

*LAOIS COUNTY COUNCIL
COMHAIRLE CHONTAE LAOISE*



*Guidelines for the Implementation
of
Requirements Under
Part V of the Planning & Development Act 2000*

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IMPORTANT NOTICE

This document is intended to provide guidance to developers on the proposed implementation of Part V of the Planning & Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 in County Laois. It does not purport to be a legal interpretation of the relevant Sections of the Act or of the Regulations made under it, and no statement within the document should be construed as being legally binding on any party.

1. INTRODUCTION.

Part V of the Planning & Development Act 2000 was commenced on the 1st of November 2000 and was amended by the Planning and Development (Amendment) Act 2002 . The objective of Part V was to ensure an adequate supply of housing for all sectors of the existing and future population.

The main provisions of Part V are:-

- a) Require each Local Authority to develop a Housing Strategy which will form part of their Development Plan and act as a cornerstone for housing development policy in the County.
- b) Require inclusion of specific objectives for the provision of social and affordable housing based on identified need
- c) Ensure that sufficient land is zoned for housing to meet the projected housing needs.

The implementation of Part V of the Planning & Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 will require housing developers to enter into an agreement with the Local Authority concerning the transfer of dwellings, fully or partially serviced sites, land or a monetary contribution to the Local Authority.

Any reference to 'the Act' relates to the Planning & Development Act 2000 as amended by the Planning and Development (Amendment) Act, 2002.

2. SCOPE OF PART V.

The first issue to be determined is whether Part V applies to a proposed residential development for which a planning application is to be submitted to the Planning Authority. In general Part V applies to applications for permission for residential developments or a mixture of residential and other uses where the proposed site is zoned residential or residential and other uses.

Part V applies to both full and outline permissions on land which is zoned for residential use, or for a mixture of residential and other uses.

3.

EXEMPTED DEVELOPMENTS.

In accordance with the Act, certain types of residential developments are completely exempt from the requirement to comply with Part V. These are:-

- ❖ developments of Social housing for letting by an approved housing body
- ❖ conversion of buildings to housing, where at least 50% of the external part of the building is being retained.
- ❖ the carrying out of works to an existing house.

There is no requirement for an Exemption Certificate in respect of the above developments.

Section 97 of the Act enables an applicant to apply for an exemption certificate before they apply for a planning permission in the following circumstances:-

- 1) The development consists of the provision of 4 or fewer housing units, or
- 2) Any number of units on land the area of which is 0.1 hectares or less.

In doing so they should apply to the planning authority stating that section 96 shall not apply to a grant of permission in respect of the development. Applications for an Exemption Certificate are available from the Planning Authority.

Where a development comes within the above categories the developers are strongly advised to apply for the certificate before the lodging of a planning application.

The application for a certificate shall be accompanied by a statutory declaration made by the applicant containing information, such as the history of the ownership of the land in question and whether the applicant has an interest in any adjoining land. In doing so the planning authority is ensuring that applicants do not avoid the application of Part V by splitting up land into small allotments or by making multiple applications. The authority may make other enquiries, as it deems appropriate.

A decision on an application for an exemption certificate must be issued within 4 weeks (unless further information is required). If the council refuses to grant an exemption certificate, the applicant has 3 weeks within which to appeal to the court. It should be noted that the granting of an exemption certificate does not in itself guarantee the granting of planning permission.

In accordance with Part V of the Planning & Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002, Laois County Council adopted a Housing Strategy for the County and varied the County Development Plan to incorporate the Housing Strategy, on 10th September 2001.

The Housing Strategy requires, in accordance with the Act, that 17.5% of land zoned for residential use, or for a mixture of residential and other uses, be made available for the provision of Social and Affordable Housing. This requirement can be achieved by the developer entering into an agreement with Laois County Council to provide houses, fully or partially serviced sites, land or an equivalent monetary contribution for the purposes of Social and Affordable Housing. The breakdown between Social and Affordable Housing will be in accordance with a ratio of 1:1, unless otherwise requested by the local authority.

The provisions of Part V of the Planning and Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 and these guidelines shall apply to planning applications lodged after 10th September 2001.

The Planning Authority is required in accordance with Part V of the Planning and Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 to have regard (inter alia) to:

- ◆ the proper planning and sustainable development of the area to which the application relates,
- ◆ the housing strategy and the specific objectives of the development plan which relate to the implementation of the strategy.
- ◆ the need to ensure the overall coherence of the development and
- ◆ the views of the applicant in relation to the impact of the agreement on the development.
- ◆ The need to counteract undue segregation in housing between persons of different social background in the area of the Authority.

