

**Clones Town Council  
Comhairle Bhaile Cluain Eois**



Clones Town  
Council

**Development Contributions Scheme 2009-2012**

**22<sup>nd</sup> December 2008**

## **1. Introduction**

The Local Government (Planning & Development) Act, 1963 enabled planning authorities to grant planning permission subject to conditions requiring payment of a contribution towards expenditure incurred or proposed to be incurred by it in respect of works to facilitate the proposed development. Under this Act, Clones Town Council currently levies capital contributions on developments in respect of water and sewerage facilities, footpaths and public lighting and car-parking spaces. The adoption of such a scheme is a reserved function.

The Planning & Development Act 2000 provides for a system for levying development contributions in order to increase its flexibility and the range of infrastructure that can be funded. The Act provides for three types of development contributions that may be attached as conditions to a planning permission under the Act:

### **General Development Contributions**

### **Special Development Contributions**

### **Supplementary Development Contributions**

## **2. General Development Contribution Scheme**

Under Section 48 of the Planning & Development Act 2000, all planning authorities must introduce a scheme of Development Contributions and may, when granting a permission under Section 34 require the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority or that it is intended will be provided or have been provided by or on behalf of the local authority and regardless of other sources of funding.

The Act defines the type of public infrastructure and facilities that can be funded by this mechanism:

- (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, waste water and water treatment facilities, drains and watermains,
- (d) the provision of bus corridors and lanes, bus interchange facilities (including car parks for these facilities) 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 spaces, sewers, waste water and water treatment facilities, drains or watermains, and
- (f) any matters ancillary to paragraphs (a) to (e).

### **3. Area to which the Development Contributions Scheme shall apply**

The scheme will apply to the entire functional area of Clones Town Council.

### **4. Basis for determination of Contributions**

The Act provides that:-

- (a) The scheme must state the basis for determining the contributions to be paid in respect of public infrastructure and facilities
- (b) 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.
- (c) 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.
- (d) The scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. The Classes of Infrastructure proposed under this scheme are set out in Appendix 1.
- (e) The scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances.
- (f) The Act allows for costs of facilities to be included regardless of other sources of funding. This would allow for the inclusion of projects which are 100% funded by the Department of Heritage, Environment and Local Government. However this would lead to contributions which are excessively high. Therefore only projects which are not funded and that portion of funded projects which must be provided by the Local Authority have been included in this scheme.

The basis for determining the contributions to be paid in respect of public infrastructure and facilities is calculated having regard to:-

- (a) the estimated cost to the Council in the period 2009 to 2012 of providing further public infrastructure and facilities as set out in the objectives outlined in the Monaghan County Development Plan (incorporating Clones Town Development Plan) and Local Area Plans, the Monaghan County Development Board Strategy, Annual Roads Programme, Village and Urban Renewal Projects, Water Services Investment Programme and the Capital Works Programme
- (b) the estimated floor area of projected development for residential and industrial/commercial classes for the period 2009 - 2012.
- (c) the estimated charge for each residential unit and the estimated charge per m<sup>2</sup> for industrial/commercial development.

## **5. Floor Area**

The floor area of proposed development shall be calculated as the gross floor area. This means the floor area determined from the internal dimensions of the proposed buildings, including the floor area of each floor including mezzanine floors.

## **6. Level of Contributions**

Having regard to the estimated cost to the Council of providing further public infrastructure and facilities (as outlined in Appendix 1) in the period 2009 to 2012 and the estimated floor area of projected development (as indicated in Appendix 2) for the same period, it is estimated that a contribution outlined in Appendix 3 would be required to cover the marginal capital cost involved.

## **7. Water and Waste Water Facilities**

Contributions in respect of water and waste water facilities are payable only when the proposed development avails of the public water mains or public waste water facilities or where it is proposed to provide such facilities within the next five years. The level of water and waste-water contributions will be reviewed and levied in accordance with the Department of the Environment, Heritage and Local Government's guidelines and circulars on "Water Pricing Policy"

The current connection charges for water and wastewater are included in the development contribution scheme.

Charges for Road Opening Licences will be additional to the above.

## **8. Conversion to Residential Units**

A contribution will be charged in accordance with the scheme in respect of any additional residential units created.

