Monaghan County Council Comhairle Contae Mhuineacháin



General Development Contributions Scheme 2013-2019

1st December 2014 Revision

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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. Monaghan County Council¹ currently levies capital contributions on developments in respect of footpaths and public lighting, car-parking spaces and community, recreation and amenity. The adoption of such a scheme is a reserved function.

The Planning & Development Act 2000 (as amended) 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

In 2013 the Department of Environment, Communities and Local Government published Development Contribution Guidelines for Planning Authorities. The overarching purpose of these guidelines is to achieve a greater level of consistency in development contribution schemes on a national basis.

The guidelines require planning authorities to reflect the radical economic changes that have impacted across all sectors, when revising Development Contribution Schemes. The guidelines point out that contributions should not impede job creation or facilitate unsustainable development patterns and may include measures to support new or existing enterprises. Planning authorities are required to ensure that development contribution schemes are revised to provide for:

- Reduced rates of development contributions or waivers for development in town centres to support town centre development
- Reduced rates for temporary permissions
- Waivers in the case of change-of-use permissions, where it does not lead to the need for new or upgraded infrastructure or services
- Waivers or reduced rates of development contributions for businesses grantaided by Industrial Development Agency, Enterprise Ireland or local authority/state supported agency
- Provision to charge only net additional development in the case of redevelopment projects
- Waivers for broadband infrastructure
- Waivers in respect of works on protected structures
- Reductions for sustainable energy development

¹Monaghan County Council incorporates the former local authorities of Monaghan Town Council, Carrickmacross Town Council, Castleblayney Town Council, and Clones Town Council.

2. General Development Contribution Scheme

Under Section 48 of the Planning & Development Act 2000 (as amended), 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, storm sewers, and flood relief work
- (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, carparks, car parking spaces, and storm sewers
- (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).

3. Area to Which the Development Contributions Scheme shall apply

The scheme will apply to the functional areas of Monaghan County Council.

4. Duration of Scheme

The Development Contribution Scheme is effective from 1st July 2013 (revised 1st December 2014) until 31 December 2019, or until such time as a subsequent scheme is adopted. The Scheme may be reviewed from time to time by Monaghan County Council, having regard to the circumstances prevailing. The planning authority intends to review the Scheme before the end of 2016 and present a report to the elected members of Monaghan County Council. After a review of the Scheme or the County Development Plan, a new scheme may be made.

5. 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 Environment, Community 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 local authorities in the period 2013 to 2019 of providing further public infrastructure and facilities as set out in the objectives outlined in the Monaghan County Development Plan, Annual Roads Programme, Village and Urban Renewal Projects, and the Capital Works Programme
- (b) the estimated level of residential and non residential development for the period 2013 2019.
- (c) the estimated charge for each residential unit, and the estimated charge for non residential development based on equivalent residential unit² basis.

6. Level of Contributions

Having regard to the estimated cost to the local authorities of providing further public infrastructure and facilities (as outlined in Appendix 1) in the period 2013 to 2019 and the estimated level 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. Application of Development Contribution Scheme

In general all planning permissions granted by Monaghan County Council will be subject to the Development Contribution Scheme and development charges shall be levied as a condition under any permission issued under Section 34 of the Planning & Development Acts 2000 (as amended).

8. 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 each floor and mezzanine floors.

9. Water and Waste Water Development Contributions

On 1st January 2014, responsibility for public water and waste water services was transferred to Irish Water. As Irish Water will levy connection/supply charges in respect of this service, development contributions respect of water and waste water facilities will no longer be applied by Monaghan County Council.

10. Conversion to Residential Units

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

11. Residential Extensions and Garages/Domestic Stores

The first 40 square metres of residential extensions to the originally constructed dwelling unit is exempt from development contributions in respect of Community, Recreation and Amenity facilities. A development contribution will not be levied on extensions and garages/domestic stores which individually or when taken in conjunction with previously constructed/permitted extensions and garages/domestic stores do not exceed 40 square metres in floor area. Developments contributions shall be levied on the additional amount of floor space in excess of 40 square metres.

Where the floorspace area of the proposed extension/garage/domestic store would result in an increase of the floorspace of the residential unit as originally constructed by 100% or greater, the proposed development shall be treated as a new residential unit in respect of services provision calculations and development contributions will be levied as appropriate. Development contributions shall be levied on the additional amount of floor space in excess of the originally constructed dwelling.