5. PERFERRED OPTION POLICY.

5.1 Options for Compliance with Part V

Part V of the Planning & Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 provides for a number of options for an agreement between the Developer and the Planning Authority such as:-

- a) The transfer of a portion of the site the subject of the application
- b) The transfer of completed dwellings on the site the subject of the application
- c) The transfer of fully or partially serviced sites on the site the subject of the application
- d) The transfer of land at another location
- e) The transfer of completed dwellings at another location.
- f) The transfer of serviced sites at another location
- g) The payment of a monetary contribution

An agreement may provide for a combination of any of the above.

The transfer of completed dwellings, sites or land will be to the Planning Authority or persons nominated by the Planning Authority such as an Approved Housing Body. (see section 11 –Role of the Voluntary & Co-operative Housing Sector)

The Planning Authority will indicate in so far as is known at that time the proposed use of the transferred dwellings, sites or land.

5.2 Preferred Option Policy

In determining the preferred option for each application, the primary policy objective of Laois County Council will be the provision of an adequate supply of social and affordable housing and the counteraction of undue social segregation.

The Planning Authority is obliged under Part V in assessing a proposal to have regard to its Housing Strategy and the objectives of its Development Plan.

6. ASSISTANCE IN PREPARATION OF PART V SUBMISSION.

6.1 Part V Pre-Planning Consultation Process

If required, a member of the Housing Strategy Team will facilitate a planning applicant with a pre-planning consultation meeting. As a prerequisite to any such pre-planning meeting, the information detailed in sub-section 6.2 will be required 2 weeks in advance.

6.2 Information Required To Facilitate The Pre-Planning Meeting

A Compliance with Part V

An indication of the developers preference for complying with Part V of the Act as outlined in 5.1.

B Scheme Details

- (1) Location and area of the site
- (2) Initial estimate of the total number of housing units it is proposed to construct, the proportion of different house types and layout (scale 1:500)
- (3) A broad indication of the size of units proposed
- (4) Details of existing and/or extent of proposed services for the site
- (5) Existing use of land
- (6) Location of community services including shops, schools, etc.
- (7) Location of proposed Community Centre/ Creche facility if applicable (see 6.4)

C Details of Developer

- (1) Principals of development company.
- (2) Previous developments by company
- (3) Proposed project team, including architect, engineer, builders, sub-contractors etc.,
- (4) Health and Safety project supervisor, design and construction stage.
- (5) Quality Control Policy of company
- (6) Membership of C.I.F. and Homebond.

D Programme

1. Anticipated programme for completion of scheme.

6.3

Details Of A Part V Proposal

The details to be submitted will depend on which of the following options for compliance are Selected:

A. Provision of Housing Units Option

- (1) Date on which land was purchased, or date agreement was made to purchase (written proof of this date will be required e.g. copy of Sale Contract)
- (2) Proof of price paid (or agreed to be paid) for land if purchased (or agreed to purchase) prior to 25th August 1999.
- (3) Price sought for land cost element if purchased (or agreement in place to purchase) prior to 25th August 1999. (Please include an explanation of the calculation of interest being sought, if applicable).
- (4) Breakdown of construction costs (please complete Cost Summary included in Appendix 3).
- (5) Existing use of land
- (6) Profit Included

B. Provision of Serviced Sites or Land Options

If the option selected is the provision of serviced sites, the following details should be submitted to facilitate a pre-planning consultation:-

- (1) The location and area of the land which is the subject of the planning application (please attach appropriate map, scale 1:500)
- (2) Location and area of land which it is proposed to transfer to the Local Authority (please attach appropriate map scale 1:500)
- (3) Date on which land was purchased, or date agreement was made to purchase (written proof of this date will be required e.g. copy of Sale Contract)
- (4) Proof of price paid (or agreed to be paid) for land if purchased (or agreed to purchase) prior to 25th August 1999.
- (5) Price sought for land cost element (if purchased, or agreement in place to purchase, prior to 25th August 1999 please include an explanation of the calculation of interest being sought, if applicable)
- (6) Existing use of land.

- (7) Proposals for boundary treatment of land it is proposed to transfer to the Local Authority.
- (8) Details of any site investigations undertaken and/or any other relevant information in relation to the land.
- (9) Details of any encumbrances relating to the land such as Rights of Way, Wayleaves, underground and/or overground services etc.,
- (10) Confirmation that the Freehold title can be transferred to the Local Authority.

