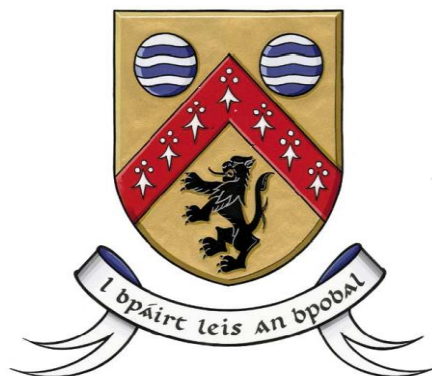


**LAOIS COUNTY COUNCIL**

**DEVELOPMENT CONTRIBUTION**  
**SCHEME**  
**2008 - 2012**

**MAY 2008**



## **1.0 Adopted Scheme**

### **General Contribution Scheme:**

#### **1.1 Scheme Details**

Section 48 of the Planning & Development Act 2000-2006 enables the planning authority when granting permission to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding)

#### **1.2 Area of application of scheme**

The Planning & Development Act 2000-2006 empowers a Planning Authority to make one or more schemes in respect of different parts of its functional area. This scheme shall apply to the administrative area of County Laois.

#### **1.3 Basis for determination of Contributions**

The Act provides that:-

- The scheme must state the basis for determining the contributions to be paid in respect of public infrastructure and facilities
- The scheme must indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by the local authority.
- The planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities. The determination may not include any benefit that accrues in respect of existing development e.g. where a proportion of the capacity of a new wastewater treatment plant will be used by existing development.
- The scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.
- The scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances

The projected rates of development over the 5-year period 2008 to 2012 are as follows

Residential	5,000 Units
Industrial / Commercial	425,000 m <sup>2</sup> floor area

#### **1.4 Level of Contributions**

##### **1.4.1 Level of Contributions**

The contribution rates approved by the council at its meeting on 26<sup>th</sup> May 2008 are set out in Table 1.1 and Table 1.2 below.

## **1.4.2 Conversion of residential units**

A contribution will be charged in accordance with the scheme in respect of any additional units created. Where an existing unit is extended or converted to create an additional unit e.g. an apartment or flat, the appropriate rate of contribution will be payable in respect of each additional residential unit erected.

## **1.4.3 Change of use from Residential to Commercial**

The charges as appropriate in Table 1.2 shall apply in the case of a change of use from residential to commercial use, with an allowance being made for any development contributions already paid in respect of the residential development.

## **1.4.4 Change of use (Car Parking)**

Where a change of use is proposed the council shall take into account the inherent car parking associated with the existing use when calculating car parking development contributions

## **1.4.5 Car parking in a structure**

Development contributions shall not be levied on car parking areas where such car parking is provided within a structure and such a structure is proposed in order to meet the council's development plan standards for an associated development.

## **1.4.6 Mixed use complementary parking**

Where a proposed development will consist of a mixture of uses, and the use of the units, due to varying hours of business, will allow for the sharing of the proposed parking spaces, the planning authority will calculate the number of spaces to be provided based on the maximum number of spaces that will be required at any given time throughout the day.

## **1.4.7 Extensions**

Subject to 1.4.2 above a development contribution will not be required in the case of extensions to residential units unless a connection to public water mains or sewerage is required. In such cases only the relevant contributions appropriate to the service provided will be required.

A development contribution will be required in the case of extensions to industrial / commercial development. The appropriate rate of contribution will be payable in respect of each additional m<sup>2</sup> of development involved.

## **1.4.8 Mixed Development**

In the case of a mixed development, the contribution payable will be based on the sum of charges applicable to each development type within the overall development.

## **1.5 Payment of Contributions**

### **1.5.1 Payment / Collection of Contributions**

Laois County Council will apply conditions requiring payment of the contributions provided for in the scheme on all decisions to grant permissions effective from **1<sup>st</sup> September 2008**, with the exception of the exemptions listed at 1.5.4 below. Contributions will be payable in accordance with the terms of the condition set out in the planning permission. If the contribution is not paid in accordance with the condition, then an amount to include interest, at a rate to be determined, in respect of the period the payment was withheld, will be payable. Any amount owed may be recovered through the courts as a simple contract debt or by use of the enforcement provisions under the Planning & Development Act 2000-2006.

