

KILDARE COUNTY COUNCIL
TAKING IN CHARGE POLICY & SPECIFICATIONS

Appendix 3
Bond Requirements and Wording

Q2 2023

Bond Requirements and Bond Wording

Conditions in Relation to Financial Security/Bond

In the case of development, planning conditions will require the giving of sufficient security prior to commencement of development. Kildare County Council will seek to ensure it is in a position to draw down the security in cases where a Developer fails to complete to a taking in charge standard.

The bond is independent of the Uisce Éireann Bond and relates to the cost required to bring the estate up to taking in charge standard except for the foul drainage and the water infrastructure which is covered by the Uisce Éireann Bond.

Conditions requiring a bond or security will be applied to developments to be taken in charge and developments not to be taken in charge.

Where a development is completed in accordance with the planning permission and the standards set out in the overall Taking in Charge policy, the security will be released, subsequent to the taking in charge process being satisfactorily complied with. In the case of a development not to be taken in charge, where such a development is completed in accordance with the planning permission and the standards set out in the overall Taking in Charge policy, the security will be released.

If the development is not in compliance with the required standards as outlined in this document or as required by applicable regulations and standards, the bond/security will be retained in proportion to the value of the outstanding works.

It is a matter for the Planning Authority to determine both the level of the security and the type of security (e.g. the lodgment of a bond from a financial institution - e.g. bank, insurance company, building society or a cash lodgment) that will be required for each development permitted, and what such security provides for. The amount of the security, and the terms on which it is required to be given, must enable Kildare County Council, without cost to itself, to complete the necessary services (including roads, footpaths, surface water sewers, attenuation systems, public lighting and open spaces etc.) to the Kildare taking in charge standard in the event of default by the Developer and to provide for any risk liabilities of the Council arising from a developer not adhering to the terms of a permission or completing a development satisfactorily. Preference will be for a cash bond which can be rolled over/ part rolled over in phases for larger developments, subject to each phase meeting the taking in charge specifications or being taken in charge. Kildare County Council do not accept bonds with expiry dates or instances where the bond is not in the jurisdiction that would allow Kildare County Council to make a claim. The Developer should submit a draft bond for the approval of Kildare County Council to verify the wording and the jurisdiction of the bond. The bond provider shall be rated.

Kildare County Council will only accept the CCMA bond wording (KCC Version) for Insurance Bond.

Please note, the latest version of the CCMA bond wording (KCC Version) shall apply at the time of the Signing of the Bond Agreement.