6.4 General Guidance On The Preparation Of A Part V Submission

All details in relation to house size, specifications and cost must be agreed prior to completion of the Final Part V Agreement. In addition to the information outlined in 6.2 the following need to be taken into account in preparing a formal Part V submission:-

(i) **Unit Size – Social and Affordable Housing**

Unit sizes will be determined by demand in the area in which it is proposed to carry out the development. In some cases it may be appropriate to specify a certain category of need for occupation of the units e.g. elderly, disabled, etc. and hence, final design will reflect the special needs of the specified category.

Where Social and Affordable housing units are to be transferred to the Planning authority the mix of unit types will be determined by demand in the area in which it is proposed to carry out the development.

However, in general, the larger urban areas will have demand for a mix of 2,3, and 4 bedroom units. It is not the policy of the Laois County Council to construct one-bedroom units, however, where the attributes of a site dictate that only a one-bedroom unit can be accommodated, this fact will be taken into account in completing the Final Part V Agreement.

As a general guideline, the mix of unit sizes should be as follows:

| | |
|---------------|-----|
| Two bedroom | 30% |
| Three Bedroom | 60% |
| Four Bedroom | 10% |

Decisions in relation to residential densities and whether to include single-storey, two-storey, etc. must be taken after consulting the County Development Plan and the relevant Planning Guidelines.

(ii) **Unit Design/Specification**

The Department of the Environment and Local Government Site Selection Guidelines and the Department of the Environment and Local Government Social Housing Design Guidelines should be adhered to quite strictly in the design and layout of Social Housing developments. These Guidelines should also be used as a reference document in design/layout for the Affordable Housing Units. However, strict adherence is not a requirement as affordability will be the final determinant of design.

Your attention is drawn to the legislative requirement to provide crèche facilities in proposed developments consisting of 75 units or greater. In housing developments consisting of 75 or more units, provision should be made for a Community Centre. Consideration should be given however in the location of a Community Centre that the building will provide a focus for integration of the residents of the entire proposed development. There may be potential to combine these requirements in one facility.

Design Standards

- If the developer proposes to comply with Part V by providing completed units, the Social and Affordable units should be outwardly indistinguishable in appearance from the rest of the development.
- The location of the Social and Affordable units must ensure social integration.
- Detailed specification (size, building materials, finishes and fittings) for the Social and Affordable Housing units must be provided.
- Spatial standards for the social housing units shall be as recommended in the Department of the Environment and Local Government Social Housing Design Guidelines 1999.
- “Own door” access (if possible) directly from the exterior is the desired standard of the County Council.

- Refuse storage and collection arrangements shall be clearly defined. Laundry/drying arrangements (if relevant) should be clearly defined and agreed.
 - The County Council will require an equal proportion of any car parking spaces being provided in the proposed housing development to be transferred with the Social and Affordable units.
 - Each unit shall be provided with individual amenity area where practicable.
 - Certificate s of compliance with Planning and Building regulations will be required
 - Homebond Guarantee will also be required
- (iii) **Cost**
When making a submission in relation to costs the developer shall refer to Section 7.

6.5 Agreement In Principle/Common Understanding

Laois County Council will seek to negotiate an agreement at the earliest possible stage. The authorities will require as a condition of granting permission, that the applicant or any other person with an interest in that land, enter into an agreement entitled “Statement of Pre-Planning Understanding” (See Appendix One) with the Housing Department in relation to the requirements of the Housing Strategy.

The “Statement of Pre-Planning Understanding” will be signed by both parties when a common understanding of the nature of the agreement has been reached. This “Statement” must be submitted with the planning application. This will allow the adjudication of the planning application to proceed. If Planning Permission is granted, the “Statement of Pre-Planning Understanding” will be included as a Planning Condition, with a requirement that the “Final Part V Agreement” (see Appendix Two) must be signed before development commences.

7. FINAL PART V AGREEMENT.

A Part V Agreement is a legally binding arrangement negotiated between the Planning Authority and the applicant.

If permission is being granted for a development subject to Part V, a condition will normally be attached requiring that the applicant or any other person with an interest in the land to which the application relates, enter into an agreement with the Planning Authority. The planning condition will require that the agreement is finalised before development commences. It shall be the objective of Laois County Council to finalise the agreement within 2 months, where possible, of the grant of permission or grant of appeal by An Bord Pleanala.

The agreement is applicable to the specific grant of permission and will apply to any subsequent purchaser of the site if the site is developed under this permission.

7.1. Content of Agreement

The content of the “Final Part V Agreement” (see Appendix Two) will depend on the option agreed. Where completed dwellings are to be transferred the agreement will specify:-

- a) The number and location of the units
- b) Drawings and specifications for the units
- c) Proposed phasing of development
- d) Details of management/maintenance agreement
- e) Infrastructural services to dwellings
- f) Monetary Compensation in respect of site cost.

