



Taking in Charge Update

Planning Strategic Transport & infrastructure Development SPC

WEB <https://www.fingal.ie/housing-fingal/taking-charge-information>

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TIC Update



- TIC Legal
- Developer Requirements
- What's Taken in charge
- TIC 2024
- Sequestering the Bond
- TIC Framework
- Current issues

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Taking in Charge Legal Process

2 main pieces of legislation

Planning Development Act:

Section 180 or Section 261 of new Act

- Requires **TIC Request** – either

from Developer or Planning
Roads Act: Section 91 Roads Act

- Confirm that the road etc is up to standard
- Advert for submissions 6 weeks and stakeholder engagement
- For information and questions by Cllrs at ACMs
- Proposed for Cllr consideration at **Full Council Meeting**
- Record – CE Order and added to TIC Register + GIS

NOTE: In FCC, Open Space is TIC'd thro a separate process – land transfer (deed of dedication)





Taking in Charge Requirements

What's required

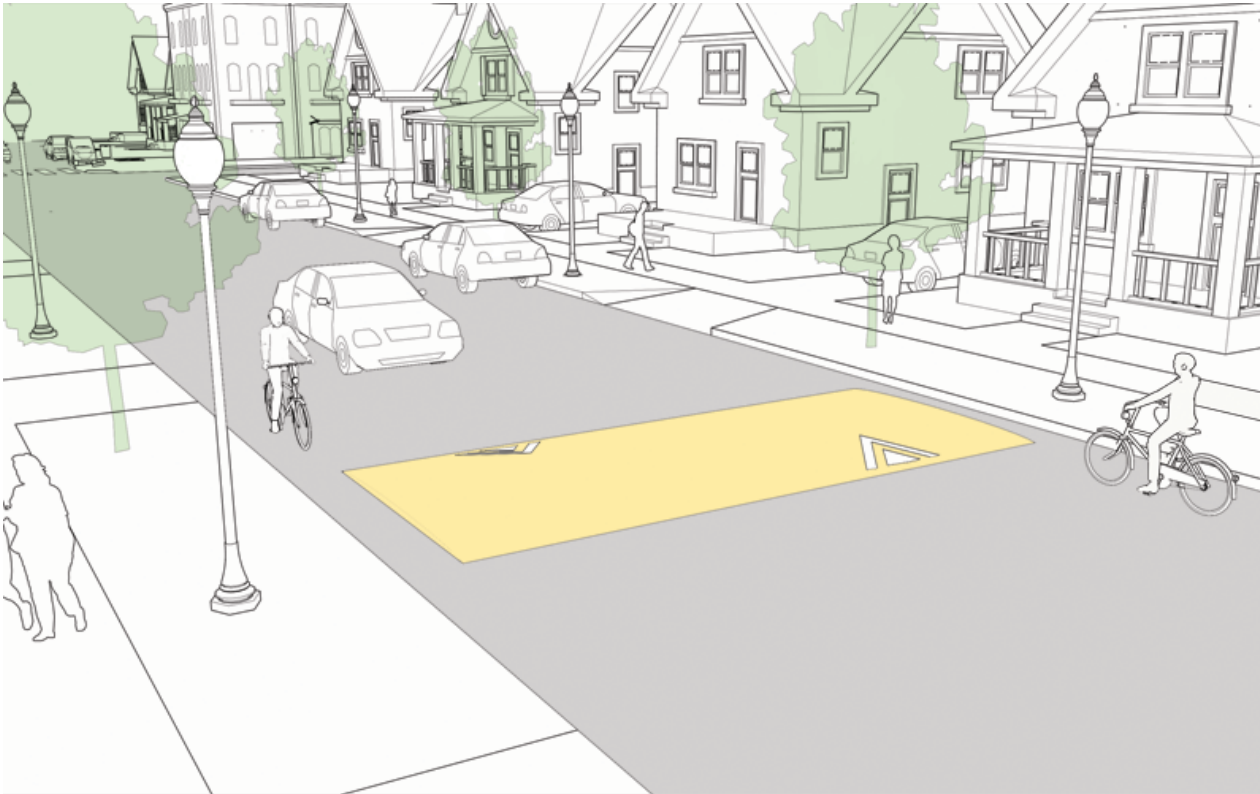
1. **TIC information** – As-constructed Drawings, CCTV of underground services, H&S file for maintenance via sharepoint
2. **TIC Works** – remediation works to bring the estate up to the TIC standard – List of Outstanding Works
3. **Responsibility** - Developer is responsible for the maintenance of the Development until it is Taken in Charge.
4. **Local Authority powers**
 - Bond condition
 - Planning Enforcement



