

**Agreement between Kilkenny County Council and the Construction
Industry Federation dated this 8th day of June 2005**

Taking In Charge Protocol

We, the parties to this agreement namely, Kilkenny County Council and the Construction Industry Federation, having jointly considered the issue of the completion of housing schemes and the subsequent taking in charge of completed housing schemes, have agreed the following protocol .

(A) Scope of This Protocol

- That this protocol will apply to all requests made under Section 180 of the Planning and Development Act 2000, as amended by Section 59 of the Planning and Development Amendment Act, 2010.

(B) Application for Taking in Charge of Estates

- (a) Those Developers/Applicants who apply to Kilkenny County Council for taking in charge of the housing scheme, under Section 180 of the Planning and Development Act 2000, as amended by Section 59 of the Planning and Development Amendment Act, 2010 will do so in writing through their architects/agent.
- (b) The Applications for taking in charge of any housing scheme shall be in writing and be accompanied by all particulars outlined in **Paragraph C.** below.
- (c) Should Kilkenny County Council receive a petition from owners of property under Section 59 of the Planning & Development Amendment Act, 2010 and the development, the subject of the petition, appears to be completed then Kilkenny County Council will inform the developers/applicant of the receipt of the petition and the developer/agent will then contact his/her architect/agent so as to set in train the certification process outlined below in **Paragraph C** below.

(C) The Content of the Application

The following shall accompany the written application:

(1) Roads, Footpaths & Lighting

- (a) A condition survey of the pavement and footpaths with the list of defects having been identified and certification that lists of remedial measures as agreed with Kilkenny County Council Roads Design Department have been carried out.
- (b) The results of Falling Weight Deflectometer (FWD) Tests to determine the strength of sub-grade and permanent layers for roads showing major signs of deterioration together with certification that the list of remedial works as agreed with Kilkenny County Council, Roads Department have been carried out.

- (c) A certificate from the ESB showing that the public lighting has been satisfactorily completed and commissioned, accompanied by the appropriate expert's certificate that public lighting accords with the relevant planning permission(s).
- (d) Certificate that traffic calming measures, as agreed with Road Design Office or the Councils Area Office Engineer and have been provided satisfactorily.

(2) Fire Services

- (a) Certification that sufficient fire hydrants are provided and that these are of the correct type, comply with the attached specifications as up-dated (***Appendix A attached***), are properly located, are in the correct depth and are properly and clearly marked.
- (b) Certification that streets within the scheme are clearly named and that house numbers are clearly marked (so as to avoid confusion in the event of a fire within the scheme.)

(3) Water Supply, Foul and Storm Water Drainage System

- (a) Unqualified Certification that the Water Supply, Foul and Storm water Drainage Systems are designed, constructed, installed and tested in accordance with Kilkenny County Councils Specification.
- (b) Unqualified Certification that all systems comply with the correct edition of the Department of Environment, Heritage & Local Government publication "Recommendations for Site Development Works for Housing Areas".
- (c) Certification that the items as outlined in ***Appendix B Part 1*** have been provided
- (d) Unqualified Certification by a Professional Chartered Engineer as to the design, construction, installation and testing of Water Supply, Foul and Storm Water Drainage Systems accompanied by a comprehensive Services Completion Report.

The said Services Completion Report to address the following:

- (i) The integrity of the Water Supply System has been established by means of comprehensive pressure testing of all water mains within the development in accordance with Section (3) (a) above.
- (ii) The integrity of the Foul and Storm water Drainage Systems, has been established by means of all necessary surveys, including a Closed Circuit Television Survey, which verifies that both drainage Systems are properly installed to the correct levels and falls and all manholes and connections thereto are properly constructed
- (iii) All Storm water discharges within the development are confined to the Storm water Drainage System
- (iv) All Foul water discharges within the development are confined to the Foul Drainage System

(4) Pumping Stations and Rising Mains:

(a) Certification that Pumping Stations where required for Water Supply, Foul and Storm water Drainage Systems have been designed, constructed, installed and tested in accordance with Kilkenny County Council Sanitary Services and /or Environment Sections' Specification

And

(b) That the design of pumping stations, pumps, rising mains etc incorporate the design elements as outlined in **Appendix B Part 2** of this protocol –copy attached.

