

LAOIS COUNTY COUNCIL

DEVELOPMENT CONTRIBUTION SCHEME

2013 – 2017

ADOPTED 21st October 2013

Effective from 1st November 2013



PLANNING & DEVELOPMENT ACTS 2000 - 2013

**ADOPTED
GENERAL DEVELOPMENT CONTRIBUTION SCHEME**

1.0 Introduction

The Planning & Development Act 2000-2013, provides for three types of development contributions that may be attached as conditions to a planning permission under the Act:

- general development contributions (S48)
- special development contributions
- supplementary development contributions (S49)

General and Supplementary contributions must be based on a Scheme adopted by the elected members for their functional area.

This scheme replaces the General Development Contribution Scheme adopted by Laois County Council in May 2008. This scheme has been reviewed and the review is timely given the significantly changed economic circumstances. This scheme has also been reviewed in line with *Development Contributions, Guidelines for Planning Authorities* which issued from the Department of the Environment, Community and Local Government in January 2013. The scheme was adopted in accordance with Section 48 of the Planning & Development Act 2000-2013, which enables the planning authority when granting permission to include conditions requiring the payment of 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).

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.

In relation to 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.

Public Infrastructure and Facilities include:

- a. the acquisition of land;
- b. the provision of open spaces, recreational and community facilities and amenities and landscaping works;
- c. the provision of roads, car parks, car parking places, sewers, wastewater and water treatment facilities, service connections, watermains and flood relief work;
- d. the provision of infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures;
- e. the refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, sewers, wastewater and water treatment facilities, service connections or watermains;
- f. the provision of high-capacity telecommunications infrastructure, such as broadband;
- g. the provision of school sites, and
- h. any matters ancillary to paragraphs (a) to (g).

2.0 Area of Application of the Scheme

This scheme applies to the administrative area of County Laois.

3.0 Basis for Determination of Contribution

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 shall 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.

An indicative list of the projects that may be undertaken and the estimated cost of expenditure under the scheme in the period up to 2017 is given in Appendix 1. The adopted scheme will raise substantial sums to be expended on these projects but the scheme is not required to raise the full amount. The actual sums required will vary due to a number of factors including:-

- Project costs are subject to detailed design and specification;
- All schemes may not be progressed and may be replaced by additional projects of similar nature;
- Additional sources of funding will be sought;
- The priority of projects may alter;
- Development may occur at a faster or slower pace over the next 5 years and recovery of costs may occur over a shorter or longer timeframe;

The projected rates of development over the 5-year period 2013 to 2017 are as follows:-

Residential	3,000 units
Industrial/Commercial	300,000m ² floor area

In determining the rates of contribution under the scheme, the following criteria were also taken into account:-

- Current market conditions
- The changed economic conditions since the adoption of the current scheme
- The reduction in the cost of infrastructure as reflected in the index of Construction Tender Prices as published by the Society of Chartered Surveyors, which declined by 11% between the start of 2009 and the end of 2011.
- The decline in development, which has reduced the demand for supporting infrastructure.
- The significant decline in the value of development land and other property.

4.0 Level Of Contribution

Taking all of these factors into account, the contributions approved in Tables 1 and 2, which represents a reduction on current charges, are considered to be appropriate.

5.1 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.

5.2 Change of use from Residential to Commercial

The charges as appropriate in Table 2 shall apply in the case of 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.

5.3 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.

5.4 Car parking in a structure

Development contributions shall not be levied on car parking areas provided within a structure and where the council's development plan standards are achieved therein.

5.5 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 time throughout the day.

5.6 Extensions

Subject to 5.1 above a development contribution will be required in the case of extensions to residential units where a connection to the 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 m² of development involved.

5.7 Revisions/Modification to a permitted development

An application for permission for modification/revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission. The contribution payable at commencement will be

based on the permission implemented i.e. the original permission or the revised proposal (updated in accordance with the relevant index).

5.8 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.

