



COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL

Appendix 10
Public Open Space Taking in Charge
Specification

December 2020



The taking in charge of Public Open Space is done by means of Deeds of Dedication.

Dedicated open space refers to lands conditioned as public open space by planning permission and legally dedicated to the Council. These lands are held on behalf of or in trust for the public.

Procedure for taking in charge of Public Open Space:

Step 1:

The developer's Landscape Consultant shall prepare a snag-list setting out the outstanding items to be dealt with to complete the open space development and street tree planting works.

These works shall be in accordance with the detailed landscape plan(s) and specifications as approved as part of the planning permission for the development. (*See Appendix 1 for details on Landscape Plan and Specification requirements*). It should be noted that any deviation from the approved landscape plans and specifications (e.g. the proposed location of mini pillars or other services on open space) will require the agreement of the Council. This is to ensure that the amenity value of the open space is maintained and that the site itself can be maintained in a sustainable manner.

On completion of these works, the developer/Landscape Consultant shall submit a *Certificate of Effective Completion of Landscape Works* to the Parks and Green Infrastructure Division, stating that works are in accordance with the approved landscape plans and particulars for the development (see Appendix 1). A copy of the landscape plans, specifications and the relevant planning permission shall be included in this submission.

Step 2:

The developer/Landscape Consultant shall arrange a site meeting with the Parks and Green Infrastructure Division to carry out a joint inspection and snagging of the open space areas.

The developer may be requested as part of the taking in charge process, to dig trial holes at his own expense at specific locations chosen by the local authority. This may be required to confirm depths of topsoil, tree pit construction or to confirm that there is no unauthorised disposal of waste on the site.

Any works required for completion of the taking-in-charge process shall be completed within the timeframe agreed with the Council during the joint inspection with the developer.

Upon completion of any outstanding works, the developer/Landscape Consultant shall arrange a site meeting with the Parks and Green Infrastructure Division to carry out a further joint inspection(s) of the open space areas.

In relation to snagging of replacement trees and shrubs, a minimum of one growing season defects period will be required to have passed to ensure successful establishment of this planting.

Step 3:

On completion of the defect's maintenance period and any remedial works considered necessary, the developer shall submit completed Deeds of Dedication documentation required

for taking in charge of the Public Open Space. (See Appendix 2 on Deeds of Dedication procedure)

Step 4:

The lodged documents shall be checked and verified by the Parks and Green Infrastructure Division and then forwarded to Council's Property Section for completion of this legal process.

On confirmation from the Property Section that the documents are in order, Fingal County Council shall assume responsibility for the maintenance and upkeep of the open spaces.

Note:

Developers will be required to continue the maintenance of all open spaces until the formal taking-in-charge process is completed.

Appendix 1: Landscape Plan and Specification requirements

The following is guidance on the Landscape Plan documentation including specifications required for approval through the Planning Process. These documents form part of the taking in charge process for public open space.

Required landscape documents:

- i. Landscape plan at an approved scale
- ii. Sections/elevations
- iii. Planting plan, specifications and bill of quantities
- iv. Boundary treatment plan
- v. Landscape maintenance programme and specification
- vi. Drawing clearly showing areas (in square metres) intended for taking in charge

Landscape plan:

To include details of proposals for contouring, drainage, footpaths, services (to include all existing and proposed over ground and underground services including public lighting), tree pits design, boundary treatments, location of archaeology if present, SuDS features (with area in square metres clearly shown), playing pitches and other recreational facilities, entrances and seating, where appropriate.

All areas of open space shall have the area (in square metres) clearly shown.

Overground services such as unit sub-stations, free-standing cabinets and mini-pillars etc. shall not be permitted on public open space without written agreement from the Parks and Green Infrastructure Division.

A detailed planting plan for the open spaces and street tree planting will be required and shall include working drawings, bill of quantities, plant specification and planting density.

