

LONGFORD TOWN COUNCIL

Draft

Revised Development Contribution Scheme

PLANNING & DEVELOPMENT ACTS 2000 – 2007

November 2009

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1. **Introduction:**

The Planning & Development Acts 2000-2007 provide for three types of development contributions that may be attached as conditions to a planning permission granted under the Acts:

- - general development contributions
- - special development contributions
- - supplementary development contributions

The adoption of a scheme is a reserved function. The contributions will be based on the development contribution scheme adopted by the elected members for their functional areas.

2. **General Development Contribution Scheme**

2.1 **Scheme Details**

Section 48 of the Planning & Development Act 2000 enables Planning Authorities when granting permission to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding).

“Public infrastructure and facilities” means:

- (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 water mains,
- (d) the provision of bus corridors and lanes, bus interchanges facilities (car parks for those 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 places, sewers, waste water and water facilities, drains or water mains, and
- (f) any matters ancillary to paragraphs (a) to (e).

2.2 Area of Application of Scheme

The Planning & Development Acts 2000- 2007 empower a Planning Authority to make one or more schemes in respect of different parts of its functional area. This Scheme shall apply to the administrative area of Longford Town Council.

2.3 Basis for Determination of Contributions

The Act provides that:-

- (i) The scheme must state the basis for determining the contributions to be paid in respect of public infrastructure and facilities
- (ii) 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
- (iii) 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.
- (iv) The scheme may make provision for payment of different contributions in respect of different classes or descriptions of development
- (v) The scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances.

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 2010 to 2014 of providing further public infrastructure and facilities as set out in the objectives outlined in the Longford Town Development Plan, the County Longford Development Plan, the Longford County Development Board Strategy, Annual Roads Programme and Urban Renewal Projects. These costs include estimated costs of land acquisition where relevant.
- (b) the estimated floor area of projected development for residential and industrial/commercial classes for the period 2010 – 2014.
- (c) the estimated cost for each residential unit based on an average size of 125m², and the estimated cost per m² for industrial/commercial development.

The Appendix to this scheme details the projected development and estimated expenditure relating to the determining of the level of contributions included in the scheme.

2.4 **Level of Contributions**

2.4.1 – **Level of Contributions**

Having regard to the estimated cost to the Council of providing further public infrastructure and facilities in the period 2010 to 2014 and the estimated floor area of projected development for the same period it is estimated that a contribution in excess of €10,000 per house and €100 per m² of industrial/commercial development would be required to cover the full capital cost involved. However the Department of Environment and Local Government advise that each Local Authority should take care to avoid development contributions that are excessively high. In that regard the Department points out that while this might maximise funding for projects it could also lead to negative social and economic impacts such as pushing up housing costs and therefore decreasing developer interest or affecting the affordability of houses. The Department also recommend that there should not be a major divergence in the level of contributions adopted by other Local Authorities in their immediate area.

The development charges in respect of water and waste water services will not be adequate to fund the Council's contribution relating to water and waste water schemes, but should be sufficient to fund the loan charges on any loans raised by the Council.

The level of contributions to be paid under the Scheme, except where an Exemption applies (see Para. 2.5.4) in respect of the different classes of public infrastructure and facilities is set out in Table 1 and Table 2.

2.4.2 **Conversion of Residential Units**

Where an existing residential unit is extended or converted to create an additional residential unit e.g. an apartment or flat the appropriate rate of contribution will be payable in respect of each additional residential unit erected.

2.4.3 **Change of Use from Residential to Commercial**

The charges as appropriate in Table 1 shall apply in the case of a 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.

2.4.4 **Extensions**

Subject to 2.4.2 above a development contribution will not be required in the case of extensions to residential units unless a connection to 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.

2.4.5 **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.

2.5 **Payment of Contributions**

2.5.1 **Payment/Collection of Contributions**

Longford Town Council will apply conditions requiring payment of the contributions provided for in the scheme on all relevant decisions to grant permissions on or after 1st January 2010, with the exception of the exemptions listed at 2.5.4 below. 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 the Euribor rate plus 5 per cent 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.

2.5.2 **Indexation of Contributions**

The rates of contribution set out in Table 1 and Table 2 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 2011. The adjusted figure will be rounded to the nearest 10 Euro in respect of a residential unit or a fixed contribution and to the nearest 50 cent per m² in respect of industrial/commercial/other development.