And That the following have been provided:

- (i) Palisade fencing or other proposed boundary around the Pumping Station site with lockable gates or as otherwise specified in the relevant planning permission(s).
- (ii) Adequate access and parking space within the site for maintenance of plant and for service vehicles
- (iii) A water supply hose point for routine maintenance purposes

Where alternative design elements have been agreed with the Sanitary/Environment Departments of Kilkenny County Council the said alternative design elements will suffice provided the Certificate of the Professional Chartered Engineer is supported by adequate proofs of such agreements.

(5) Landscaping

Certification that landscaping has been carried out in accordance with the terms and conditions of the planning permission(s) pertaining to the housing scheme(s). That all soft landscaping has been maintained to a high standard, is well established and is weed free. That any failed trees or shrubs have been replaced/replanted and where trees are well established tree stakes and ties have been removed. That all grass areas have a healthy swath and have complete cover and are weed free.

(6) Technical Information:

- A set of certified complete and accurate “as-constructed” drawings of all Water Supply and Drainage Systems for the particular development have been submitted to the Planning Authority.
- A full set of layout drawings, design data and Operating & Maintenance Instructions has been provided for each Pumping Station in each System

(7) Insurances

- (a) Public Liability Insurance – Original Policy Document which shows a Limit of Indemnity €4m.(four million euros) in any one occurrence extended to provide an indemnity to the Council as principal.
- (b) Employers Liability Insurance – Original Policy Document which shows a Limit of Indemnity €12.7m. (twelve million seven hundred thousand euros) any one occurrence extended to indemnity the Council as principal.

- (c) Evidence of Professional Indemnity Insurance - The attached proof of verification of Professional Indemnity Insurance completed by the appropriate Insurer/Insurance Broker.

A minimum level of cover as follows applies: -

- i. Housing Schemes greater than 30 houses – P.I. cover in place for 6 years at €5.8m, (five million eight hundred thousand euros)
- ii. Housing Schemes less than 30 houses – P.I. cover in place for 6 years at €2.5m, (two million five hundred thousand euros).

(Such cover to be kept in place for a period of six years after Certification as outlined in C, 1-5 above is received by Kilkenny County Council).

(D) The Status of the Protocol.

- This Protocol is not a substitute for existing or future enforcement provisions under Part VIII of the Planning and Development Act 2000, as amended by the Planning & Development Amendment Act 2010, or for the requirements under any Planning Permission to provide or submit a bond or other surety and does not impede on Kilkenny County Council's power under Section 180 of the Planning & Development Act 2000 as amended by Section 59 of the Planning & Development Amendment Act, 2010 to apply any security given for the satisfactory completion of the development. The Protocol is a means to assist both Kilkenny County Council and the Construction Industry Federation to put in place a process to enable Section 180 of the Planning & Development Act 2000 as amended by Section 59 of the Planning & Development Amendment Act 2010, to be implemented efficiently.

- **(E) Point of Contact.**

It is desirable that Kilkenny County Council has in place relevant contacts to assist the Construction Industry Federation in relation to any item contained in this protocol or in connection with the taking in charge of any infrastructure. The Kilkenny County Council contact in this regard is Senior Executive Officer, Planning, but may be subject to change. Any change will be communicated to the Construction Industry Federation.

(F) Promotion of Protocol.

- That Kilkenny County Council will bring the Agreed Protocol to the attention of the developers of existing housing schemes, not yet in charge of Kilkenny County Council.
- That Kilkenny County Council and the Construction Industry Federation will promote the protocol amongst the relevant interests in County Kilkenny.
- That the agreed protocol will be incorporated by Kilkenny County Council in all future planning permissions for housing schemes.

Signed of behalf of
Kilkenny County Council

Signed on behalf of the Construction
Industry Federation

Councillor Mary Hilda Cavanagh.

Martin Whelan

Cathaoirleach.

Eastern Region Executive.

Michael Malone.
County Manager.