## **9. Change of Use**

The charges as appropriate in Appendix 3 shall apply in the case of a change of use of a development.

## **10. Extensions**

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

Where the floorspace area of the proposed extension would result in an increase of the floorspace of the residential unit as originally constructed by 100% or greater, the development shall be treated as a new residential unit in respect of services provision calculations and a development contribution will be required.

Applications for extensions to dwellings to facilitate the needs of persons in receipt of a disabled persons grant will be exempt.

## **11. Mixed Development**

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

## **12. Duration of Scheme**

The Development Contribution Scheme is effective from 22<sup>nd</sup> December 2008 until 31 December 2012. The Scheme may be reviewed from time to time by the Council, having regard to the circumstances prevailing. The Scheme will be reviewed before March 2010 and a report presented to the members of Clones Town Council. After a review of the scheme or County Development Plan (incorporating Clones Town Development Plan), a new scheme may be made.

## **13. Application of Development Contribution Scheme**

In general all applications received by Clones Town Council will be subject to the Development Contribution Scheme and included as a condition under any permission issued under Section 34 of the Planning & Development Acts 2000.

## **14. Payment of Contribution**

The Planning Authority will apply conditions requiring payment of the contributions provided for in the scheme on all decisions to grant permissions granted after the making of the Scheme.

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 of 5% per annum 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.

## **15. Indexation of Contributions**

The rates of contribution set out in Appendix 3 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, commencing on 1<sup>st</sup> January 2009. The adjusted figure will be rounded to the nearest 10 (ten) Euro in respect of a residential unit or a fixed contribution and to the nearest 1(one) euro per m<sup>2</sup> in respect of charges imposed on that basis.

## **16. Phasing of Payments**

The contributions shall be payable prior to commencement of development or as otherwise agreed by the Planning Authority. Contributions amounts shall be payable at the index-adjusted rate relevant to the year in which the development authorised by planning permission is commenced. The Planning Authority may facilitate the phased payment of contributions and may require the giving of security to ensure payment of contributions. In the event of any delay in the receipt of phased payments, contributions will be due at the index-adjusted rate applicable at the time of payment and will be subject to the provisions of part 14 above.

## **17. Ring-fencing of income**

Money accruing to the Council under the Scheme must be accounted for in a separate account and can only be applied as capital funding for public infrastructure and facilities, following approval of the members of the Planning Authority. The Annual Report must contain details of monies paid or owing to it under the scheme and indicate how such monies paid to it have been spent.

## **18. Exemptions**

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The following categories of development will be considered in this regard:

- (a) 100% reduction in respect of development by or on behalf of a voluntary organisation which is designed or intended to be used for social, recreational, educational, cultural 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. However the full contribution towards the cost of footpaths and lighting, car parking, and water and waste-water facilities will apply (Categories 1-4 inclusive set out in appendix 3).
- (b) 100% reduction in respect of development which 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. However the full contribution towards the cost of footpaths and lighting, car parking, and water and waste-water facilities will apply (Categories 1-4 inclusive set out in appendix 3).
- (c) 50% reduction in respect of restoration/refurbishment to a high architectural standard of buildings included in the Record of Protected Structures. However the full contribution towards the cost of footpaths and lighting, car parking, and water and waste-water facilities will apply (Categories 1-4 inclusive set out in appendix 3) where no previous connection to these services existed.
- (d) 100% exemption in respect of social housing units, including those which are provided in accordance with an agreement made under Part V of the Planning & Development Act (as amended by the Planning & Development (Amendment) Act, 2002) or which are provided by an approved voluntary or co-operative housing body.

Note: Where Part V Agreements are not in place prior to the decision to grant permission, the full contributions will be applied and will remain in place unless an agreement which includes the provision of social housing is entered into.

- (e) 100% exemption in respect of redevelopment of a property, which is considered by the Planning Authority to be derelict. However the full contribution towards the cost of footpaths and lighting, car parking, and water and waste-water facilities will apply (Categories 1-4 inclusive set out in appendix 3).
- (f) Development ancillary to development referred to in paragraphs (a) to (e) above inclusive.

## **19. Appeal to An Bord Pleanála**

An appeal may be brought to An Bord Pleanala where the applicant for planning permission under Section 34 of the Act considers that the terms of the Scheme have not been properly applied in respect of any conditions laid down by the Council.

