

**Monaghan County Council
Comhairle Contae Mhuineacháin**



**Revised
Development Contributions Scheme
2008-2012**

5 September 2011

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, Monaghan County 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 Monaghan County 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 2008 to 2012 of providing further public infrastructure and facilities as set out in the objectives outlined in the Monaghan County 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 2008 - 2012.
- (c) the estimated charge for each residential unit and the estimated charge per m² 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 2008 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 now 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 1st 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 Monaghan County Council. After a review of the scheme or County Development Plan, a new scheme may be made.

13. Application of Development Contribution Scheme

In general all applications received by Monaghan County 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 1st January each year based on changes to the Wholesale Price Index for Building and Construction published by the Central Statistics Office, commencing on 1st 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 m² 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 water and waste-water facilities will apply.
- (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 water and waste-water facilities will apply.
- (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 water and waste-water facilities will apply 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 Contribution 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. The full contribution towards the cost of water and waste-water facilities will apply.
- (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

A Development Contributions Allocation Sub Committee shall be established with the following membership:-

- (a) a maximum of two elected members from each political party
- (b) two members nominated by the Monaghan Community Forum

15% of all development contributions collected annually shall be allocated to each electoral area, and the remaining 40% of contributions allocated annually to a county wide project or projects.

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

Appendix 1

Projected Infrastructure Capital Expenditure for Period 2008-2012*

TRAFFIC & PEDESTRIAN FACILITIES

Electoral Area	Projects 2008 - 2012	Projected Total Cost	Estimated % Local Contribution	Estimated Local Contribution
North Monaghan	Mullaghmatt-Beechgrove Link Road, Monaghan	€8,000,000	100%	€8,000,000
	Ballybay Road-Dublin Road Link, Monaghan	€8,000,000		€8,000,000
	Emyvale Road-Tydavnet Road Link, Monaghan	€8,000,000		€8,000,000
	Roosky Access Road, Monaghan	€3,000,000		€3,000,000
	Footpath works in Ballinode, Emyvale, Carrickroe Tydavnet and Milltown	€225,000		€225,000
Carrickmacross	Ardee Road – Kingscourt Road Link , CMX	€5,324,000	100%	€5,324,000
	Kingscourt Road – Shercock Road Link , CMX	€9,660,000		€9,660,000
	Shercock Road – Ballybay Road Link , CMX	€8,553,000		€8,553,000
	Rye Valley-Ballybay Road Link , CMX	€3,000,000		€3,000,000
	Public lighting in Essexford, Lisdoonan, Corrinshigagh, Raferagh, Kednaminsha and Finnegan Cross	€54,000		€54,000
	Footpath works at Drumcondrath Road, Lurgans and Dundalk Road, Carrickmacross	€266,000		€266,000
	Road Improvement works in Inniskeen, Magheracluone, Lisdoonan, Corduff, Laragh, Lough Egish, Donaghmoyne, Bawn and Broomfield	€340,000		€340,000
Castleblayney	Keady Road – Monaghan Road Link	€12,000,000	100%	€12,000,000
	Bog Road – Monaghan Road Link	€1,500,000		€1,500,000
	Footpaths at Tullnacrunat, Community College, Annahale and Lakeview	€880,000		€880,000
	Monaghan Road – Clones Road Link, Ballybay	€6,000,000		€6,000,000
	Car parking, Ballybay	€1,500,000		€1,500,000
	Public lighting along Cootehill and Monaghan Roads, Ballybay	€115,000		€115,000
	Footpath extension to Pearse Park, Ballybay	€50,000		€50,000
Clones	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
	Newbliss car park	€40,000		€40,000
	Footpath and public lighting at Lackey Road, Newbliss Road and Scotshouse Road, Clones	€865,000		€865,000
	Footpath and public lighting at Cootehill Road, Rockcorry	€198,000		€198,000
	Total	€7,070,000		€7,070,000