Taking in Charge/Maintenance



Examples of what we take in Charge



Roads, footpaths, trees, margins, street furniture, ducting, public lighting, generally area between opposite boundaries. Unallocated parking. SuDS features and Surface water Infrastructure – (pipes, gullies, manholes etc) Water and waste Infrastructure for IW (Legacy dev. only) 2026

Taking in Charge 2024 – All-time record 27+8



BC 1281 The Park, Skerries

BC 1666 Bracken Park, Castleknock

BC 1741 Golden Ridge, Phase 2, Rush

BC 1742 River Mall Lane Way, Swords Village

BC 1745 Riverwood Gardens, Castleknock

BC 1746 Blackwood, Ongar Chase

BC 1747 Emsworth, Kinsealy Lane

BC 1748 Coopers Wood, Kinsealy

BC 1749 Hyde Court, Rush

BC 1751 Thornleigh, Swords

BC 1752 Lusk Village, Lusk

BC 1753 Ashfield, Ridgewood, Swords

BC 1754 The Elms, Ridgewood, Swords

BC 1755 Footpath on Park Road, Rush

BC 1756 Ongar Village, Dublin 15

BC 1757 Willan's Estate, Ongar

BC 1758 Lily's Estate, Dublin 15

BC 1759 Castlegrange, Castaheany

BC 1765 Bellingsmore Estate, Dublin 15

BC 1767 Portmarnock South Phase 1 A

BC 1768 Thormanby Hill, Howth

BC 1769 Oak Park, Kinsealy

BC 1770 Heathfield Estate, The Ward

BC 1736 Bay Meadows Phase 2, Hollystown

BC 1740 Vauxhall Street, Balbriggan

BC 1743 Barnageeragh Cove (Phase 1 & Phase 2)

BC 1744 Drynam Hall

Taken into Maintenance

BC 1771 Kilsough Gardens, Balbriggan

BC 1772 Pinewood Green Heath, Balbriggan

BC 1773 Racecourse Green, Lusk

BC 1774 Saint Cronan's Green, Swords

BC 1775 Rowlestown Estate, Rolestown

BC 1776 Ladyswell Crescent D15

BC 1777 Cappaghfinn Phase 1 D15

BC 1779 Hole in the Wall Road, Balgriffin

When Developers do not engage



FUNDS NEEDED

- Sequester the bond
- Bond agreement is a legal document
- Bondholder will demand accurate costings and may insist that they carry out the works

WORKS REQUIRED

- Tender and Engage Consultant/Contractor to carry out the works
- Full procurement rules apply
- Full H&S legislation applies
- Project Management – Contractors, Consultants and stakeholders
- Contract rules apply

TIC Framework 2025



Framework for Consultant Engineering Services for Estates to be brought to Taking in Charge Standard by Fingal County Council

The Consultant will be responsible for surveying and examining the condition of all the infrastructure in the various developments In Fingal County Council and establishing a cost estimate to bring the infrastructure up to a standard that Fingal County Council can take it into charge.

The Consultants will have to prepare Tender Documents for publication by the Central Procurement Unit, engage with Fingal County Council on the procurement process for the appointment of the Contractor, participate on the Tender assessment for Fingal County Council to procure Contractors to carry out the required works identified in the report. Following on, the Consultant will manage and administer the Contract through to final payment.

Current Issues: designated parking?



- Designated parking with planning can not be TIC'd
- Wayleaves required for access and U/G services
- OMC needed for Parking spaces



Current Issues: Uisce Éireann



- Schedules 1 and 2 of MOU
- SLA ends in 2026
- Surface Water vs Waste Water



Current Issues – Shared surfaces



- DMURS
- New system of road use - reprioritisation
- Residents have Safety Concerns
- Public Lighting location



Current Issues: Sustainable Drainage



- Ireland's Surface Water Strategy
- Ponds
- Swales
- Residents have safety concerns
- As per Planning!!



Current Issues: high standard materials



- Standard materials for all maintenance
- Unless the estate is gated, it can be taken in charge



Current Issues: EV Charging on Public Spaces



- Government Guidance
- In curtilage vs roadside
- Development Plan
- Planning Conditions
- Climate Action Plan
- ZEVI
- ESB
- EV Charger Operator





Road and sewer issues a 'time bomb' for homeowners

4 days ago

Share  Save 

Niall McCracken

BBC News NI Mid Ulster Reporter

Both NI Water and the Department for Infrastructure (DfI) said any remedial works required are the responsibility of the developer.

A spokesperson for DfI said it is developing new enforcement guidelines to deal with developers that "have not fulfilled their responsibility to provide infrastructure to an adoptable standard".