Where serviced sites or land is to be transferred the agreement should include:

- a) Location and area of sites/land to be transferred
- b) Map of sites/land
- c) Infrastructural services serving or to be provided for sites/land
- d) Boundary treatment
- e) Open space and landscaping proposed
- f) Monetary Compensation in respect of site cost.

7.2 Assessment Of Compensation

The compensation payable by the Local Authority for the completed dwellings, sites or land will be negotiated between the Planning Authority and the Developer.

1. Housing Units

In the case of transfer of completed dwellings the compensation payable will be based on

- (a) Compensation for land (see 7.3)
- (b) Building and attributable site development costs (see 7.4)
- (c) Design, Planning and Professional fees
- (d) Development levies
- (e) Cost of Finance
- (f) A reasonable commercial profit (see 7.5)

2. Serviced sites

In the case of transfer of partially or fully serviced sites the compensation will be based on

- (a) Compensation for land (see 7.3)
- (b) Attributable site development costs (see 7.4)
- (c) Design, Planning and Professional fees
- (d) Development levies
- (e) Financial Costs
- (f) A reasonable commercial profit (see 7.5)

3. Land

In the case of transfer of land please refer to 7.3.

4. Monetary Contribution

The monetary contribution shall be equivalent to the monetary value of the land that the planning authority would benefit from if the agreement solely provided for the transfer of land.

Where a developer is offering monetary compensation, the amount payable is equal to the difference between the market value at the time of the Part V agreement, and the existing use value of the land.

7.3 Compensation for Land

The amount of compensation payable by the Planning Authority is set out in the Act and is dependent on the date the land was purchased by the developer.

Where the land was purchased after 25th August 1999 the compensation shall be based on the “Existing Use” value of the land. The existing use value is calculated on the assumption that it was at the time and would remain unlawful to carry out a development on the land other than exempted development. No account may be taken of the value, which would otherwise attach to the land because of its zoning or development value or because of planning permission granted on the land.

Where the land was purchased before 25th August 1999 or a legally enforceable agreement to purchase was secured by the applicant before 25th August 1999, the compensation will be based on the price paid, or agreed to be paid, plus interest, or the existing use value, whichever is the greater.

Where land is transferred to the Planning Authority there is no provision for profit.

7.4 Building and Attributable Development Costs

Where houses or partially/fully-serviced sites are transferred, calculation of the building and/or attributable development costs should take account of:

- labour, materials and plant in carrying out the physical work;
- Design team fees (architects, engineers, planners, quantity surveyors, etc.);
- planning application and possible planning appeal fees;
- fire certificate fees;
- any development contributions required by the Planning Authority or An Bord Pleanala or any connection charges required by the Planning Authority;
- other utility connection charges (electricity, gas, telephone, etc.);

- overheads;
- financing costs associated with the above.

Where houses are transferred, “building and attributable developments costs” will apply to the completed house (in a completed development). “Attributable development costs” will apply to the site development works carried out to the extent agreed between the Planning Authority and developer. These costs should be determined as an average per unit over the entire development, adjusted to reflect the varying sizes of dwelling units being provided. The purpose of this approach is to avoid abnormal costs associated with a section of the overall development being charged in full against the social or affordable housing element thus reducing a developer’s average unit cost for the remainder of the development.

7.5 Reasonable Commercial Profit

For the purpose of acquiring houses or sites, profit is to be taken as meaning a reasonable profit, determined by reference to prices for work pertaining to competitive tenders for similar work current in the locality. In the final analysis, the houses to be provided must be affordable and the agreement must clearly state the price at which the units are to be transferred.

8. DISPUTE RESOLUTION

It is the objective of Laois County Council to come to an early and amicable agreement with all developers. If however there is disagreement over the terms of an agreement then the Act provides for appeals to either

- 1) An Bord Pleanala
- 2) The Property arbitrator
- 3) The Circuit Court

The terms of such appeals come under Section 96 of the Act which “provides that where, because of a dispute in respect of any matter relating to the terms of a Part V agreement the agreement is not entered into within 8 weeks of the granting of planning permission for the housing development concerned”, the applicant may refer certain matters to An Bord Pleanala and certain other matters to the Property Arbitrator

The matters, which can be referred to An Bord Pleanála, include any disputed matter for inclusion in the agreement, other than those listed for the sole jurisdiction of the Property Arbitrator.

The matters, which can be referred to the property arbitrator, include

- 1) The number and price of housing units for transfer, including site, building and development costs
- 2) The number and price of sites to be transferred, including site and development costs
- 3) The compensation payable by the planning authority for land to be transferred
- 4) The compensation payable to the planning authority where a payment is required in lieu of the transfer of land
- 5) The payment of a monetary contribution to the planning authority in lieu of other options.