The floor space of garages and domestic stores will be included in the calculation of overall floor space of a dwelling.

12. Redevelopment / Replacement Development

A credit for the existing use and floor space shall be given when calculating the appropriate development contributions in respect of redevelopment/replacement development. In these instances development contributions will only be levied in respect of net additional floorspace or where the new development places a demand for new, upgraded or additional infrastructure or services.

13. 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.

14. Amendments to Previously Permitted Developments

In the case of planning permissions for amendments to developments permitted prior to the adoption of this scheme, development contributions will be levied on the current charges set out in Appendix 3 where the development has not been commenced. In all other cases, the development contribution charges previously applied to the previous permission will still be payable subject to indexation set out in Section 20 below. Where additional floor space has been created in the amended proposal, or it where there is a demand for new, upgraded or additional infrastructure or services, additional development contributions will be levied in respect of the net additional development in addition to that levied upon the original development.

15. Additions/Alterations to Existing Developments

A condition may be attached to planning permissions for developments which benefit from any exemptions or reductions in development charges levied upon them, which specifies restrictions on the development. Where it is proposed to provide additional development or to alter developments, regardless of whether or not planning permission is required, the planning authority will determine whether any exemptions or reductions in development charges levied upon the original planning permission would remain appropriate. Where the planning authority considers that the additional development or alteration to the development would be contrary to the principle of applying the reduction or exemption in the first instance, the developer will be required to pay the full amount of development contributions due.

16. Development Contributions in Respect of Renewable Energy Developments

For the purposes of determining the appropriate development contributions to be levied on renewable energy developments in respect of Community Recreation and Amenity facilities, the applicant shall be required to confirm at planning application stage the rated power output of the proposed development.

When determining whether or not a renewable energy development qualifies for exemption from development contribution charges in respect of Community Recreation and Amenity facilities as set out in Section 18 below, the planning authority shall consider the rated power output of the development and the demand of the user of the electricity generated by the development.

Where proposals for renewable energy development are split into separate entities the planning authority will take account of previously permitted developments when calculating the amount of development contributions due in respect of subsequent developments permitted.

17. Retention Permission

The exemptions/reductions set out in Section 18 below will not be applicable in respect of permissions for retention of development.

18. Exemptions/Reductions

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The onus shall be on the applicant to demonstrate that the development would be of a type which would qualify for any exemptions or reductions set out below. The following categories of development will be considered in this regard:

- (a) 100% exemption from development contribution charges only in respect of Community, Recreation and Amenity Facilities in relation to 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.
- (b) 100% exemption from development contribution charges only in respect of Community, Recreation and Amenity Facilities in relation to 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.
- (c) 100% exemption from all development contribution charges 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. 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.
- (d) 100% exemption from development contribution charges only in respect of Community, Recreation and Amenity Facilities in relation to the redevelopment of a property, which is considered by the planning authority to be derelict.
- (e) 100% exemption from all development contribution charges in relation to telecommunications development which is solely for the provision of broadband infrastructure where the new development does not place a demand for new, upgraded or additional infrastructure or services.
- (f) 100% exemption from all development contribution charges in relation to change of use development where no additional floorspace is proposed or where the new development does not place a demand for new, upgraded or additional infrastructure or services.
- (g) 100% exemption from all development contribution charges in relation to renewable energy development which is not supplying electricity to the national grid where the new development does not place a demand for new, upgraded or additional infrastructure or services.
- (h) 100% exemption from all development contribution charges in relation to extensions to dwellings to facilitate the needs of persons in receipt of a disabled persons grant.
- (i) 50% reduction in development contribution charges only in respect of Community, Recreation and Amenity Facilities in relation to the restoration/refurbishment to a high architectural standard of buildings included in the Record of Protected Structures.

- (j) 50% reduction in development contributions in relation to development within Town Centres as designated in the Monaghan County Development Plan (Incorporating the Development Plans for the Towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay) 2013-2019.
- (k) Reductions in development contributions in relation to development granted temporary planning permission as follows:-
 - 33% of normal rate for permissions of up to 3 years
 - 50% of normal rate for permissions of up to 5 years
 - 66% of normal rate for permissions of up to 10 years
- (m) Development ancillary to development referred to in paragraphs (a) to (I) above inclusive.