Planting plan, specification and bill of quantities:

The specification shall be unique to the site and shall not take the form of a standard document. The landscape consultant shall satisfy the Council that the contractor(s) carrying out site works are aware of the specification and are complying with it in full.

Failure to comply with the details of the specification on the part of the landscape consultant or the contractor will result in delays to the approval of the landscape plan, the subsequent works to be carried out on site and consequently the taking in-charge process.

Landscape Maintenance Programme and Specification:

A detailed maintenance programme is an essential part of a landscape plan. Particular attention shall be given to the detailed management and maintenance specification programme required for play facilities, pitches and SuDS features. The specification shall include the short, medium and long-term management and maintenance requirements for

these features. This is of particular importance in relation to SuDS features on open space areas.

In general, the developer will be responsible for the maintenance of the public open space until taken in charge by the Council. During this time, the developer will be responsible for all maintenance works to the open space including the replacement of dead plant material, the cutting of grassed areas, trimming of hedges, replacement and repair of fencing/railings, watering, litter control, fertilising, weed control etc.

Landscape Works Specifications for inclusion in contract documentation for housing schemes which will be taken in charge by Fingal County Council

The development and landscaping of open spaces shall be carried out in accordance with the approved Landscape Plan for the development and specifications detailed below.

It is the responsibility of the Landscape Consultant to ensure that all landscape construction and maintenance works are completed in accordance with the relevant standards, prior to the taking-in-charge inspection by the Council.

Sections:

1. Protection of Trees, Hedgerows and other Vegetation
2. Protection of Existing & Proposed Open Space areas
3. Stripping and storage of Topsoil and Subsoil
4. Drainage of Grassed Open Space areas
5. Grading and Cultivation
6. Topsoil
7. Seeding of grass areas
8. Grass sward establishment works
9. Playgrounds
10. Street tree planting
11. Bulb planting
12. Location of site compounds

1. Protection of Trees, Hedgerows and other Vegetation

General

All trees and hedgerow and other vegetation which are being retained on site shall be protected by barriers and or ground protection in accordance with *British Standard 5837:2012 Trees in relation to construction – Recommendations*.

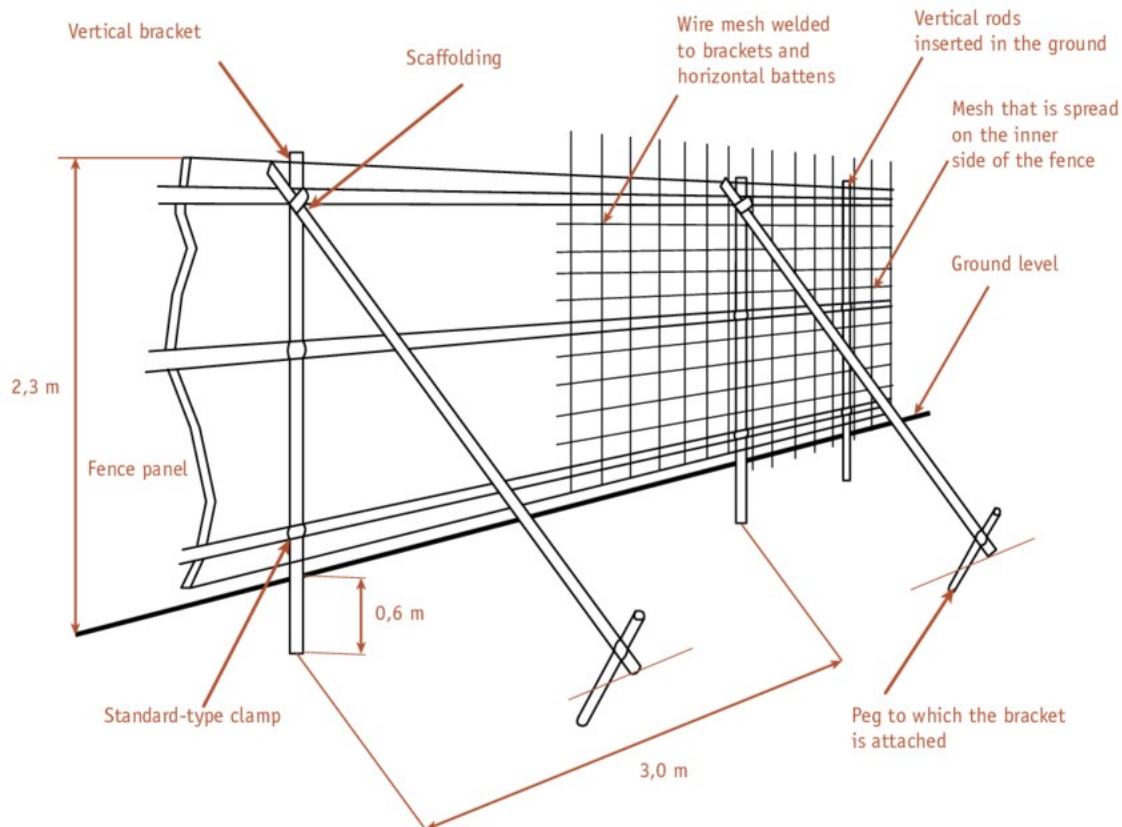
Vertical barriers shall be erected and ground protection installed before any materials or machinery are brought onto the site and before any demolition, development or stripping of soil commences.