Both the property arbitrator and the Board are required to determine matters referred to them as soon as possible.

Under the terms of Section 97 an applicant is entitled to appeal to the circuit court against the refusal to grant an exemption certificate. (see Chapter 3)

9. ALLOCATION OF COMPLETED HOUSING UNITS, SITES OR LAND

A Part V agreement which provides for the development of Social and/or Affordable housing will require the local authority to allocate houses from either their Social housing or Affordable housing lists

Allocation of Social housing is carried out in accordance with a Scheme of Letting Priorities as adopted by the Planning Authority under Section 11 of the Housing Act 1988 and taking account of an assessment of needs carried under Section 9 of the same act. Essentially these houses are allocated from the social housing list. The allocation of social housing is at the sole discretion of the planning authority.

Allocation of Affordable housing is carried out in accordance with a list determined by the local authority under section 98 of the Act.

The Act provides that affordable housing may be sold or leased to eligible persons. The Act defines an eligible person as a person “who is in need of accommodation and whose income would not be adequate to meet the payments on a mortgage for the purchase of a house to meet his or her accommodation needs because payments calculated over the course of a year would exceed 35% of that persons annual income after income tax and P.R.S.I are deducted”.

In determining the eligibility of a person, the planning authority must take into account half the annual income net of income tax and PRSI of any other person who might reasonably expect to reside with the eligible person and contribute to the mortgage payments and any other financial circumstances of the eligible person.

Applicants will be required to occupy the property purchased as their normal place of residence.

The allocation of social and affordable housing is at the sole discretion of the planning authority.

The use of sites/land will be at the sole discretion of the planning authority.

10. CONTROL ON RESALE OF AFFORDABLE HOUSES

Section 99 of the Act requires the planning authority to impose controls on the resale of house or sites provided, or made available to them, under Part V.

Where any house or site sold to any person under the Act is first sold before the expiration of 20 years from the date of purchase, the person selling the house or site must pay to the planning authority (out of the proceeds of sale) a specified percentage of these proceeds.

The percentage is calculated as follows:

Y multiplied by 100 divide by Z

where

Y = (market value of property) less (actual price paid) when purchased by eligible person

Z = (market value of the property) when purchased by eligible person

If for example the planning authority sells the house or site to a person for €75,000 but its market value is €100,000 the person on resale must pay 25% of the proceeds to the planning authority.

That amount however is to be reduced by 10% in respect of each complete year after the tenth year during which the purchaser of the house or land was sold has been in occupation of it as his normal place of residence.

The Act provides for a situation of negative equity. Allowance will also be made for improvements to the property during their ownership of same.

11. ROLE OF THE VOLUNTARY & COOPERATIVE HOUSING SECTOR

Under Section 96 where the developer transfers to a Planning Authority land, sites or houses the authority may in turn make these available to a voluntary or co-operative housing body approved under Section 6 of the Housing Miscellaneous Provisions Act 1992.

The Voluntary and Co-operative Housing sector play an important role in the provision of Social Housing. Some of these bodies specialise in the provision of housing for specific needs such as elderly or disabled. The role of the local authority is to support and facilitate the voluntary and co-operative sector.

Laois County Council is committed to the continued development of Voluntary and Co-operative housing in County Laois.

In this regard Laois County Council will consider any proposal by a developer to work with a Voluntary or Co-operative body to provide housing and/or sites under the terms of Part v of the Act.

12. REVIEW OF HOUSING STRATEGY

The housing strategy shall relate to the same period as the development plan(s) or relate to the remaining period of any existing development plan. The planning authority must review the effectiveness of the development plan and housing strategy every 2 years and prepare a report for the council on same.

13 CONCLUSION

Laois County Council is committed to working with developers in implementing the provisions of Part V of The Planning and Development Act, 2000 as amended.

It is the objective of Laois County Council to expand the provision of Social and Affordable Housing under the terms of the Act. In doing so it wishes to promote the concepts of Social Integration and Sustainable development.

In doing so the Local Authority will attempt to minimise delays in processing applications and to facilitate prompt and effective consultation with all developers.

It is hoped that this document explains the various issues concerning the implementation of the Act and provides a basis for mutually beneficial and productive discussions between all developers and the local authority.