2.5.3 **Phasing of Payments**

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 is commenced. The Planning Authority may facilitate the phased payment of contributions and shall require the giving of security to ensure payment of contributions

2.5.4 **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) Development by or on behalf of a voluntary organisation which 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 – (100% Reduction)
- (b) 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 for profit or gain – (100% reduction)
- (c) Restoration/refurbishment to a high architectural standard of buildings included in the Record of Protected Structures – (25% reduction)
- (d) **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 a voluntary or co-operative housing body, which is recognised as such by the Council – (100% exemption)
- (e) Development ancillary to development referred to in paragraphs (a) to (d) above incl.

2.6 **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 for approved 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. As a general principle expenditure of monies received shall have regard to both needs and priorities and the income received from the development contribution scheme from the various areas within the County.

The County Manager will submit a report to the Council each year indicating the programme of capital projects proposed by the Council for the following 3 years having regard to the availability of resources.

2.7 **Appeals to An Bord Pleanála**

Conditions requiring a contribution to be paid in accordance with a General Development Contribution Scheme may not be appealed to An Bord Pleanála. 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.

In such cases, where there is no other appeal against the decision of the planning authority, the Board can only deal with the matter under appeal, and the planning authority may make the grant of permission notwithstanding the appeal to the Board provided that the person taking the appeal furnishes to the planning authority security for payment of the full amount of the contribution.

2.8 **Duration of Scheme**

While the Planning & Development Act 2000 does not specify the lifetime of a Development Contribution Scheme the Department of Environment and Local Government recommends that it should be adopted for a specific period. In that regard it is recommended that the scheme be adopted for the period up to 31st December, 2014.

The Scheme may be reviewed in the interim from time to time by the Planning Authority having regard to circumstances prevailing at the time and a new scheme may be adopted in advance of the 31st December, 2014.

The revised Development Contribution Scheme will be applied to all relevant planning permissions where a decision to grant is made on or after the 1st January 2010.

3.0 **Special Development Contribution Scheme**

Longford Town 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 a 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.

If the works in question are not commenced within 5 years, or completed within 7 years of the receipt of payment, or where the Council decide not to proceed with the proposed works or part of works, the applicant will be refunded the special contribution together with any interest accrued over the period held by the Council. Any refund will be in proportion to the work not carried out. Conditions requiring the payment of contributions under the Special Development Contribution Scheme may be appealed to An Bord Pleanála.

4.0 **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 (eg. 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.

It is not proposed to draft a Supplementary Draft Contribution Scheme at this stage.

Table A - Infrastructure provided 2004 - 2008
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Recreation, amenity and environmental schemes
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All Weather Pitch at Mall Complex

Canal Lighting Improvement Works

Canal Walk/ Cycle Pathway

Playground At Mall

Refurbishment of Old Mill Wheel

New public Lighting at Mall Complex

Road Infrastructure carparks Pedestrian Facilities and traffic Calming

Fitzgerald Carpark Geraldine Tce

Ballymahon Street Carpark

Main Street Carpark

Footpath & Public Lighting Improvements at Ballymahon St., Longford

Footpath & Public Lighting Improvements at New Street, Longford

Back Lane Improvement Works at Chapel St, St Mel's Road, Teffia Park and Bannon Tce

Public Lighting Improvement and upgrading works

Refurbishment of Market Square

Surface drainage and provision of Carparking adjacent to Greene & Heneghan Market Sq
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Carpark at Harbour Point, Market Sq

Footpath& Public Lighting Improvement Works at Dublin St
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Water /Waste Water Schemes 2004 -2008
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Small Schemes

Water Conservation

Health & Safety Improvement Works at Plants

Table B -Development Contribution Scheme.

Contributions payable in midland region and adjoining counties – Applicable at 1st January,2009