Once erected, barriers and ground protection shall be regarded as sacrosanct, and shall not be removed or altered without prior approval of the Parks and Green Infrastructure Division.

Barriers

Barriers shall be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained tree(s). On all sites, special attention shall be paid to ensuring that barriers remain rigid and complete.

Barriers shall consist of a scaffold framework in accordance with *Figure 2 of BS 5837(2012)* comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. Weldmesh panels on rubber or concrete feet are not resistant to impact and must not be used.

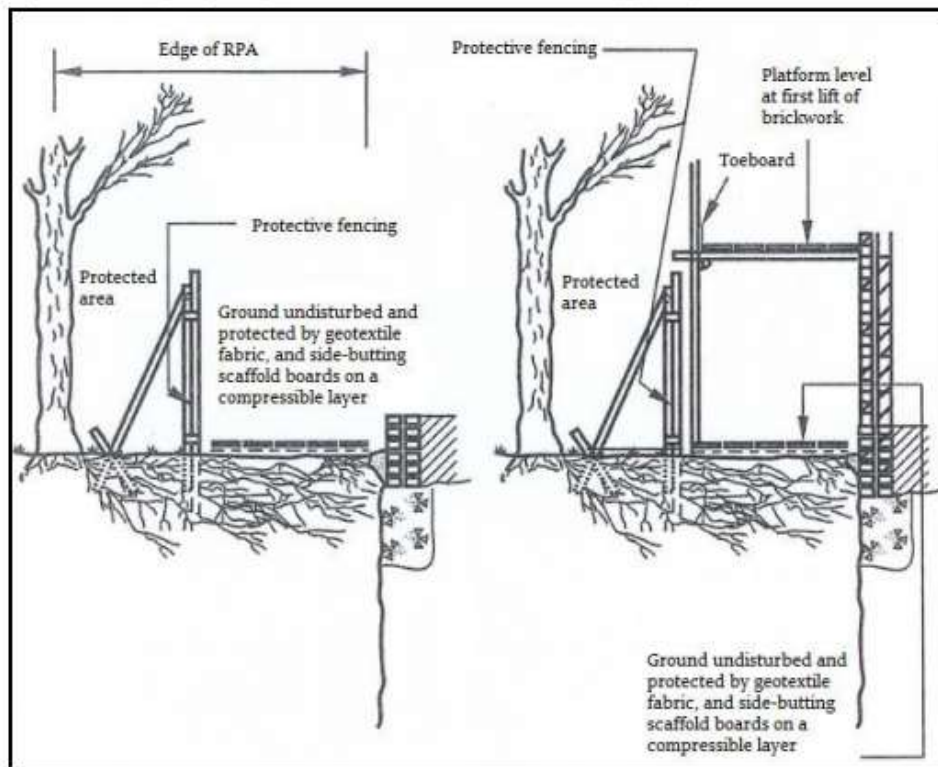


Protective Barrier (Fig 2, BS 5837 (2012))

Ground protection

Where it has been agreed during the design stage, and shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the root protection area (RPA), the possible effects of construction activity shall be addressed by a combination of barriers and ground protection.