WATER AND WASTE WATER FACILITIES

Town	Projects 2008 – 2012	Construction Start Date	Projected Total Cost	Estimated % Local Contribution	Estimated Local Contribution
Monaghan	Monaghan Main Drainage	2010	€27,500,000	25%	€6,900,000
Monaghan	North East SLI	Feb-08	€5,800,000	60%	€3,500,000
Monaghan	Monaghan Sludge Management		€3,000,000	100%	€3,000,000
Carrickmacross	Carrickmacross waste water Treatment Plant	Jan 09	€11,100,000	64%	€7,100,000
Carrickmacross	Carrickmacross water supply scheme	2008 - ongoing	€7,200,000	45%	€2,000,000
Carrickmacross	Carrickmacross waste water collection scheme	Feb 08	€15,500,000	20%	€3,100,000
Castleblayney	Castleblayney collection stage 2	Summer 09	€3,000,000	30%	€1,000,000
Clones / Blayney/ Ballybay	Bundled Sewerage Scheme	2010	€20,000,000	35%	€7,000,000
Various Towns and Villages	Lough Egish Regional Water Supply Scheme Inteconnection	End 08	€1,000,000	25%	€250,000
Various Towns and Villages	Village and Town Improvement Schemes Annual Programme	Between 2008 and 2012	€5,000,000	25%	€1,250,000
Various Towns and Villages	Upgrading & Renewal of Water & Sewerage Treatment Plants, Collection & Distribution Networks	Between 2008 and 2012	€5,000,000	25%	€1,250,000
TOTAL			€104,100,000		€23,371,000

COMMUNITY, RECREATION AND AMENITY FACILITIES

Projects 2008 - 2012	Projected Total Cost	Estimated % Local Contribution	Estimated Local Contribution
Redevelopment of Billy Fox Park Bawn	€400,000	25%	€100,000
Enterprise/training Centre at Gortakeegan halting site	€500,000	70%	€350,000
Skateboard parks in Carrickmacross, Ballybay & Clones	€300,000	50%	€150,000
Youth Café/Shelter (for older young people)	€500,000	50%	€250,000
Upgrading of playground facilities throughout the county (23 sites)	€2,000,000	37%	€750,000
Accessible and additional public toilet facilities	€500,000	40%	€200,000
Accessible signage/information boards in key towns	€200,000	50%	€100,000
New purpose built Museum	€5,000,000	90%	€4,500,000
Carrickmacross library	€3,500,000	25%	€1,750,000
Ballybay Library facility	€1,500,000	25%	€1,000,000
Extension to community facility Teach na Daoine at Mullaghmart	€1,000,000	50%	€500,000
Access/amenity improvements to Inniskeen Glebe Round tower	€100,000	60%	€60,000
Access/amenity improvements to Killeevan Glebe old abbey	€100,000	60%	€60,000
Access/amenity improvements to Clones Famine & Workhouse	€100,000	60%	€60,000
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 towns and villages	€750,000	100%	€750,000
Footpaths and lighting to link Community Facilities to residential areas	€200,000	75%	€150,000
Monaghan Way connection to Ulster Way	€100,000	100%	€100,000
Tidy Towns / Pride of Place projects in towns and villages	€300,000	100%	€300,000
Changing/berthing facilities scouts' amenity area at Lough Major	€300,000	100%	€300,000
Monaghan Sub Aqua Club Facilities	€320,000	40%	€130,000
TOTAL	€17,870,000		€11,680,000

***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 2008-2012

Residential Development

Projected Number of Residential Units to be constructed over period 2008-2012 units	2,000
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Non-Residential Development

Floor areas in square metres of projected industrial/commercial development over period 2008-2012 m ²	80,000
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Appendix 3 Levels of General Development Contribution (2011)

Traffic and Pedestrian Facilities

Category	Development	Amount of Contribution
1. Provision of car parking spaces in lieu of shortfall	All developments	€2,350 per space
2. Provision of public footpath and lighting in general vicinity of development site	Residential development	€790 per unit