## **20. Special Development Contributions**

Under Section 48(2)(c) a planning authority may levy an additional special contribution on an individual development, where costs, which are not covered by the scheme, are incurred in respect of public infrastructure which benefits the proposed development or is necessary for the development to proceed. Where payment of such a contribution is required, the condition shall specify the particular works carried out or proposed to be carried out by or on behalf of the local authority.

Where these works are not commenced within five years of the date of payment to the authority of the contribution or have commenced but not been completed within seven years of the date of payment of the contribution or where the local authority decides not to proceed with the proposed works or part thereof, the contribution (or an amount in proportion to those works which have not been carried out) shall be refunded to the applicant together with any interest that may have accrued over the period while held by the planning authority.

## **21. 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 (e.g. through Public Private Partnership) and which will directly benefit the development on which the levy is imposed.

Supplementary Development Contribution Schemes may be used for rail, light rail or other public transport infrastructure, particular new roads or particular water or waste water infrastructure. However they should only be used where the project will bring a direct benefit to the developments which it serves. In the case of a rail or light rail project, for example, provision of the infrastructure will facilitate increased residential densities surrounding the infrastructure.

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. Developers should not be required to make two payments in respect of the same infrastructure, and therefore a public infrastructure project should not be included in both a General and Supplementary Contribution Scheme.

Where the project is to be provided by way of a Public Private Partnership (PPP), the PPP agreement can specify the way in which these contributions will be applied to pay for the infrastructure in question.



## **22. Allocation of General Development Contributions raised**

The Budget Committee of Clones Town Council shall be responsible for the recommendation to the full Council of allocation of funding to various qualifying projects.

Allocation will be decided by full Council having regard to the recommendations of the Budget Committee.

## Appendix 1 Projected Infrastructure Capital Expenditure for Period 2008-2012\*

### TRAFFIC & PEDESTRIAN FACILITIES

Projects 2008 - 2012	Projected Total Cost	Estimated % Local Contribution	Estimated Local Contribution
Monaghan Road-Roslea Road Link	€2,900,000	100%	€2,900,000
Lackey Road Link	€2,000,000		€2,000,000
Newtownbutler Road Link	€2,600,000		€2,600,000
Cavan Road – Newbliss Road Link	€2,000,000		€2,000,000
<b>Total</b>	<b>€9,500,000</b>		<b>€9,500,000</b>

### COMMUNITY, RECREATION AND AMENITY FACILITIES

Projects 2008 - 2012	Projected Total Cost	Estimated % Local Contribution	Estimated Local Contribution
Skateboard park in Clones	€70,000	50%	€35,000
Upgrading of playground facilities (4 sites)	€100,000	37%	€37,000
Accessible public toilet facilities	€100,000	40%	€40,000
Accessible signage/information boards	€30,000	50%	€15,000
Access/amenity improvements to Clones Round Tower	€100,000	60%	€60,000
Access/amenity improvements to Clones Wee Abbey Graveyard	€100,000	60%	€60,000
Sli na Slainte / Amenity walks around town	€50,000	100%	€50,000
Footpaths and lighting to link Community Facilities to residential areas	€30,000	75%	€22,500
Tidy Towns / Pride of Place projects	€30,000	100%	€30,000
<b>TOTAL</b>	<b>€610,000</b>		<b>€349,500</b>

\*The projects set out in the above tables are not an exhaustive list and additional projects may be included over the period of the Development Contribution Scheme.

## **Appendix 2**

### **Estimated Levels of Development for Period 2009-2012**

#### **Residential Development**

Projected Number of Residential Units to be constructed over period 2009-2012	50 units
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#### **Non-Residential Development**

Floor areas in square metres of projected industrial/commercial development over period 2009-2012	1,000 m <sup>2</sup>
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## Appendix 3

### Levels of General Development Contributions

#### Traffic and Pedestrian Facilities

Category	Development	Amount of Contribution
1. Provision of car parking spaces in lieu of shortfall	All developments	€2,305 per space
2. Provision of public footpath and lighting in general vicinity of development site	Residential development	€772 per residential unit

