

PD 1/06  
25 January, 2006.

To each City and County Manager.

### **Taking in Charge of Housing Estates/Management Companies**

A chara,

I am directed by Mr. Dick Roche, T.D., Minister for the Environment, Heritage and Local Government, to refer to Section 180 of the Planning and Development Act, 2000 which places a legal obligation on local authorities to take in charge housing estates, finished or unfinished, where certain conditions have been met.

Substantial work is being done by many planning authorities to ensure that estates are finished to a high standard by the developer and then taken in charge by the authority. Given the high rate of completions of houses in recent years, this work has taken on an even greater importance and will continue to do so for the foreseeable future.

However, the Department has also received a number of complaints about lack of effective action by some local authorities in relation to taking in charge of housing estates. Some of these complaints related to recently built estates. There are also a number of complaints of undue delay in taking in charge estates built 20 or 30 years ago.

For that reason, the Minister has directed that certain general principles on taking in charge would be set out.

The Minister has also directed that a report be submitted to the Department on how each local authority is performing in this area. For that reason you are requested to supply the information sought in the appendix to this letter to the Department, certified as correct by yourself, as soon as possible, but by no later than **24 February, 2006**. County managers should incorporate the necessary information on any town councils within the county area.

This information will allow the Department to review the ongoing work of local authorities in this area and determine whether additional policy, advice or support from the Department is necessary.

#### **Taking in charge**

It is necessary for all planning authorities to establish, as a priority, a policy on taking in charge which should be approved by the members



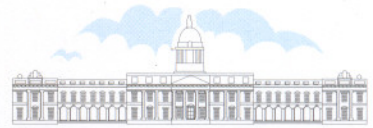


of the authority, and reported on to those members on a regular basis and at least once annually.

That policy should as a minimum provide that:

- developers should be required, through the development management process/permission, to complete estates to a standard that is acceptable to the authority for taking in charge, whether in its entirety or, for larger developments, in stages;
- certain specified standards will be expected. Those standards should be set out, where possible, in consultation with local representatives of the construction industry;
- an acceptable level of security will be provided by the developer towards the completion of the estate. This security will not be released until the estate is completed to the specified standards;
- the procedures to begin taking in charge housing estates will begin promptly on foot of a request by the owners of the houses in the estate or by the developer, as appropriate. Where no such request has been made, the authority should, no later than 2 years following the developer completing works, establish, through contacts with the developers or any representatives of the owners of the houses, whether or not it is desired that the estate would be taken in charge;
- where an estate is not completed within the appropriate period, enforcement action will be pursued against the developer vigorously and promptly to ensure that the developer completes the estate. All available legal remedies will be used to enable that to be done. The bond obtained from the developer will be applied to carry out any outstanding work where needed to ensure the estate is completed within a reasonable period;
- sufficient funding will be made available from local authority resources to address 'problem' or longstanding cases on a phased basis. Timeframes for taking in charge such cases will be communicated to local residents and adhered to. Particular priority will be placed on resolving those estates that have been left unfinished/not taken in charge for the longest period.





AN ROINN COMHSHAOIL, OIÐHREACHTA AGUS RIALTAIS ÁITIÚIL  
DEPARTMENT OF THE ENVIRONMENT, HERITAGE  
AND LOCAL GOVERNMENT

It is critically important that local authorities do not permit delay in cases of failure to complete estates as this is likely to add to the financial burden on the authority in the longer term.

The existence of a management company to maintain elements of common buildings, carry out landscaping, etc. must not impact upon the decision by the authority to take in charge roads and related infrastructure where a request to do so is made.

Finally, where it is not possible through failure of the developer or of the process of enforcement, or for any reason, to require the developer to finish an estate satisfactorily, planning authorities must in those cases take estates in charge. It is not acceptable for individual house owners to be required to live in an unfinished estate indefinitely, nor is it acceptable that the local authority should put forward the existence of a management company for a housing estate as the reason for refusal to take in charge.

Is mise, le meas,

Assistant Secretary,  
Heritage and Planning Division.

AN ROINN COMHSHAOIL,

OIÐHREACHTA AGUS

RIALTAIS ÁITIÚIL

DEPARTMENT OF THE

ENVIRONMENT, HERITAGE

AND LOCAL GOVERNMENT

TEACH AN CHUSTAIM

BAILE ÁTHA CLIATH I

CUSTOM HOUSE, DUBLIN I

Tel No: +353 1 888 2000

LoCall No: 1890 20 20 21

Fax No: +353 1 888 2888



## Appendix

### Review of 'Taking in Charge' of Housing Estates

1. How many housing estates do you anticipate will be taken in charge in your area this year? How many houses are affected?
2. How many housing estates for which the life of the relevant planning permission expired more than 2 years ago in the county/city area have not yet been taken in charge?
3. For how many of the estates referred to in Answer 2, did the relevant permission expire more than 7 years ago?
4. Of the estates referred to in Answer 2, how many are finished (i.e. completed to the required standard under the planning permission)? How many houses are affected?
5. Of the estates referred to in Answer 2, how many are unfinished (i.e. not completed to the required standard within the appropriate period or since)? How many houses are affected?
6. What action is currently being taken by your authority to resolve the situation of the unfinished estates referred to in Answer 5?
7. Does your authority have a stated policy with regard to taking in charge (or is one currently being developed for implementation in 2006)?
8. What is the average length of time that elapses between a request being made under section 180 of the Planning and Development Act, 2000 to take an estate in charge and the completion of the formal procedures?
9. Would a national policy on taking in charge assist you in this area? If so, what issues should such a policy address?
10. Are there any other comments you wish to make?

AN ROINN COMHSHAOIL,

OIÐHREACHTA AGUS

RIALTAIS ÁITIÚIL

DEPARTMENT OF THE

ENVIRONMENT, HERITAGE

AND LOCAL GOVERNMENT

TEACH AN CHUSTAIM

BAILE ÁTHA CLIATH I

CUSTOM HOUSE, DUBLIN I

Tel No: +353 1 888 2000

LoCall No: 1890 20 20 21

Fax No: +353 1 888 2888