APPENDIX ONE

STATEMENT OF PRE-PLANNING UNDERSTANDING

Please indicate the agreed option for compliance with Part V:

- a. Housing Units
- b. Fully/partially services sites
- c. Land
- d. Monetary Contribution
- e. Amount Agreed (calculation attached)

In order to enable the processing of Planning Application Ref. No. ___/___ to proceed, the following has been agreed, subject to completion of the "Final Part V Agreement" for compliance with Part V of the Planning and Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002. It should be noted that development must not commence before the Final Part V Agreement is signed by the Planning Authority and the planning applicant, otherwise, the development is not in compliance with any Planning Permission granted.

In accordance with the Planning and Development Act, 2000 as amended by the Planning and Development (Amendment) Act 2002, it is agreed to transfer the following:

Option A – Housing Units

Total No. of Housing Units proposed: _____

Total No. of Social Housing Units: _____

To be transferred to Laois County Council units

Voluntary Housing Body units Name: _____

Voluntary Housing Body

Laois County Council

1 Bed; 2 Bed; 3 Bed; 4 Bed

Voluntary Housing Body

1 Bed; 2 Bed; 3 Bed; 4 Bed

Total no. of Affordable Housing units: _____

1 Bed; 2 Bed; 3 Bed; 4 Bed

To be transferred to: Laois County Council units

Voluntary Housing Body units

(if applicable)

Exact location of social and affordable housing units as per the attached drawing (Scale:1:500)

Address of Social and Affordable Housing Units to be supplied:

Option B –Fully/Partially Serviced Sites

Total No. of sites: _____

Total No. Social Housing Sites: _____; **No. Fully Serviced;** **No. Partially Serviced**

Area of Sites: _____

Sites to be transferred to: Laois County Council: No. Fully Serviced; No. Partially Serviced

Voluntary Housing Body: No. Fully Serviced; No. Partially Serviced

Name of Voluntary Housing Body: _____
(if applicable)

Total No. Affordable Housing Sites: _____; **No. Fully Serviced;** **No. Partially Serviced**

Area of Sites: _____

Sites to be transferred to: Laois County Council: No. Fully Serviced; No. Partially Serviced

Voluntary Housing Body: No. Fully Serviced; No. Partially Serviced

Name of Voluntary Housing Body: _____
(if applicable)

Exact location and area of all sites are detailed on the attached drawing (Scale: 1:500)

**N.B. Please outline the overall site in Red.
Please outline the Serviced sites in Blue.**

Address of sites to be supplied: _____

Option C –Land

Total area of site: _____

Total area of Social Housing Site: _____

To be transferred to: Laois County Council: acres

Voluntary Housing Body acres

Total area of Affordable Housing site: _____

To be transferred to: Laois County Council: acres

Voluntary Housing Body acres

Exact location of the Social and Affordable site is detailed on the attached drawing (Scale: 1:500)

N.B. Please outline the overall site in red

Please outline the Social and Affordable site in blue

Address of land to be supplied: _____

SIGNED: _____

Planning Applicant

SIGNED: _____

Laois County Council

DATE: ____/____/____

APPENDIX TWO

Final Agreement for Compliance with Part V of the Planning and Development Act 2000 as Amended by the Planning and Development (Amendment) Act 2002

This Final Agreement outlines the exact method by which the Social and Affordable housing units, land, sites or equivalent monetary contribution will be provided, constructed, managed and/or sold. In the case of houses/apartments being constructed by or on behalf of the planning applicant, details in relation to the exact specifications and costs must be attached in the format outlined in Appendix Three (separate form to be completed in respect of Local Authority Units, Voluntary Housing Units and Affordable Housing Units).

This final agreement must be completed by all parties before development commences, otherwise, the development is not in compliance with any Planning Permission granted.

Option A – Housing Units

Social Housing Units

To be constructed by: _____

Total No. to be sold to Laois County Council: _____

1 Bed; 2 Bed; 3 Bed; 4 Bed

Total agreed all-in-cost: _____ (for breakdown see Appendix Three attached)

Total No. to be sold to _____ (Voluntary Housing Body)

1 Bed; 2 Bed; 3 Bed; 4 Bed

Total agreed all-in-cost: _____ (for breakdown see Appendix Three attached)

Affordable Housing Units

To be constructed by: _____

Total No. to be sold to Laois County Council: _____

1 Bed; 2 Bed; 3 Bed; 4 Bed

Total agreed all-in-cost: _____ (for breakdown see Appendix Three attached)

Total No. to be sold by Developer to eligible applicants on Laois County Council's Affordable Housing Waiting List: _____

1 Bed; 2 Bed; 3 Bed; 4 Bed

Agreed Sale Price to Affordable Housing Applicant:

| | |
|--------|---------|
| 1 Bed: | € _____ |
| 2 Bed: | € _____ |
| 3 Bed: | € _____ |
| 4 Bed: | € _____ |