19. Payment of Contributions

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 (as amended).

20. 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 2014. The adjusted figure will be rounded to the nearest 10 (ten) Euro in respect of a unit/population equivalent/area unit or a fixed contribution and to the nearest 1(one) euro per m² in respect of charges imposed on that basis.

21. 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 Section 19 above.

22. Ring-fencing of income

Money collected by the local authority under the Scheme must be accounted for separately 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.

23. 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.

24. Allocation of General Development Contributions raised in respect of Community, Recreation and Amenity Facilities

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

20% of all development contributions collected in respect of Community, Recreation and Amenity facilities shall be allocated to each Municipal District, and the remaining 40% of contributions allocated to a county wide project or projects.

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

25. Special Development Contributions

Under Section 48(2)(c) of the Act 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 final instalment thereof) or have commenced but have not been completed within seven years of the date of payment of the contribution (or final instalment thereof) 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.

26. 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.

Appendix 1

Projected Infrastructure Capital Expenditure for Period 2013-2019*

TRAFFIC & PEDESTRIAN FACILITIES

Projects 2013-2019	Projected Total Cost	Estimated % Local Contribution	Estimated Local Contribution
Urban Link Roads in Monaghan town and villages	€2,000,000	10%	€200,000
Footpath & Public Lighting works in towns and villages	€300,000	100%	€300,000
Urban Link Roads in Carrickmacross town and villages	€2,000,000	10%	€200,000
Footpath & Public Lighting works in towns and villages	€300,000	100%	€300,000
Urban Link Roads in Castleblayney town and villages	€2,000,000	10%	€200,000
Footpath & Public Lighting works in towns and villages	€300,000	100%	€300,000
Urban Link Roads in Clones town and villages	€2,000,000	10%	€200,000
Footpath & Public Lighting works in towns and villages	€300,000	100%	€300,000
TOTAL	€9,200,000		€2,000,000

^{*}The projects set out above is not an exhaustive list and additional projects may be included over the period of the Development Contribution Scheme. Similarly, given the uncertainty regarding the amount of development contributions that will be collected over the lifetime of the scheme, not all of the above projects may be progressed during the period 2013-2019.

COMMUNITY RECREATION AND, AMENITY FACILITIES

Projects 2013-2019	Projected Total Cost (approx)	Estimated % Local Contribution	Estimated Local Contribution
Contribution towards Garage Theatre	€5,300,000	15%	€800,000
Contribution towards Clones Erne-East Sports Project	€8,500,000	5%	€450,000
Upgrading of playground facilities throughout the county (23 sites)	€450,000	100%	€450,000
Carrickmacross Branch Library	€1,000,000	100%	€1,000,000
Monaghan Branch, Library	€ 150,000	100%	€150,000
Court House and Gate Houses, Castleblayney	€500,000	60%	€300,000
Recreation Facilities Lough Muckno	€1,000,000	25%	€250,000
Market House, Carrickmacross	€500,000	50%	€250,000
Parks & Playgrounds	€1,000,000	25%	€250,000
TOTAL	€18,400,000		€3,900,000

^{*}The projects set out above is not an exhaustive list and additional projects may be included over the period of the Development Contribution Scheme. Similarly, given the uncertainty regarding the amount of development contributions that will be collected over the lifetime of the scheme, not all of the above projects may be progressed during the period 2013-2019.

Appendix 2

Estimated Levels of Development for Period 2013-2019

Residential Development

Having regard to the Core/Settlement Strategy of the Monaghan County Development Plan (Incorporating the Development Plans for the Towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay) 2013-2019, the projected number of residential units to required in County Monaghan during the period of the development contribution scheme is estimated at 3,395 units. However, during the period 2008 to 2012 inclusive only a total of 1,000 commencement notices were lodged with the local authorities in respect of residential developments and only 89 commencement notices were lodged in 2012. Therefore having regard to the current economic climate, it is considered that the projected number of residential units to be constructed in County Monaghan over the period 2013-2019 should be assumed to be as follows;-

Projected number of residential units to be constructed

1,200 units

Non-Residential Development

Having regard to the current economic climate, it is considered that the projected number of non residential units to be constructed in County Monaghan over the period 2013-2019 should be assumed to be as follows;-