For pedestrian movements within the RPA the installation of ground protection in the form of a single thickness of scaffold boards on top of a compressible layer laid onto a geotextile, or supported by scaffold, may be acceptable (as per *Figure 3 of BS 5837*).



Ground protection work within RPA (Figure 3 of BS 5837 (2012))

For wheeled or tracked construction traffic movements within the RPA, the ground protection shall be designed by an engineer to accommodate the likely loading and may involve the use of proprietary systems or reinforced concrete slabs (as per BS. 5837).

Access into the RPA and Ground Protection must be agreed in advance with the Parks and Green Infrastructure Division.

Additional precautions outside the exclusion zone

Once the exclusion zone has been protected by barriers and/or ground protection, construction work can commence. All weather notices shall be erected on the barrier with words such as "Construction exclusion zones – Keep out".

In addition, the following shall be addressed or avoided:

Care shall be taken when planning site operations to ensure that wide or tall loads or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage to them and might make their safe retention impossible. Consequently, any transit or traverse of plant in close proximity to trees shall be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times.

Material which will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, shall not be discharged within 10 metres of the tree stem.

Fires must not be lit in a position where their flames can extend to within 10 metres of foliage, branches or trunk. This will depend on the size of the fire and the wind direction.
Notice boards, telephone cables or other services shall not be attached to any part of the tree.

It is essential that allowance shall be made for the slope of the ground so that damaging material such as concrete washings, mortar or diesel oil cannot run towards trees.

2. Protection of Existing & Proposed Open Space areas

Existing open space areas for retention and proposed open space areas shall be protected from damage, (especially soil compaction due to construction activity) by the erection of barriers.

Barriers shall be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place. Special attention shall be paid to ensuring that barriers remain rigid and complete.

Barriers shall consist of a scaffold framework in accordance with Figure 2 of BS 5837 comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps.

Weldmesh panels on rubber or concrete feet are not resistant to impact and must not be used.

3. Stripping and storage of Topsoil and Subsoil

Where top-soils and subsoils are to be stripped they shall be carefully stripped and stockpiled in reasonably dry conditions to avoid unnecessary compaction and damage to soil structure. They shall be stacked separately and strict precautions shall be taken to prevent the mixing of subsoil and topsoil. Topsoil heaps shall not exceed 3 metres in height and 6 metres in width at the base and shall be used within 12 months. If a greater time is needed for stacking, special precautions and remedial procedures will be necessary (as per BS.3882).

While soil is stacked, the stack shall be seeded with a perennial rye grass seed mixture to control the spread of weeds and unwanted vegetation, reduce surface run off and for improved visual appearance.

4. Drainage of Grassed Open Space areas

Where drainage works are required, they shall be constructed in accordance with *British Standard Specification 4428; 1989*, entitled "*Code of Practice for General Landscape Operations*", Section 3.

5. Grading and Cultivation

General:

Areas to be grassed over shall be graded to a uniform level depending on the contours. "Flat" grassed areas shall be graded to a general "domed" grade such that a continuous run off shall occur leaving no puddles after heavy rain.

Planted beds adjoining hard surfaces, manholes etc., shall be finished flush with such areas and grassed areas finished 25mm higher.

All grassed open space areas shall be suitably graded so that the areas can be safely cut by four-wheel drive ride-on mowers.