Total agreed all-in-cost: _____ (for breakdown see Appendix Three attached)

Exact Location of Social and Affordable Housing Units as per attached drawing (Scale 1:500)

Address of Housing Units to be Supplied: _____

Option B –Land

To be sold by (full name and address): _____

Solicitor's name and address: _____

To be sold to: Laois Co. Council acres; Voluntary Housing Body acres

Name and address of Voluntary Housing Body: _____

Total area of Social/Affordable site: _____

Total area of Social Housing site: _____

Total area of Affordable Housing site: _____

Total land purchase fee agreed: _____ (Basis of calculation attached)

Date payment of Land Purchase Fees due: _____

Address of land to be supplied: _____

Exact location of the site is detailed on the attached map (Scale: 1:500)

**N.B. Please outline the overall site in Red.
Please outline the Social and Affordable sites in Blue.**

Option C –Fully/Partially Serviced Sites

To be sold by (full name and address): _____

Solicitor's name and address: _____

To be sold to: Laois County Council sites; Voluntary Housing Body sites.

Name of Voluntary Housing Body: _____

Total No. of fully serviced sites for Social Housing: _____

Total No. of fully serviced sites for Affordable Housing: _____

Total No. of partially serviced sites for Social Housing: _____

Total No. of partially serviced sites for Affordable Housing: _____

Purchase fee agreed for each fully serviced site: _____

Purchase fee agreed for each partially serviced site: _____

Area of sites: Serviced: _____; Partially Serviced: _____

N.B. Details of services supplied on each site attached

Total site purchase fee agreed: _____

Address of sites to be supplied: _____

Exact location and area of sites are detailed on the attached drawing (Scale: 1:500)

**N.B. Please outline the overall site in Red.
Please outline the Social and Affordable sites in Blue.**

Option D –Payment of Monetary Contribution

(Please refer to Chapter 5)

Total amount of compensation: €_____ (Basis of Calculation attached)

Date payment of compensation was paid: _____

PART V
FINAL AGREEMENT

WE, THE UNDERSIGNED, HEREBY AGREE THAT THE DETAILS OUTLINED ABOVE ARE SUFFICIENT TO ENSURE THAT PLANNING APPLICATION REF. NO. ____/____/____ COMPLIES FULLY WITH THE REQUIREMENTS OF PART V OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED BY THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2002 AND FURTHERMORE THAT THE PLANNING AUTHORITY OR AN BORD PLEANALA ON APPEAL , INSERT THIS FINAL AGREEMENT AS A CONDITION OF A GRANT OF PLANNING PERMISSION.

SIGNED: _____
 Planning Applicant

SIGNED: _____
 Laois County Council

DATE: ____/____/____

SEAL OF
LAOIS COUNTY COUNCIL:

SEAL OF
DEVELOPER:



COST PLAN/TENDER ANALYSIS

FORM HC A2

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HOUSING AUTHORITY _____

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Housing Construction Section
Room G. 09
Custom House Dublin 1**

GENERAL COST SUMMARY FOR NEW HOUSING SCHEME

MAIN COST SUMMARY

| | Total Cost € | Average Cost per Unit € |
|------------------------|-----------------|----------------------------|
| Substructures | | |
| Superstructures | | |
| External Works | | |
| Site Development Works | | |
| Abnormal Works | | |
| Indirect Project Costs | | |
| Sub-Total | | |
| Value Added Tax | | |
| Contract Sum | | |

| | |
|--|---------|
| Total Floor Area (sq.m.): | _____ |
| Total Cost per sq. m. of floor area (excl. VAT): | € _____ |
| Cost of Superstructure per sq. m. of floor area (excl. VAT): | € _____ |
| No. of Bedspaces: | _____ |
| Cost per bedspace (excl. VAT): | € _____ |
| Prime Cost Sums per House: | € _____ |
| Provisional Sums per House: | € _____ |
| Indirect Project Costs %: | _____ |
| Area of Site (Hectares): | _____ |
| No. of Houses per Hectare: | _____ |
| Road Length per House (Lin. M.): | _____ |
| Road Area per House (sq. m.): | _____ |