(Seal)

Ivan Shannon
Chairman Carlow/Kilkenny Branch.

Appendix A

KILKENNY COUNTY COUNCIL -SPECIFICATION FOR FIRE HYDRANTS

TYPE: All hydrants shall comply with B.S. 750 : 1984 (Screw-down type) for Underground Fire Hydrants. Clockwise to close, with square tapered false spindle.

OUTLET: Male, round thread, 62.5mm diameter, with cap chained to bolt of spindle flange. The depth of the hydrant outlet shall not exceed 200mm below finished ground level.

LOCATION: As far as possible hydrants shall be located in the footpath or grass margin adjoining the roadway near the kerb. Where it is found necessary to locate the hydrant in the grass, the area around the box shall be periphery of the box. The surface box and concrete surround shall be kept over the level of the adjoining surface and weathered to prevent polluted water from entering the hydrant pit. Hydrant pits shall be constructed so as to be self-draining. The location of hydrants shall be such as shall allow easy fitting of a standpipe and ready access of fire appliance without causing obstruction to other vehicles.

DEPTH: Spacer lengths under hydrant body shall be fitted to permit top of false-spindle being 75 mm minimum to 225mm maximum below finished surface of footpath.

CHAMBER: The containing chamber shall provide not less than 75mm clearance around the hydrant body.

DRAINAGE: A 37.5mm minimum diameter drain from chamber to an open water course, shall be carried from a position at 50mm lower than the flanged base of the hydrant.

COVER: The hydrant cover box, with a 375mm x 225mm clear opening area, shall be placed centrally over the hydrant to permit freedom of affixing stand-pipe and operating key.

MARKER: A hydrant indicator plate, to B.S. 3251, shall be fitted on boundary wall or on marker against any fence provided at 450mm over footpath surface level.

SPACING: Fire hydrants should be located such that no house is more than 46m from a hydrant measured via a route along which hose can be easily be laid.

Appendix B

Part 1

- a) A sluice valve and bulk meter (“Star Flow meter” type or other approved) has been fitted to the proposed water main after its connection with the public main
- b) -Boundary boxes (“Matrix” type or other approved) complete with meters (“Aquadis” type or other approved) have been fitted to all service connections.
- c) -All water mains provided are of a minimum of 100mm diameter class C
- d) -An adequate number of Scour Valves and that these are positioned at the lowest points of the proposed water main and that the Scour Valves to have discharge via a -Manhole which has a free discharge arranged so that back-contamination of the Water Supply System cannot occur.
- e) -All Foul sewers have a minimum diameter of 200mm if uPVC or 225mm if concrete.
- f) All manhole covers are lockable

Appendix B

Part 2

Minimum Capacity:

- a) Water Supply: The Pump Sump has a capacity to hold a minimum of 24 hours design flow for the entire development
- b) Foul Drainage: The Pump Sump has a capacity to hold a minimum of 8 hours at a flow rate equal to 3 times Dry Weather Flow for the entire development, and has been provided with an approved emergency overflow system incorporating adequate storage which includes an audio-visual alarm arrangement to indicate when an overflow is occurring
- c) Adequate standby Pumping Capacity in accordance with Kilkenny County Council Sanitary Services Section Specification
- d) A rising main designed for a maximum velocity of 0.75 metres/second, and in any event having a minimum diameter of 100mm
- e) An electrical control panel designed and constructed to Sanitary Services Section Specification

Appendix C

Verification of Professional Indemnity Insurance

Name and address of insured:.....

Description of Business:.....

Policy No. and Name/Address of
Insurers/Underwriters:.....

Period of Insurance:.....

Renewal Date:.....

Retroactive Date:.....

Limit of Indemnity any one claim:.....

Limit of Indemnity any one period of insurance:.....

Excess applying to each claim:.....

.....

Aggregate Excess:.....

Does cover include sub consultants:.....

Does cover include Joint Venture Projects:.....

Are there are any Restrictions/Limitations/Warranties in relation to the Policy connected
with the Project

If so, provide
details?.....

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SIGNED on behalf of the Insurers/Underwriters.....

Dated..... Insurers/Underwriters Stamp here → .