	Longford		Laois	Offaly	Cavan	Roscommon	Leitrim	Westmeath
	Existing	Proposed						
Residential –per unit	Towns		Towns		Towns		Towns	
Open Spaces etc.	€1860	€1800	€2569	€1290	€920	€2000	€	€933
Roads etc.	€1860	€1800	€1541	€1290	€630	€2400	€	€933
Wastewater etc.	€2500	€2420	€2055	€2570	€3225	€2000	€	€1867
Water Treatment etc	€1860	€1800	€1028	€3090	€3225	€1600	€	€1867
Total	€8080	€7820	€8735	€8240	€8000	€8000	€5650	€5600
Commercial – per m2								
Open Spaces etc.	€6	€6	€15	€8.50	€ 0	€8	€	€ 9.25
Roads etc.	€12	€11.50	€31	€8.50	€17	€18	€	€12.95
Wastewater etc.	€11	€10.50	€ *	€17	€4	€ *	€	€ 7.40
Water Treatment etc	€11	€10.50	€ *	€20.50	€4	€ *	€	€ 7.40
Total	€40	€38.50	€46 *	€54.50	€25	€26 *	Various	€37
Other								
Car parking –urban -per space	€9970	€9650	€6166 Greenfield	€6180	€2500	€ 4500	€2510	€4980
Car parking –rural -per space	€3740	€3620	€1233 Other	€3090	€2500	€2600	€2510	€3130
Storage & warehousing -non retail -per m2	€37.5(500m2 €19) 500m2	€36.50 €18.50	€46	€27.50	€25	€26(300m2 €15) 300m2	€50	€37(500m2 €19) 500m2
Quarries	€940 Per 0.1 ha	€910	€2569 per ha	€1956 per 0.1 ha	€50,000 Per ha	€2.10 per m2	€0.94 per m2	€940 Pe r0.1 ha
Telecom. Masts	€12460	€12070	€15414	€20600	€12000	€12500	€18835	€

* = Water /wastewater charges are recouped in these cases through consolidated charges under water pricing policy and not through the Development Contribution Scheme.

Longford Co. Council/Town Council - Development Contributions Scheme.

– Applicable from 1st January,2009

Table 1 – Level of Contribution – Residential & Industrial/Commercial Development

Class of Infrastructure		€ per Residential Unit Inside Development Envelope	€ per Residential Unit Inside Development Envelope – 1 Unit only for use as sole or main residence	€ per Residential Unit Outside Development Envelope	€ per Residential Unit Outside Development Envelope – 1 Unit Only for use as sole or main residence	€ per m ² of floor area Industrial/ Commercial Development
A	Open Spaces, cultural, recreational and community facilities, amenities and landscaping works, town and village improvement – including land acquisition.	€1860 existing €1800 proposed	€1250 existing €1210 proposed	€1250 existing €1210 proposed	NIL	€6 existing €6 proposed
B	Roads, car parking, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures – including land acquisition.	€1860 existing €1800 proposed	€1250 existing €1210 proposed	€1250 existing €1210 proposed	€1250 existing €1210 proposed	€12 existing €11.50 proposed
C	Wastewater treatment facilities, sewers and drains – including land acquisition.	€2500 existing €2420 proposed	€1860 existing €1800 proposed	€1860 existing €1800 proposed	€1860 existing €1800 proposed	€11 existing €10.50 proposed
D	Water Treatment Facilities & Water Mains – including land acquisition	€1860 existing €1800 proposed	€1860 existing €1800 proposed	€1860 existing €1800 proposed	€1860 existing €1800 proposed	€11 existing €10.50 proposed
	TOTAL	€8080 existing €7820 proposed	€6220 existing €6020 proposed	€6220 existing €6020 proposed	€4970 existing €4810 proposed	€40 existing €38.50 proposed

For any Residential Unit in excess of 2240 sq ft there is a pro rata increase on all square feet over and above 2240 sq ft.(see also note A to D next page).

Note A:

Contributions in respect of C & D apply only to developments availing of the infrastructural services provided or to be provided.

Note B:

Having regard to the nature and extent of any Industrial/Commercial or Storage and warehousing (non retail) Development and its potential benefit to the socio/economic development of the County, the Manager following consultation with the Corporate Policy Group shall have discretion to vary the amount of any contribution to be charged under the scheme. Such variation to be approved by way of County Managers Order which shall state the reason for the variation.