Formation of grassed banks and slopes for ease of maintenance:

The top and toe of grass banks shall be rounded. The curve to be followed shall be a slack double curve as per fig 3 (b) of BS 4428 with a maximum slope of 1:5 and shall be such that machine maintenance will be possible. A level verge shall be provided between the bank edge and its boundary of at least 2 metres in width.

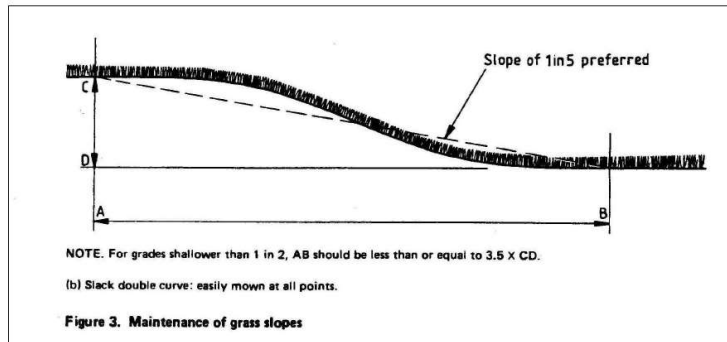


Fig 3 (b) of BS 4428

Softworks around existing trees/vegetation for retention

Tree roots are usually located very close to the soil surface. Accordingly, tractor mounted rotavation or other heavy mechanical cultivation shall not occur within the root protection area of trees/vegetation that are to be retained on the site. Any cultivation within this area shall be undertaken carefully by hand or pedestrian controlled light machinery in order to minimise damage to the tree, particularly the roots. Changes of ground level within the root protection area of established trees shall be avoided.

Preparation of subgrade (where all Topsoil and Subsoil has been removed)

After completion of general excavation and filling to subgrade levels, and prior to the replacement of subsoil and topsoil, areas shall be graded with a rigid blade grader to true, flowing contours. For general grassed area, the maximum limit of deviation from planned gradient or given levels shall be $\pm 150\text{mm}$.

Depending upon the soil texture and degree of compaction, the subgrade shall be loosened to a depth of not less than 600mm with a ripper attachment equipped with a minimum of three tines spaced at intervals of not greater than 1.2metres.

Straight tines may be used for tight scarifying up to 150mm in depth, but for greater depths and where thorough disturbance of the surface is required, tines shall be fitted with heavy duty winged shanks. In order to minimise the possibility of waterlogging or erosion, and to ensure maximum shatter of the sub grade, ripping shall be carried out in dry conditions and in at least two directions set obliquely across the slope of the ground.

Large stones greater than 150mm in any dimension brought to the surface by operations shall be picked off and disposed of at depth of at least 1m below final levels.

In circumstances where the subgrade in areas of excavation is in rock and where the surface layers of fill have been constructed using material containing a high proportion of rock, deep ripping to bring up large blocks of materials and flints shall be avoided, but the surface shall be lightly scarified to avoid forming a pan, and to promote drainage.

Preparation of Subsoil

Following completion of operations at subgrade level, subsoil from designated stockpiles shall be replaced in an even layer and graded to even, running contours. The finished surface (formation) of subsoil so replaced shall be prepared free of localised depressions and to a maximum permitted deviation of ± 100 mm from planned gradients or given levels.

In situations where only the topsoil has been removed the area shall be regulated to true running contours by blade grading within the subsoil depth. High areas shall be reduced and the resultant material shall be used to fill the low areas. A continuous depth of subsoil shall be retained over the entire area.

Prior to the replacement of topsoil, subsoil shall be ripped to full depth or as otherwise needed, and the surface shall be picked free of stones greater than 100mm in any dimension.

For well-compacted and cohesive subsoil material, ripping to full depth with heavy duty winged shanks may be necessary. Additional penetration of between 50mm and 100mm into the underlying subgrade is recommended as a means of eradication any panning of the subgrade or the creation of impeded drainage interfaces caused by earth moving vehicles during subsoil replacement operations.

Preparation of topsoil where original native topsoil has not been removed.