6.0 Payment of Contributions – Payment/Collection of Contributions

6.1 Laois County Council will apply conditions requiring payment of the contributions provided for in the scheme on all decisions to grant permissions effective following the making of the Scheme by the Council, with the exception of the exemptions listed at 6.5 below. The operative date of the Scheme is 1st November, 2013. 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 2000-2013.

6.2 The rates of contribution set out in Table 1 and 2 below will be adjusted on the 1st January each year based on changes to the Wholesale Price Index for Building and Construction published by the Central Statistics Office.

6.3 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.

6.4 If a developer is required to provide facilities or infrastructure in excess of the immediate needs of the proposed development, the Planning Authority may enter into an agreement with the developer to off-set development contributions against such provisions of public facilities in accordance with Section 34 of the Planning & Development Act 2000 (as amended).

6.5 Exemptions and Reductions

The following categories of development will be exempted from the requirement to pay development contributions or will pay a reduced rate, as stated, under the Scheme:

- Not for profit development carried out by bodies exempted from the requirement to pay a planning application fee, in accordance with Article 157 of the Planning and Development Regulations 2000 (as amended) shall be exempt. The exemption is stated below;

Development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—

a) is designed or intended to be used for social recreational, educational 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,

b) is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain.

- 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
- Development consisting of sheltered or supported accommodation for homeless persons, sheltered housing schemes for vulnerable groups such as the elderly, disabled and persons with mental health issues provided by voluntary or not-for-profit non-statutory groups that are recognised by the Council as such, shall be exempt.
- Social housing units which are purchased in accordance with an agreement made under Part V of the Planning & Development Act 2000, (as amended) or which are provided by a voluntary or co-operative housing body, which is recognised by the Council as such, shall be exempt.
- All non fee paying primary and secondary schools shall be exempt.
- Community based enterprise centres provided with support from Enterprise Ireland shall be exempt.
- **New projects or grant supported expansions by IDA/EI shall be subject to the following levy structure**
 - **1st 500sq.m. @€30 per sq.m.**
 - **2nd 500sq.m. @ €10 per sq.m.**
 - **Above 1000sq.m. @7.50 per sq.m.**
- *A 33% reduction shall apply to new business developments by local entrepreneurs where 5 or more new jobs are being created.*
- A 33% reduction shall apply in the Retail Core of Portlaoise, Portarlinton, Graiguecullen, and Mountmellick as defined in the Laois County Development Plan 2011 – 2017 and Local Area Plans respectively **and in the village and town centre zoned areas for each town and village within the County Development Plan 2011-2017**
- *A 15% reduction shall apply to new childcare developments where 3 or more new jobs are being created.*
- Development Contributions are not payable in respect of Local Authority Development carried out under Section 179 of the Planning and Development Act 2000 – 2013.

- Developments for which either public piped sewerage services or water services are unavailable will be exempted from the contribution amount attributable to the water and drainage class of public infrastructure and facilities.
- The refurbishment of Derelict Sites, as entered on the Derelict Sites Register, shall be exempt.
- Demolition and Rebuild: Where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable will be net of the quantum of development previously paid for. Where the former use is fully authorized and any levies that might have applied to that use have been paid, credit will be given for the previous use.
- Development involving permitted works to protected structures shall be subject to a 100% reduction on the applicable rate of contribution, where the works substantially contribute to the restoration or protection of the protected structure.
- Uncovered storage ancillary to development shall be exempt.
- Renewable energy development with a capacity up to 0.5MW shall be exempt.
- Telecommunications/Broadband infrastructure (masts and antennae)- Where a general development contribution has been paid for telecommunications apparatus on foot of a 5 year permission (as recommended by the DoEHLG Guidelines on Telecommunications 1996) contributions will not be payable on any subsequent applications for the same structure, unless the existing structure is to be materially altered. Masts and antennae, dish and other apparatus/equipment for communication purposes which form part of the National Broadband Scheme (NBS) as defined by the Department of Communication, Energy and Natural Resources (DCENR) will receive a 100% reduction in development contributions.
Any new buildings associated with masts and antennae will be charged at the commercial rate.
- Change of use permissions:
Changes of use between the uses described in Class 1, 2 and 3 of the Planning and Development Regulations 2001 (as amended) (Schedule 2, Part 4, Article 10) shall be exempted from the development contribution scheme when the use being changed to, is also within these classes. 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 shall be given in respect of the development contribution scheme.