Water and Waste Water Facilities

Category	Development	Amount of Contribution
3. Connection to Public Water Supply Scheme	(a) Residential development	€2,430 per unit
	(b) Non Residential development	€2,430 per unit (0-250 m ²) €10/m ² per unit (251-1500m ²) €5/m ² per unit over 1500m ²
4. Connection to Public Waste-Water Scheme	(a) Residential development	€3,140 per residential unit
	(b) Non Residential development	€3,140 per unit (0-250 m ²) €12/m ² per unit (251-1500m ²) €6/m ² per unit over 1500m ²

Community, Recreation and Amenity Facilities

Category	Development	Amount of Contribution
5. Provision of Community, Recreation and Amenity Infrastructure	(a) Residential development:- 1. Outside defined settlements (Tier 6 settlements included)	<i>Note: Floor area includes any garage floor area</i> <u>Up to 200m² (2152 sq ft)</u> €1,020 per unit up to 200m ² <u>200m² - 300m² (2152 - 3229 sq ft)</u> €1,020 per unit plus €15/m ² between 200m ² and 300m ² <u>Over 300m² (3229 sq ft)</u> €3,310 per unit plus €20/m ² greater than 300m ²
	2. Within defined settlements (Tier 6 settlements excluded)	<u>Up to 150m² (1615 sq ft)</u> €1,530 per unit up to 150m ² <u>150m² - 300m² (1615 - 3229 sq ft)</u> €1,530 per unit plus €15/m ² between 150m ² and 300m ² <u>Over 300m² (3229 sq ft)</u> €3,820 per unit plus €20/m ² greater than 300m ²
	(b) Industrial/Warehouse Development	<u>Up to 250 m² (2690 sq ft)</u> Exempt <u>Over 250 m²</u> €3,310 plus €15 per m ² over 250 m ² Upper limit of €152,780 will apply to industrial development <u>Extensions</u> €15 per m ²

Category	Development	Amount of Contribution
5. Provision of Community, Recreation and Amenity Infrastructure (cont')	(c) Commercial Development (eg. Retail, Office, Surgery, Restaurant, Public Bar)	<u>New Development</u> €15 per m ² <u>Extensions</u> €15 per m ²
	(d) Change of use from residential to commercial	€15/m ²
	(e) The provision of buildings or other structures for the purposes of agriculture	<u>Up to 300 m² (3229 sq ft)</u> Exempt <u>Over 300 m²</u> €1,020 plus € per m ² over 300 m ² <u>Extensions</u> € per m ²
	(f) The use of land for:- 1. Intensive agriculture purposes (eg. market gardening) 2. Afforestation (Initial or replacement) 3. Peat extraction	€10 per hectare or part thereof
	(g) The use of land for the winning and working of minerals, including quarrying	€5,090 per hectare or part thereof
	(h) The use of land for the deposit of refuse or waste	€5,090 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.	€1,020 per hectare or part thereof where no public water/waste water facilities are availed of €2,040 per hectare or part thereof where public water/waste water facilities are availed of
	(j) Holiday homes	€10,190 per unit
	(k) Wind Turbine (which primary purpose is to supply the national grid)	€25,470 per Wind turbine
	(l) Telecommunications	€30,560 per Mast €10,190 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 ² of advertising
	(n) The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunication lines.	€2,037 per Pylon €203,710 per Pylon carrying power 400Kv or above
	(o) The use of land as a golf course or a pitch and putt course.	€1,020 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.	€1,020 per hectare €20 per m ² of footprint of structure	
(q) Development not coming within any of the foregoing classes.	€1,020 per hectare €20 per m ² of footprint of structure	

Appendix 4

Worked Examples

Example 1 – Rural house inclusive of garage with floorspace of 232 sq m (2500 sq ft)

Civic, Recreation and Amenity Contribution due

€1,000 (for first 200m ²)
<u>€ 480 (€15/m² x 32 m² [232m²-200m²])</u>
Total €1,480

Example 2 – Industrial Unit with floorspace of 279 sq m (3000 sq ft)

Development Contribution due

€ 0 (for first 250m ²)
<u>€ 435 (€15/m² x 29 m² [279m² - 250m²])</u>
Total € 435