Where land is covered with a thick sward (but free of any vegetation for retention) the soil shall be broken up to the full depth of the topsoil by use of a disc plough or rotary or fixed tine cultivator.

Hard ground shall be broken up with a ripper operated in transverse directions; this will expose large roots and boulders which shall be removed from the site.

Where vegetation has been removed, woody roots within the cultivated depth shall be brought to the surface and shall be removed from the site.

Tufts of grass and other vegetable matter shall be raked out and removed.

Large stones (75mm and over) shall be removed from the site.

The topsoil shall be cultivated to result in a soil condition such that particles are small and dry enough to run freely with a blade grader.

6. Topsoil

Topsoil Specification

Topsoil shall be as a minimum standard 'General purpose grade' as per *British Standard 3882: 2015 'Specification for Topsoil'*.

Topsoil shall be good quality medium top spit loam, easily moulded when moist but not very sticky and not leaving a smooth surface when smeared. It shall be free from sub-soil, chemical or other pollution, noxious weeds, roots, turf, couch grass, rubbish, or an excessive proportion of clay, sand, gravel, chalk or lime. It shall not contain stones or flints in quantities exceeding 10% of the total bulk and those present shall not exceed 50mm in any dimension.

Where topsoil is to be imported, the contractor shall submit a sample load for approval and shall ensure that all subsequent deliveries are similar to the approved sample load

Spreading

Topsoil shall be handled carefully during spreading to avoid damage to structure by machine induced compaction. Replacement of topsoil shall not be carried out in wet conditions.

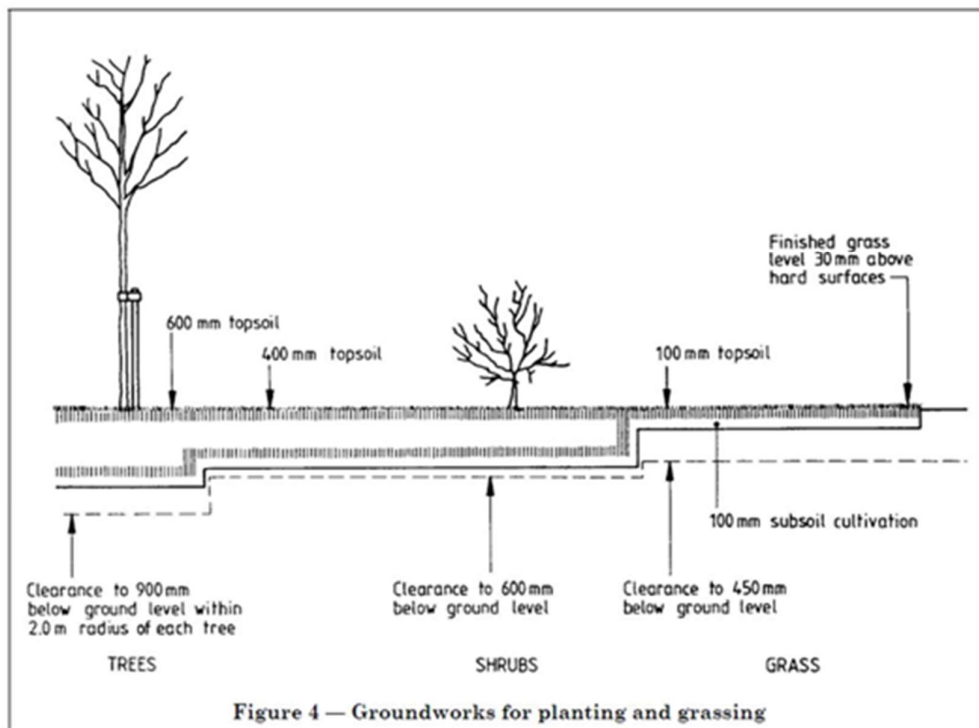
Topsoil shall be spread evenly in layers not exceeding 150mm thick.