Change of use from any one class to another use within another class shall be subject to the provisions of the development contribution scheme. Where development contributions were paid in respect of the former use, the contribution payable on the new proposal will be net of the quantum of development previously paid for. Where the former use is fully authorised and any levies that might have applied to that use have been paid, credit will be given for the previous use.

- Developments permitted by way of a temporary permission or cumulative temporary permissions shall be liable to pay development contributions as follows:
 - Up to 3 years: 33% of normal rate
 - Up to 5 years: 50% of normal rate
 - Up to 10 years: 66% of normal rate
 - Over 10 years: 100% of normal rate

- **Exclusions:** For the purpose of clarity, no exemption or reduction will apply to Special Development Contributions or to the following types of development:
 - a) Hospitals and similar development
 - b) Third level educational institutions
 - c) Fee paying schools
 - d) Retention permission

7.0 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.

8.0 Appeals to An Bord Pleanala

Conditions requiring a contribution to be paid in accordance with a General Development 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.

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

8.0 Duration of Scheme

This Development Contribution Scheme is adopted for a maximum period up to 10th, October 2017 and is effective from 1st November 2013. The scheme may be reviewed in the interim, from time to time by the Planning Authority having regard to circumstances prevailing at the time.

9.0 Irish Water

Pending the establishment of Irish Water the rates as set out in Table 1 will continue to be applied, to be reviewed at that stage.

Appendix 1 - Likely Cost of Development to Development Contribution Scheme - Indicative Schemes:

CLASS A

Open Spaces, cultural, recreational and community facilities, amenities and landscaping works, town and village improvement – including land acquisition.

Playground

Provision of Public Playgrounds to:

- Borris-in-Ossory
- Emo
- Ballylinan
- Ballinakill
- Rosenallis
- Coolrain
- Killenard
- Barrowhouse
- Timahoe

Library

New Library in Portarlinton

Walks

Sli Na Slainte- Rathdowney

Cycling

Bikers Trail in Slieve Blooms

Athletics/Sports/Amenity Facilities

Provision of high quality athletics/sports/amenity facilities in the County

- Develop Unused Housing Lands at Knockmay
- Development of Floodlighting and Fencing in Portlaoise Leisure Centre
- Athletics Track, Portlaoise College
- Provision of a Skatepark
- Youth Cafes

COST TO SCHEME €995,000

CLASS B

Roads, car parking, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures – including land acquisition.

- Ext to CNRR
- Portlaoise Southern Circular Route
- Portlaoise R445 Dublin Road Improvement
- Portlaoise R445 Mountrath Road Upgrade
- Portlaoise N80 Mountmellick Road Junction Upgrade
- Portlaoise Ridge Road Upgrade
- Portlaoise Eastern Circular Route
- Togher Link Road Phase 2
- Portlaoise Northern Orbital Route
- Portlaoise Parking
- Portarlington LUTS Route 2
- Portarlington Northern Orbital Route (in partnership with Offaly Co. Co.)
- Portarlington Parking
- Mountmellick Inner Relief Road
- Mountmellick Western By-pass
- Mountmellick Flood Relief Scheme
- Mountmellick Parking
- Abbeyleix Ballymullen Road Improvement
- Abbeyleix Orbitals (Northern Orbital Route, Rathmoyle Inner Relief Road & Eastern Orbital Route)
- Mountrath Orbitals (Eastern, Southern and Western routes)
- Mountrath Flood Relief Scheme
- Mountrath Parking
- Stradbally Roads Objectives
- Rathdowney Roads Objectives
- Rathdowney Flood Relief Scheme
- Durrow Roads Objectives
- Borris-in-Ossory Roads Objectives
- Portarlington Flood Relief Scheme
- Clonaslee Flood Relief Scheme

- Ballyroan Flood Relief Scheme
- Togher Access
- Access to Council lands in Abbeyleix

Total **€187,350,000**

CLASS C

Wastewater treatment facilities, sewers and drains – including land acquisition.