#### Water and Waste Water Facilities

Category	Development	Amount of Contribution
3. Connection to Public Water Supply Scheme	(a) Residential development	€2,382 per residential unit
	(b) Non Residential development	€2,382 per unit between 0-250 m <sup>2</sup> €9.52/m <sup>2</sup> per unit between 251-1500m <sup>2</sup> €4.77/m <sup>2</sup> per unit over 1500m <sup>2</sup>
4. Connection to Public Waste-Water Scheme	(a) Residential development	€3,077 per residential unit
	(b) Non Residential development	€3,077 per unit between 0-250 m <sup>2</sup> €12.31/m <sup>2</sup> per unit between 251-1500m <sup>2</sup> €6.14/m <sup>2</sup> per unit over 1500m <sup>2</sup>

#### Community, Recreation and Amenity Facilities

Category	Development	Amount of Contribution
5. Provision of Community, Recreation and Amenity Infrastructure	(a) Residential development (area includes any garage floor area)	<u>Up to 150m<sup>2</sup> (1615 sq ft)</u> €1,500 per unit up to 150m <sup>2</sup> <u>150m<sup>2</sup> - 300m<sup>2</sup> (1615 - 3229 sq ft)</u> €1,500 per unit plus €15/m <sup>2</sup> between 150m <sup>2</sup> and 300m <sup>2</sup> <u>Over 300m<sup>2</sup> (3229 sq ft)</u> €3,750 per unit plus €20/m <sup>2</sup> greater than 300m <sup>2</sup>
	(b) Industrial/Warehouse Development	<u>Up to 250 m<sup>2</sup> (2690 sq ft)</u> Exempt <u>Over 250 m<sup>2</sup></u> €3,250 plus €15 per m <sup>2</sup> over 250 m <sup>2</sup> (Upper limit of €150,000 will apply to industrial development) <u>Extensions</u> €15 per m <sup>2</sup>
	(c) Commercial Development (eg. Retail, Office, Surgery, Restaurant, Public Bar)	<u>New Development</u> €15 per m <sup>2</sup> <u>Extensions</u> €15 per m <sup>2</sup>

Category	Development	Amount of Contribution
5. Provision of Community, Recreation and Amenity Infrastructure (cont')	(d) Change of use from residential to commercial	€15/m <sup>2</sup>
	(e) The provision of buildings or other structures for the purposes of agriculture	<u>Up to 300 m<sup>2</sup> (3229 sq ft)</u> Exempt <u>Over 300 m<sup>2</sup></u> €1,000 plus € per m <sup>2</sup> over 300 m <sup>2</sup> <u>Extensions</u> € per m <sup>2</sup>
	(f) The use of land for:- 1. for intensive agriculture purposes (eg. market gardening) 2. Afforestation (Initial or replacement) 3. Peat extraction	€500 per hectare or part thereof
	(g) The use of land for the winning and working of minerals, including quarrying	€5,000 per hectare or part thereof
	(h) The use of land for the deposit of refuse or waste	€5,000 per hectare or part thereof
	(i) The use of land for – 1. the keeping or placing of any tents, campervans, caravans or other structures, for the purpose of caravanning or camping or the sale of goods. 2. the parking of motor vehicles 3. the open storage of motor vehicles or other objects or substances.	<u>Where no public water/waste water facilities are availed of</u> €1,000 per hectare or part thereof  <u>Where public water/waste water facilities are availed of</u> €2,000 per hectare or part thereof
	(j) Holiday homes	€10,000 per unit
	(k) Wind Turbine (which primary purpose is to supply the national grid)	€25,000 per Wind turbine
	(l) Telecommunications	€30,000 per Mast €10,000 per Antenna installed on existing mast
	(m) The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.	€30 per m <sup>2</sup> of advertising
	(n) The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunication lines.	<u>Lines carrying below 400Kv</u> €20,000 per pylon <u>Lines carrying 400Kv and above</u> €200,000 per pylon
	(o) The use of land as a golf course or a pitch and putt course.	€1,000 per hectare
	(p) The provision on, in, over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes.	€1,000 per hectare or part thereof €20 per m <sup>2</sup> of footprint of structure
(q) Development not coming within any of the foregoing classes.	€1,000 per hectare or part thereof €20 per m <sup>2</sup> of footprint of structure	

