Lárlínte (mm) | Ábhar |
|--------|---------------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

6. Séaraigh Uisce Dromchla

Líon na nDúnphoill de Shéaraigh Uisce Dromchla: _____

Líon na gClaiseanna Bóthair: _____

| Fad(m) | Lárlínte (mm) | Ábhar |
|--------|---------------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

7. Spásanna Oscailte

Achar(air) _____ (heicteáir)

8. Bannaí Feidhmiúcháin

Méid _____

Dáta Éaga an Bhanna: _____

Aguisín C:
Coinníollacha agus Riachtanais Chaighdeánacha do Shuirbhéanna
Líonra Séaraigh TCI

Go ginearálta, is é an cuspóir den tsuirbhé TCI deireanach arna gcurtha faoi bhráid an Údaráis Pleanála ag an bhforbróir príobháideach ná é a thaispeáint go bhfuil an líonra a ndearnadh suirbhé air, i gcomhréir leis na coinníollacha pleanála ábhartha agus go háirithe leis na moltaí agus caighdeáin seo a leanas:

- 1) An foilseachán WRc ón Ríocht Aontaithe, Sewers for Adoption 5th Edition.
- 2) Moltaí d'Oibreacha Forbartha Láithreáin do Cheantair Thithíochta (1988)
- 3) Treoracha d'Oscailt, Líonadh Cúlaithe agus Athchur na dTrinsí i mBóithre Poiblí (Aibreán 2002).
- 4) Na codanna ábhartha de BS EN 752, EN 1917, IS 420, EN 1916, IS 6, BS 8301, agus de BS 8005 1987.

Tá achoimre thíos faoin tsuirbhé riachtanach agus faoi na riachtanais thuairiscithe:

- 1) Ba chóir go gcuirfeadh dhá chóip bhunaidh den taifeadán TCI iomlán agus tuairisc coinníll/iniúchta faoi bhráid na Rannóige Pleanála de Chomhairle Chontae Thiobraid Árann Thuaidh i gcás suirbhéanna a rinneadh lasmuigh de cheantair fheidhmiúcháin na Comhairle Baile agus faoi bhráid na Comhairle Baile ábhartha i gcás suirbhéanna a rinneadh laistigh de na ceantair sin. Ba chóir go mbeadh an dhá chóip seo i bhformáid d'ardtaifeach VHS de thaifeadadh físe. Féadtar cóipeanna breise a chur isteach i bhformáid DVD.
- 2) Ba chóir go bhfuil oiliúint oiriúnach ag na daoine a dhéanann an obair suirbhé agus an tuairisc iniúchta ina dhiaidh sin, oiliúint de réir caighdeán WTI agus ó chomhlacht oiliúna aitheanta, maidir le húsáid teicneolaíochta suirbhé, tuiscint fianaise físe agus le hullmhú na tuairiscithe iniúchta agus coinníll.
- 3) Ba chóir go dtaispeánfaí sa thuairisc coinníll/iniúchta conas ar tháinig ar na míosúir % airde/lárlíne agus conas a choimeádtar comhsheasmhacht sa phróiseas seo, trí thagairt a dhéanamh ar an modh a leagtar amach sa lámhleabhar oiliúna WTI.
- 4) Ba chóir go mbeadh áis panna agus fiartha ag an gceamara TCI agus ba chóir go mbeadh na cónaisc go léir lena n-áirítear iad sin a théann isteach sna dúnphoill taifeadadh ar fíis agus sonraíthe san tuairisc coinníll/iniúchta.
- 4) Ba chóir go mbeadh áis panna agus fiartha ag an gceamara TCI agus ba chóir go mbeadh na cónaisc go léir lena n-áirítear iad sin a théann isteach sna dúnphoill taifeadadh ar fíis agus sonraíthe san tuairisc coinníll/iniúchta.
- 6) Ba chóir go dtugann an ceamara TCI íomhá géar d'ardtaifeach saor ó scátha.

7) Ba cheart go mbeadh séaraigh agus dúnphoill a bheith saor ó smionagar agus ó ábhar a d'fhéadfadh scriosadh, sula ndéantar an taifeadadh TCI deireanach.

8) Níor chóir go mbeadh aonaid scairdeáin phíopa a bheith i bhfeidhm sa séarach céanna agus an ceann ina ndéantar an suirbhé TCI.

9) Ba chóir go mbeadh ionadaí ó na Seirbhísí Uisce de Chomhairle Contae Thiobraid Árann Thuaidh i bhfreastal ag tús gach suirbhé.