- Laois Grouped Towns Sewerage Scheme (Network Contract)
- Laois Grouped Towns Sewerage Scheme (DBO Contract)
- Laois Grouped Towns Sewerage Scheme (Clonaslee ICW Contract)
- Laois Grouped Villages Sewerage Scheme

COST TO SCHEME **€4,587,000**

CLASS D

Water Treatment Facilities & Water Mains – including land acquisition

- Portlaoise & MountMellick Water Supply – RAL Advance Contract
- Portarlinton Water Supply Scheme
- Portlaoise & Mountmellick Water Supply Scheme

COST TO SCHEME **€7,750,000**

CLASS E

Ancillary Water and Wastewater Schemes

COST TO SCHEME **€10,795,000**

TOTAL A + B + C + D+ E = €211,477,000

It should be noted that this list is not exhaustive and may be subject to change.

TABLE 1

LAOIS COUNTY COUNCIL DEVELOPMENT CONTRIBUTION SCHEME 2013 **RATES FOR RESIDENTIAL UNITS**

Rate per Residential Unit:

Category	Within Development Boundaries as per CDP* and LAPs*	Outside Development Boundaries as per CDP* and LAPs* & Up to 200 m²	Outside Development Boundaries as per CDP* and LAPs* & > 200 m²
Roads	€2,000	€1,200	€1,200 + €7.00 per m² every m² over 200m²
Water	€800	€800	€800 + €5.00 per m² every m² over 200m²
Waste-Water	€1,600	€1,600	€1,600 + €10.00 per m² every m² over 200m²
Amenity	€2,000	€800	€800 + €5.00 per m² every m² over 200m²
Total	€6,400	€4,400	€4,400 + €27.00 per m² every m² over 200m²

Rate for Commercial / Industrial Development:

Category	Levy per m2
Roads	€24
Amenity	€12
Total	€36

* - CDP = County Development Plan 2011-2017

* - LAP = Portlaoise, Portarlington, Mountmellick, Graiguecullen Local Area Plans

Other Development Types

TABLE 2

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

	<u>Category of Development</u>	<u>Amount of Contribution 2013 - 2017</u>
A	Shortfall in provision of Car-parking space	€5,000 per space (Greenfield) €1,000 per space in TOWN CENTRE ZONED AREAS* <i>subject to the following:</i> <ul style="list-style-type: none"> • <i>In cases where the short fall is between 1-5 spaces – no charge will be applied ;</i> • <i>In cases where the shortfall is between 5-10 spaces– 50% of the charge will apply;</i> • <i>In cases where the shortfall is 10+ spaces - full charge will apply</i>
B	Shortfall in provision of open space	€30 per m ²
C	Agricultural Development	< 500m ² = Nil > 500m ² = €3 per m ² above limit
D	Land used for winning and working of materials	€2,000 per hectare of site area. Minimum charge = €4,000
E	Use of land as golf course	€400 per hectare of site area. Minimum charge = €10,000
F	Wind Turbines and other renewable energy installations generating >0.5MW	€1,000 per 0.1MW <i>In addition to the above , the following will apply</i> <ul style="list-style-type: none"> ○ <i>Turbine between 75-100m in height - €25,000 per turbine</i> ○ <i>Turbine over 100m in height - €50,000 per turbine</i>
G	Storage (Uncovered)	€15 per m ²
H	Development of waste facility under EPA licence	€4,500 per hectare of site area. Minimum charge = €4,500
I	Development of waste facility under LCC waste permit	€1 per m ²
J	Telecommunication Masts	€15,000 per mast
K	Advertising Structure	€1,000 each structure over 1m ² where planning permission is required
L	Initial afforestation/replacement of broad-leaf high forest by conifer species/peat extraction.	€500 per hectare of site area.
M	Development not in any of the above classes	€40 per m ²

* - CDP = County Development Plan 2011-2017

* - LAP = Portlaoise, Portarlington, Mountmellick, Graiguecullen Local Area Plans