### **1.5.2 Indexation of Contributions**

The rates of contribution set out in Table 1.1 and 1.2 below will be adjusted on the 1<sup>st</sup> January each year based on changes to the Wholesale Price Index for Building and Construction published by the Central Statistics Office. The adjusted figure will be rounded to the nearest 10 Euro in respect of a fixed contribution and to the nearest Euro per m<sup>2</sup>, where a m<sup>2</sup> rate applies.

### **1.5.3 Phasing of payments**

The contributions shall be payable prior to commencement of development or as otherwise agreed by the planning authority. Contributions shall be payable at the index adjusted rate relevant to the year in which the development authorised by planning permission commenced. The planning authority may facilitate the phased payment of contributions subject to an administrative charge and may require the giving of security to ensure payment of contributions. Where phasing of payments has been agreed contributions shall be payable at the index adjusted rate relevant to the year of payment of each agreed phase.

### **1.5.4 Exemptions and Reductions**

The planning authority may allow for full or partial exemptions from payment at its discretion:

- **Voluntary Organisations**
  - Development by or on behalf of a voluntary organisation which is designed or intended to be used for social, recreational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain – 100% reduction
  - Development by or on behalf of a voluntary organisation which is designed or intended to be used for sporting, educational, community childcare purposes by the inhabitants of a locality, or by people of a particular group, and is not to be used mainly for profit or gain – 100% reduction
- **Training Facility**  
Development which is designed or intended to be used as a training facility, workshop, hostel or other accommodation for persons with disabilities and is not intended to be used mainly for profit or gain – 100% reduction
- **Architectural Development**  
Restoration / Refurbishment to a high architectural standard of buildings included in the record of protected structures – 100% reduction
- **Social Housing Units**  
Social housing units including those which are provided in accordance with an agreement under Part V of the Planning & Development Act 2000-2006 or which are provided by a voluntary or co-operative housing body, which is recognised as such by the council – 100% reduction.
- **Change of uses within classes**
  - Changes of use between the uses described in Class 1, 2 and 3 of the Planning and Development Regulations (Schedule 2, Part 4, Article 10) should be exempted from the development contribution scheme when the use being changed to, is also within these classes.
  - Change of use from any one class to another use within another class would be subject to the provisions of the development contribution scheme.
  - Ordinarily, changes of use from one use to another use contained within the one class is considered Exempted Development as per Part 4 of the Regulations and therefore no Development Contributions apply as no application needs to be made. Where an application is made however, an exemption should be given in respect of the development contribution scheme.

## **1.6 Ring-Fencing of Income**

Money accruing to the council under the scheme must be accounted for in separate accounts and can only be applied as capital funding for public infrastructure and facilities. The annual reports must contain details of monies paid or owing to it under

the scheme and indicate how such monies paid to it have been spent. In addition the County manager is required to submit to the Members each year a report indicating the Programme of Capital Works proposed by the Local Authority.

## **1.7 Appeals to An Bord Pleanala**

Conditions requiring a contribution to be paid in accordance with a General Contribution Scheme may not be appealed to An Bord Pleanala. However an appeal may be brought where an applicant for permission considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

## **1.8 Duration of Scheme**

The scheme will be reviewed 2 years after the date of adoption and from time to time by the Planning Authority having regard to circumstances prevailing at the time.

## **Special Development Contributions**

Laois County Council may, in addition to the terms of the General Development Contribution Scheme require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the general scheme are incurred in respect of public infrastructure and facilities which benefit the proposed development. In such cases the condition will specify the particular works carried out or proposed to be carried out by the council.

Conditions requiring payment of special development contributions may be appealed to An Bord Pleanala.

## **Supplementary Development Contribution Scheme**

Section 49 of the Act provides for the making of a Supplementary Development Contribution Scheme in order to facilitate a particular public infrastructure service or project which is provided by a local authority or a private developer on behalf of and pursuant to an agreement with a local authority and which will directly benefit the development on which the levy is imposed.