Finished thickness shall be as follows:

- i. grass areas to be 100mm to 150mm, according to use and after firming;
- ii. shrub areas to be 400mm minimum after firming;
- iii. tree areas to be 600mm minimum after firming.

Where shrinkage of topsoil takes place, the finished level shall be made good.

It should be noted that a 30mm finish above hard surfaces including kerbs, manholes and paths is required as per Figure 4 of BS4428:1989.



Cultivation of topsoil

After spreading, the topsoil shall be cultivated to a condition suitable for blade grading. Large and unwanted material (75mm and over) shall be picked off and removed.

7. Seeding of grass areas

Seed shall be from a certified source. In general, a number 3 amenity mix is to be used.

Preparation of seed bed

In preparation for sowing, the surface shall be cultivated to remove compaction and shall be contoured to true running levels. The surface shall be lightly and uniformly firmed and reduced to a friable tilth by raking or harrowing. All surface stones from 10mm to 50mm in any dimension, dependent on the mowing height required, shall be removed from the surface.

Sowing

Sowing shall be carried out during suitable calm weather conditions at a rate of between 20 kg/ha to 35 kg/ha for the machine seeding of large areas. The operation shall be carried out in equal sowings in transverse directions. After sowing, the ground shall be lightly raked or harrowed and shall then be firmed with a lightweight roller.

8. Grass sward establishment works

Initial Cut

Immediately before cutting, all stones above 25mm in any dimension shall be hand-picked and the area shall be crossed with a lightweight roller to firm the grass and consolidate the surface.

When the grass is established and from 40mm to 75mm high, according to the seed mixture, it shall be topped with a rotary mower so as to leave from 25mm to 50mm of growth and to cut weeds, in order to control the growth of coarser grass and to encourage tillering.

Grass cutting machinery shall be very sharp and in good condition to avoid pulling out young seedlings.

Grass cutting shall take place during dry conditions when the soil is not soft or waterlogged.

Maintenance

Grass cuts shall, during the growing season (April – October) be carried out at an interval of seven to ten days so as to maintain the grass at a height of not more than 50 mm and not less than 25mm. Grass cutting carried out outside the growing season shall be at intervals of not less than 3 weeks so as to maintain the grass at a height of between 25 and 50mm.

9. Playgrounds /Play areas:

All playgrounds and play surfaces must comply with the playground standards detailed as follows:

EN1176 - play equipment

EN1177 - impact absorbing playground surfacing

Prior to a play area or a playground being taken in charge, the developer must get a RoSPA (Royal Society for the Prevention of Accidents) inspection report or similar carried out and this document shall be submitted to the Parks and Green Infrastructure Division with the taking in charge documentation.

Playgrounds must have inclusive play equipment.

10. Street tree planting:

Street trees shall be provided in all residential schemes.

No street trees shall be located within 7 metres of existing and proposed lamp standards.

Street trees shall be planted in constructed tree pits which shall be clearly shown in plan form on the landscape plan and be a minimum of 16 cubic metres.

11. Bulb Planting:

All planting schemes undertaken as part of development should include the provision for bulb planting where appropriate. In general, bulbs will be planted in drifts to complement areas of shrub planting or under areas of woodland or groups of mature trees.

12. Location of site compounds:

As a general rule, areas designated for public open space purposes shall be fenced off prior to the commencement of any development works on site and should not be used for site compounds etc. unless otherwise agreed with the Council. Staging of construction works shall be programmed to minimise disturbance and compaction of grounds planned as future public open space.

In circumstances where the Council has permitted public open space to be used as a location for a site compound or for the storage of topsoil/spoil etc., all excess material shall be removed from the open space, prior to the commencement of basic development works, to achieve specified/agreed levels. Any excess topsoil to be removed from the site is subject to agreement with the Council. The developer will be obliged to store any topsoil to be used in future public open space in accordance with the requirements of the Council. Existing topsoil is to be viewed as a resource to be valued and managed in accordance with the Council's Biodiversity Action Plan and sustainable development practices.