Floor area of projected commercial development 12,000 m²
Floor area of projected industrial development 24,000 m²
Floor area of projected other development 24,000 m²

Appendix 3

Levels of General Development Contribution

Traffic and Pedestrian Facilities

Category	Development	Amount of Contribution
Provision of car parking spaces in lieu of shortfall	All developments	€2,300 per space or part thereof
2. Provision of public roads, public footpaths / cyclepaths, and public lighting in general	(a) Residential development	€800 per unit
vicinity of development site	(b) Non Residential development	€5 per m²

Community, Recreation and Amenity Facilities

Category	Development	Amount of Contribution
3. Provision of Community, Recreation and Amenity Infrastructure	(a) Residential development outside defined settlements (Tier 5 and 6 settlements included)	Up to 200m² (2152 sq ft) €1,000 per unit up to 200m² 200m² - 300m² (2152 - 3229 sq ft) €1,000 per unit plus €15/m² between 200m² and 300m² Over 300m² (3229 sq ft) €3,250 per unit plus €19/m² greater than 300m²
	(b) Residential development within defined settlements (Tier 5 and 6 settlements excluded)	Up to 150m² (1615 sq ft) €1,510 per unit up to 150m² 150m² - 300m² (1615 - 3229 sq ft) €1,510 per unit plus €15/m² between 150m² and 300m² Over 300m² (3229 sq ft) €3,750 per unit plus €19/m² greater than 300m²
	(c) Residential Extensions	<u>Up to 40m² (436 sq ft)</u> Exempt <u>Over 40m² (436 sq ft)</u> €10 per m²
	(d) Industrial / Warehouse Development	Up to 250 m² (2690 sq ft) Exempt Over 250 m² €500 plus €7 per m² over 250 m² Upper limit of €75,000 will apply to industrial development Extensions €7 per m²
	(e) Commercial Development (eg. Retail, Office, Surgery, Restaurant, Public Bar)	New Development €7 per m² Extensions €7 per m²

Category	Development	Amount of Contribution
3. Provision of Community, Recreation and Amenity Infrastructure (cont')	(f) Change of use from residential to commercial	€7 per m²
	(g) 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> €500 plus €2 per m² over 300 m² <u>Extensions</u> €2 per m²
	(h) The use of land for:-1. Intensive agriculture purposes(eg. market gardening)2. Afforestation (Initial or replacement)3. Peat extraction	€500 per hectare or part thereof
	(i) The use of land for the winning and working of minerals, metals and other extracts, including quarrying	Extraction of precious minerals/metals €35,000 per hectare or part thereof Extraction of other minerals/materials €3,000 per hectare or part thereof Extraction of gas/petroleum €15,000 per site of extraction
	(j) The use of land for the deposit of refuse or waste	€2,500 per hectare or part thereof
	 (k) 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. 	€1,000 per hectare or part thereof
	(I) Holiday homes	Up to 150m² (1615 sq ft) €1,510 per unit up to 150m² 150m² - 300m² (1615 - 3229 sq ft) €1,510 per unit plus €15/m² between 150m² and 300m² Over 300m² (3229 sq ft) €3,750 per unit plus €19/m² greater than 300m²

Category	Development	Amount of Contribution
3. Provision of Community, Recreation and Amenity Infrastructure (cont')	(m) Renewable Energy Development (which primary purpose is to supply the national grid)	Development with total rated power output of 10kW or less €1,000 per apparatus Development with total rated power output greater than 10kW and less than 100kW €5,000 per apparatus Development with total rated power output of 100kW and up to 1MW €10,000 per apparatus Development with total rated power output of 1MW or greater €15,000 per MW of total rated power output
	(n) Telecommunications	€10,000 per Mast €5,000 per Antenna installed on existing mast
	(o) 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 or part thereof
	(p) The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunication lines.	Lines carrying less than 400Kv of power €2,000 per Pylon Lines carrying 400Kv or above of power €200,000 per Pylon
	(q) The use of land as a golf course or a pitch and putt course.	€500 per hectare or part thereof
	(r) The provision on, in, over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage	€500 per hectare or part thereof €10 per m² of footprint of structure
	purposes. (s) Development not coming within any of the foregoing	€500 per hectare or part thereof
	classes.	€10 per m ² of footprint of structure