COST PLAN/TENDER ANALYSIS

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HOUSING AUTHORITY _____

| Summary Analysis of Unit Types | | | | | | |
|---------------------------------------|-----------------------------------|-----|------------------------------------|-----|------------------------------------|-----|
| | Type Ref: Storeys Bedrooms: | | Type Ref: Storeys: Bedrooms: | | Type Ref: Storeys: Bedrooms: | |
| | Inter. | End | Inter. | End | Inter. | End |
| Substructures | | | | | | |
| Superstructures | | | | | | |
| External Works | | | | | | |
| Site Development Works | | | | | | |
| Abnormal Works | | | | | | |
| Indirect Project | | | | | | |
| Total (excl. VAT) | | | | | | |
| VAT | | | | | | |
| Total Unit Cost | | | | | | |

| | Type Ref: Storeys Bedrooms: | | Type Ref: Storeys Bedrooms: | | Type Ref: Storeys Bedrooms: | |
|------------------------|-----------------------------------|-----|-----------------------------------|-----|-----------------------------------|-----|
| | Inter. | End | Inter. | End | Inter. | End |
| Substructures | | | | | | |
| Superstructures | | | | | | |
| External Works | | | | | | |
| Site Development Works | | | | | | |
| Abnormal Works | | | | | | |
| Indirect Project | | | | | | |
| Total (excl. VAT) | | | | | | |
| VAT | | | | | | |
| Total Unit Cost | | | | | | |

| | Type Ref: Storeys Bedrooms: | | Type Ref: Storeys Bedrooms: | | Type Ref: Storeys Bedrooms: | |
|------------------------|-----------------------------------|-----|-----------------------------------|-----|-----------------------------------|-----|
| | Inter. | End | Inter. | End | Inter. | End |
| Substructures | | | | | | |
| Superstructures | | | | | | |
| External Works | | | | | | |
| Site Development Works | | | | | | |
| Abnormal Works | | | | | | |
| Indirect Project | | | | | | |
| Total (excl. VAT) | | | | | | |
| VAT | | | | | | |
| Total Unit Cost | | | | | | |



COST PLAN/TENDER ANALYSIS

FORM HC A2

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HOUSING AUTHORITY _____

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External Works

| Elements | Total Cost € | Av. Cost per Unit € | Quantity per Unit | Brief Specification |
|---|-----------------|---------------------------|----------------------|---------------------|
| Prepared site (demolition, general excavation and filling, etc.) | | | | |
| Ancillary site structures (Stores, fuel bunkers, etc.) | | | | |
| Site enclosures, retaining walls (Front, rear and division walls, fencing, gates, etc.) | | | | |
| Roads, paths, pavings (Paving around house including kerbs). | | | | |
| Site services (piped and ducted) Branch foul drains Branch surface water drains Branch water connections Other (specify) | | | | |
| Site services (mainly electrical) Electricity Telephone Television | | | | |
| Landscaping seeding, planting Cultivating, seeding gardens Planting (trees and shrubs) | | | | |
| Total External Works | | | | |



COST PLAN/TENDER ANALYSIS

FORM HCA2

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HOUSING AUTHORITY _____

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Site Development Works

| Elements | Total Cost € | Av. Cost per Unit € | Quantity per Unit | Brief Specification |
|--|-----------------|---------------------------|----------------------|---------------------|
| <p>Prepared site (demolition, general excavation and filling, etc.)</p> <p>Ancillary site structures</p> <p>Site enclosures, retaining walls (Site boundary walls and fences. Etc.)</p> <p>Roads, paths, pavings Roads, carparking surfaces</p> <p>Kerbs</p> <p>Pedestrian surfaces</p> <p>Site services (piped and ducted)</p> <p>Main foul drains</p> <p>Main surface water drains</p> <p>Watermains</p> <p>Other (specify)</p> <p>Site services (mainly electrical)</p> <p>Electricity</p> <p>Telephone</p> <p>Television</p> <p>Site fittings (Site feature, seating, bollards, etc.)</p> <p>Landscaping play areas Cultivating, seeding grassed Areas Planting (trees and shrubs)</p> | | | | |
| Total Site Development Works | | | | |



COST PLAN/TENDER ANALYSIS

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Abnormal Works

Works should be listed under this heading only where the costs significantly increases the average unit cost over what is considered normal. Such costs may arise due to site conditions, or due to lengthy service connections.

| Description | Total Cost € | Av. Cost Per Unit € | Brief Specification |
|-----------------------------|-----------------|------------------------|---------------------|
| | | | |
| Total Abnormal Works | | | |



COST PLAN/TENDER ANALYSIS

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Indirect Project Costs

| Description | Total Cost € | Av. Cost Per Unit € | Brief Specification |
|-------------------------------------|-----------------|---------------------------|---------------------|
| Preliminaries | | | |
| Insurances | | | |
| Contingencies | | | |
| Total Indirect Project Costs | | | |

| | |
|----------------------|----------------------|
| <u>CERTIFICATION</u> | |
| Signed _____ | Contact Person _____ |
| Date _____ | Tel. No. _____ |