

KILDARE COUNTY COUNCIL

OWNERS TAKING IN CHARGE REQUEST

**HOUSE NUMBER:**

**ADDRESS:**

I/We hereby declare, as owner(s) of the above property, my/our support for the request to have the respective development taken in charge by Kildare County Council, in accordance with Section 180 of the Planning & Development Act 2000, as amended, and to initiate the procedures under [Section 11 of the Roads Act, 1993.](http://revisedacts.lawreform.ie/eli/2000/act/30/section/180/revised/en/html)

I/We confirm my/our ownership of the above property.

I/We declare that the information provided by me/us is true and accurate.

NAME(S) OF OWNER(S) (**PLEASE PRINT IN BLOCK CAPITALS**):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE(S) OF OWNER(S):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE:

\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Please submit to:**

Kildare County Council,

Taking in Charge Requests,

Development Control Section,

Roads, Transportation & Public Safety Department,

Level 4, Áras Chill Dara,

Devoy Quarter,

Naas,

Co. Kildare.

T**o :** The Director of Services, Roads, Transportation & Public Safety, Kildare County Council.

Re.: Request to Commence the Taking In Charge process for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We, the undersigned, being owners of houses in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (housing estate) having read the attached advice note prepared by Kildare County Council, under the provisions of Section 180 of the Planning and Development Act 2000, as amended request the Council to commence the taking in charge process for the estate and to initiate the procedures under [Section 11 of the Roads Act, 1993.](http://revisedacts.lawreform.ie/eli/2000/act/30/section/180/revised/en/html)

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**ADVICE NOTE TO OWNERS**

In the absence of a request from the developer to take **the aforementioned estate** in charge, it is proposed to commence the taking in charge process for the estate at the request of the owners of the houses involved in accordance with the provisions of Section 180 (1) and (2)(a) of the Planning and Development Act 2000, as amended.

These Sections of the Act enable the taking in charge process for the estate to be commenced by the Council where requested by the majority of owners of the houses involved.

The Council will consider a petition signed by the majority of the owners, with appropriate supporting documentation, as the basis for commencing the process of taking the estate in charge. Before signing the petition, the owners should be aware of the difference of taking an estate in charge by this method (i.e. at the request of the owners) and the conventional method (i.e. at the request of the developer).

**TAKING IN CHARGE AT REQUEST OF THE MAJORITY OF OWNERS:**

Section 180 (1) of the Act provides for the Taking In Charge (TIC) of estates either at the request of the developer or the majority of owners. The conventional manner for TIC estates is at the request of the developer. The paragraphs below set out the essential differences of taking estates in charge at the request of the developer and at the request of the majority of owners.

**Conventional manner for taking estates in charge:**

When an estate is taken in charge in the conventional manner (i.e. with the co-operation of the developer), the public open spaces must be vested in the Council and the developer is required to provide “as constructed” drawings showing the location of all services and manholes, etc. This is essential to facilitate the future maintenance of the estate. The developer is required to provide a CCTV survey of foul sewers. This is required to ensure that there is no debris or infiltration into the sewers. Finally, the developer is required to rectify any defects or damage to the roads, footpaths, services, open spaces, etc. that are to be taken in charge.

**Taking estate in charge at the request of the majority of owners:**

Where an estate is not taken in charge in the conventional manner and the TIC process is activated at the request of the majority of owners in accordance with the provisions of Sections 180 (1) and (2).(a) of the Planning and Development Act 2000, as amended, ownership of the open spaces will not necessarily transfer to the Council. The only funds which may be available for remedial works are the security bond which may have been lodged by the developer. In many older estates the amount of the bond may not be adequate to fund the remedial works required, or the insurance bond may have expired, or the company providing the insurance bond may have ceased trading.

**Summary**

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| --- | --- |
| **No. of Houses in Estate.** | **No. of Owners Who Signed Petition.** |
| INSERT NUMBER OF HOUSES IN ESTATE | (51% minimum REQUIRED). |