In general the same rules of procedure apply to the adoption of a supplementary development contribution scheme, as to the adoption of a general contribution scheme. However the scheme must in addition specify the area or areas within the functional areas of the planning authority where the scheme will apply and the particular public infrastructure project or service for which the scheme is being applied.

In the area for which the scheme is adopted these contributions will be payable in addition to those payable under Section 48.

## ADOPTED DEVELOPMENT CONTRIBUTION SCHEME

Table 1.1

### Rate per Residential Unit:

Category	Within Development Boundaries as per CDP* and LAPs*	Outside Development Boundaries as per CDP* and LAPs* & Up to 200 m <sup>2</sup>	Outside Development Boundaries as per CDP* and LAPs* & > 200 m <sup>2</sup>
Roads	€3,000	€1,500	€1,500 + €7.50 per m <sup>2</sup> every m <sup>2</sup> over 200m <sup>2</sup>
Water	€1,000	€1,000	€1,000 + €5.00 per m <sup>2</sup> every m <sup>2</sup> over 200m <sup>2</sup>
Waste-Water	€2,000	€2,000	€2,000 + €10.00 per m <sup>2</sup> every m <sup>2</sup> over 200m <sup>2</sup>
Environment	€250	€200	€200 + €1.00 per m <sup>2</sup> every m <sup>2</sup> over 200m <sup>2</sup>
Amenity	€2,250	€1,000	€1,000 + €5.00 per m <sup>2</sup> every m <sup>2</sup> over 200m <sup>2</sup>
<b>Total</b>	<b>€8,500</b>	<b>€5,700</b>	<b>€5,700 + €28.50 per m<sup>2</sup> every m<sup>2</sup> over 200m<sup>2</sup></b>
<p><i>e.g. Rural House up to 200m<sup>2</sup> with its own well and wastewater treatment the development contribution = €2,700</i></p> <p><i>e.g. Rural House larger than 200m<sup>2</sup> with its own well and wastewater treatment the development contribution = €2,700 + €13.50 per m<sup>2</sup> for each m<sup>2</sup> over 200m<sup>2</sup></i></p>			

### Rate for Commercial / Industrial Development:

Category	Levy per m2
Roads	€30
Amenity	€15
<b>Total</b>	<b>€45</b>

\* - CDP = County Development Plan 2006-2012  
 \* - LAP = Portlaoise, Portarlinton, Mountmellick, Graiguecullen Local Area Plans

## Other Development Types

**TABLE 1.2**

Charges in relation to other categories / types of development are set out below:

	<b><u>Category of Development</u></b>	<b><u>Amount of Contribution Proposed 2008 - 2012</u></b>
<b>A</b>	<b>Shortfall in provision of Car-parking space</b>	€6,000 per space (Greenfield) €1,200 per space (Other)
<b>B</b>	<b>Shortfall in open space provided</b>	€35 per m <sup>2</sup>
<b>C</b>	<b>Agricultural Development</b>	< 500m <sup>2</sup> = Nil > 500m <sup>2</sup> = €3 per m <sup>2</sup> above limit
<b>D</b>	<b>Land used for winning and working of materials</b>	€2,500 per hectare of site area. Minimum charge = €5,000
<b>E</b>	<b>Use of land as golf course</b>	€500 per hectare of site area. Minimum charge = €10,000
<b>F</b>	<b>Wind farm development</b>	€2,500 per turbine
<b>G</b>	<b>Storage (Uncovered)</b>	€17 per m <sup>2</sup>
<b>H</b>	<b>Development of waste facility under EPA licence</b>	€5,000 per hectare of site area. Minimum charge = €5,000
<b>I</b>	<b>Development of waste facility under LCC waste permit</b>	€1 per m <sup>2</sup>
<b>J</b>	<b>Telecommunication Masts</b>	€15,000 per mast
<b>K</b>	<b>Advertising Structure</b>	€500 each structure over 1m <sup>2</sup> where planning permission is required
<b>L</b>	<b>Development not in any of the above classes</b>	€50 per m <sup>2</sup>