List of standards and guideline documents (as updated) for landscaping works:

BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations
BS 3998: 2010 Recommendations for Tree Works
NJUG volume 4 (2007)
BS 8545:2014 Trees: From Nursery to Independence in the landscape - Recommendations
BS 3936 -1 1992 Nursery Stock. Specification for Trees and Shrubs
BS 3936 -9 1998 Nursery Stock. Bulbs, Corms and Tubers
BS 3936 -10 Nursery Stock - part 10: Specification for ground cover plants
BS 3882:2015 Specification for topsoil
BS 3969: 1998 +A1:2013 Recommendations for turf for general purposes
BS 4428:1989 Code of Practice for General Landscape Operations (excluding hard standards)
I.S. EN 13535:2001 Fertilisers and Liming Materials – Classification

BS 1722: Parts 1-18: Fences

Part 1 Supplement No. 1 Specification for fences. Chain link fences. Gates and gateposts used in conjunction with chain link fences
Part 1 Fences. Specification for chain link fences
Part 2 Fencing. Woven wire fences
Part 3 Fencing. Strained wire fences
Part 4 Fencing. Cleft chestnut pale fences
Part 5 Specification for fences. Close-boarded fences including oak pale faces
Part 6 Fencing Wooden palisade fences
Part 7 Fencing. Wooden post and rail fences
Part 8 Specification Fences. Mild steel or wrought iron continuous bar fences
Part 9 Fencing. Mild steel or wrought iron unclimbable fences
Part 10 Specification for fences. Anti-intruder chain link fences
Part 11 Specification for fences. Woven wood fences
Part 12 Specification for fences. Steel palisade fences
Part 13 Fences. Chain link fences for tennis court surrounds
Part 14 Fences. Specifications for open mesh steel panel fences
Part 16 Fences. Specification for organic powder coatings to be used as a plastics finish to components and mesh
Part 17 Fences. Specification for electric security fences. Design, installation and maintenance
Part 18 Fences. Specification for free-standing temporary steel mesh perimeter fencing panels

Playgrounds/Play areas:

All playgrounds and play surfaces must comply with the playground standards detailed as follows:

EN1176 - Play Equipment

EN 1177: Impact absorbing playground surfacing: Safety requirements and test methods

It should be noted that all works should be in line with the Council's approved policy documents including:

The Forest of Fingal – A Tree Strategy for Fingal
Keeping it Green – Open Space Strategy for Fingal

Other publications:
National Pollinator Plan

Appendix 2:

Deeds of Dedication procedure

The Parks and Green Infrastructure Division shall provide the following Deed of Dedication documentation to be completed to the developer:

1. Blank Deeds in Duplicate
2. Blank Statement of Title in Duplicate
3. Legal Requirements document
4. Mapping Standards Documents.

Instructions on the completion of these documents by the developer are as follows:

- (i) **Do not** complete date line at the top of the deed, as this date will be entered when the Council's Seal is being affixed to the Deeds upon completion.
 - (ii) Fill in all the remaining blanks on the enclosed Deeds, i.e. acreage of the open space to be dedicated etc.
 - (iii) Arrange for the Deeds to be signed and stamped with your company's seal and return to Fingal County Council together with two original maps of the lands in question. **Please note that these maps must be “as constructed” maps and tied into ordnance survey detail, at 1:1000 scale with the open space area outlined/inlined in red.**
 - (iv) In order to ensure that the party entering into the Deed of Dedication with the Council is the legal and beneficial owner, you will need to have your client swear the Statement of title in the forms supplied.
 - (v) The Statement of Title provides for two forms of documents to be attached thereto:
 - (vi) A map showing the property the subject of the Deed of Dedication.
 - (vii) Copies of the title documents necessary to show prima facie evidence of title to the property.
 - (viii) The Council will require your client to make a contribution of €2,000 towards the Council's administrative costs arising from the dedication.
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Parks and Green Infrastructure Division Taking in Charge Process
Flow Chart