DEIMHNIÚCHÁN ÁRACHAIS DE THRÍÚ PHÁIRTÍ Teastas Uimh.1

Ar mhaithe don Údarás Áitiúil de Thiobraid Árann Thuaidh, deimhnítear leis seo:

- (a) Go ndearnadh tesiteáil ar na séaraigh agus gur éirigh leo agus go bhfuil siad i gcomhréir le Clásal 3.20 de na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta”- An Roinn Comhshaoil agus Rialtais Áitiúil (1984/Samhain1998) (arna leasú) (nó nuair a mhaítear a mhalairt sa Chead Pleanála).
- (b) Go ndearnadh tesiteáil ar na píopaí uisce agus gur éirigh leo agus gur steirilíodh iad i gcomhréir le Clásal 4.18 de na “Moltaí d’Oibreacha Forbartha Láithreáin do Cheantair Thithíochta”- An Roinn Comhshaoil agus Rialtais Áitiúil (1984/Samhain1998) (arna leasú) (nó nuair a mhaítear a mhalairt sa Chead Pleanála).

Faoi réir na dteorainneacha/éagsúlachtaí seo a leanas:-

NÓTAÍ TRÁCHTA:

Ní eisítear an Tuairim seo ach amháin d’fhonn fianaise a thabhairt do na hÚdaráis Áitiúla de Thiobraid Árann Thuaidh maidir le comhlíonadh na riachtanas ábhartha den Chead (Ceadanna) Pleanála Seachas nuair a bhaineann sé lena leithéid de chomhlíonadh, ní tuairisc é ar choinníoll na bhfoirgneamh laistigh den Rannóg Ábhartha, ná Tuairisc Meastóireachta ábhartha ach an oiread.

Leis glacaim go mbeidh mé freagrach i gcás aon éilimh nó cailteanais mar thoradh air aon mhíchruinneas nó díorthuithe ó na dearáí “mar a thógtar” arna ndeimhniú thuas i ndiaidh an tógáil i gcúram den eastát.

Sínithe: _____ Dáta:

Tríú Pháirtí

Cáilíocht: _____

Sonraí den Árachas Slánaíochta Gairmiúla (cóip le ceangal)

DEIMHNIÚCHÁN DE THRÍÚ PHÁIRTÍ

Teastas Uimh.2

Iarradh ormsa, _____, Tuairim maidir le comhlíonadh leis an gCead/Ceadanna Pleanála den fhorbairt ag

(dá ngairtear an Fhorbairt Ábhartha i ndiaidh seo)

a ndéanann an cead/ceadanna pleanála tagairt air

Ní eisítear an Tuairim seo ach amháin d'fhonn fianaise a thabhairt do na hÚdaráis

Áitiúla de Thiobraid Árann Thuaidh maidir le comhlíonadh na riachtanas ábhartha den Chead (Ceadanna) Pleanála Seachas nuair a bhaineann sé lena leithéid de chomhlíonadh, ní tuairisc é ar choinníoll na bhfoirgneamh laistigh den Rannóg Ábhartha, ná Tuairisc Meastóireachta ábhartha ach an oiread.

Leis seo, soláthraím na seirbhísí gairmiúla seo a leanas maidir leis an bhforbairt Ábhartha

Deimhním leis seo go gcomhlíonann go substaintiúil na bóithre agus cosáin laistigh den Fhorbairt Ábhartha le riachtanais na cáipéise den Údarás Áitiúil de Thiobraid Árann Thuaidh um "Bheartas Tógáil i gCúram do Fhorbairtí Tithíochta Príobháideacha" agus gur tógadh an Fhorbairt Ábhartha i gcomhréir substaintiúil leis an gCead (Ceadanna) Pleanála arna deonú, faoi réir na ndíorthuithe mar a leagtar síos i Sceideal 1 leis an teastas seo.

Sínithe: _____ Dáta: _____

Cáilíocht: _____

Sonraí den Árachas Slánaíochta Gairmiúla (cóip le ceangal)

SCEIDEAL 1:

Faoi réir na dteorainneacha/éagsúlachtaí seo a leanas:-

NÓTAÍ TRÁCHTA:

Clár Tógáil i gCúram

Ainm Eastáit/Ainm Fhorbartha:

Áit Eastáit/Áit Forbartha:

Ainm an Iarratasóra: (ag iarraidh an tógáil i gcúram)

Teagmháil an Chumainn Chónaitheoirí:

Forbróir:

Uimhreacha Tagartha Pleanála: _____

Cur Síos na Forbartha:

Dáta Admhála den Iarratas Tógáil i gCúram: _____

Stádas an Iarratais den Tógáil i gCúram:

| Dáta an Chéad Iniúchta | Dáta nuair a tógadh an Fhorbairt i gCúram: |
|------------------------|--|
| | |
| | |