Note C: Floor Area

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

Note D: Water Services Pricing Policy

The Government water services pricing policy provides for the recovery of the marginal capital costs of water services: from the general non-domestic customer on the basis of either a consolidated metered charge using the water in/water out principle or through individual contracts with significant, generally larger, customers; and for residential development through development contributions. Pending the full introduction of the water services pricing policy, commercial/industrial development will be levied for water and wastewater at the above rates

Longford Co. Council/Town Council - Development Contributions Scheme.- Applicable from 1st January,2009

Table 2 – Level of Contribution – Other Categories of Development

	Category	Amount of Contribution
A	Shortfall in provision of car-parking space (i) Urban (ii) Rural	€9,970 per space existing €9,650 proposed €3,740 per space existing €3,620 proposed
B	Shortfall in provision of open space (i) Urban (ii) Rural	€37.50 per M ² existing €36.50 proposed €12.00 per M ² existing €11.50 proposed
C	Agricultural Development	€6.00 per M ² > 400 M ² of roofed development area existing €6 proposed
D	Replacement of broad-leaf high forest by conifer species/peat extraction	€630 per hectare of site area existing €610 proposed
E	Land use for: (a) the winning and working of minerals (b) deposit of refuse or waste under EPA licence.	€940 per 0.1 hectare of site area subject to a min.charge of €12,460 existing €910 per 0.1 hectare of site area subject to a min.charge of €12,070proposed €2,500 per 0.1 hectare of site area subject to a min.charge of €12,460 existing €2420 per 0.1 hectare of site area subject to a min.charge of €12,070 prop
F	Storage and Warehousing (non retail)	€37.50 per M ² up to 500m ² existing €36.50 proposed €19.00 per M ² > 500m ² existing €18.50 proposed
G	Communication Masts	€12,460 per Mast existing €12,070 proposed
H	Wind Farm Development	€1,860 per Turbine existing €1,800 proposed
I	Advertising Structure	€6,240 per Structure existing €6,040 proposed
J	Other Development not within the foregoing classes	€37.50 per sq metre or €24,910 per hectare existing €36.50 per sq metre or €24,120 per hectare proposed

Note: Shortfall in Provision of Car Parking Spaces / Open Space - the term urban in this case refers to Longford Town Council Area.

Longford Town Council - Development Contributions Scheme.

Table 3 – Projected development 2010 to 2014

Type of development	No. of units/m2
Residential development	65units
Non-residential development -industrial / commercial	14,000 m2

Table 4 – Estimated expenditure in respect of public infrastructure and facilities 2010 to 2014

Class of Infrastructure		
A	Open Spaces, cultural, recreational and community facilities, amenities and landscaping works, town and village improvement – including land acquisition.	€1.685m
B	Roads, car parking, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures – including land acquisition.	€2.801m
C	Wastewater treatment facilities, sewers and drains – including land acquisition.	€3.0825m
D	Water Treatment Facilities & Water Mains – including land acquisition	€5.7864m
	TOTAL	€13.3549m

Table 4-Proposed Cultural, Recreational, Community Facilities, Etc. Development Contribution Scheme - Planning and Development Act 2000

Project Title	Description	Est. Cost €
Extension to Mall	Development of additional amenity area	150,000
Running Track	Provision of Synthetic Running Track	560,000
Old Swimming Pool	Development of Old Swimming pool	75,000
Market Sq	Outstanding balance on Market Sq	300,000
Camlin Navagation	Camlin Navagation & harbour	250,000
Cycle /Walkways	Cycle paths & Walkways at Mall/Camlin	100,000
Amenity Projects	Various Amenity projects	250,000
TOTAL:		1,685,000

Table 4 - Roads 2010 to 2014

The works include the following;

- **Roads, Footpaths and public Lighting**
Schemes to facilitate the development of the town, improve traffic circulation, reduce congestion and improve safety.
- **Car parking,**
Improve and enhance the parking facilities in Longford and enhance the provision and facilities for those with limited mobility.
- **Infrastructure to facilitate public transport**
To support the provision of public transport working towards an integrated transport system
- **Cycle and Pedestrian facilities**
Public lighting improvements.
The provision of cycleways and footpaths.
- **Traffic calming measures**
Improvements to the safety and efficiency of the road network recognising the requirements of all road users.

The following is the proposed profile of expenditures.

	2010	2011	2012	2013	2014
	936,000	740,000	580,000	315,000	230,000

Total: €2,801,000 required over the next 5 years

Table 4 - Water Services Capital Investment Programme

Capital Scheme Description	Total project Cost €	Local Authority Contribution	Longford Town Contribution	Longford Co Council Contribution	Department Contribution
Longford Central Regional Water Scheme Reservoir P'lines- Stage 6	€ 13,400,000.00	€3,618,000.00	€2,713,500.00	€904,500.00	€ 9,782,000.00
Water Conservation Stage 3 Phase1	€ 2,844,000.00	€284,400.00	€ 284,400.00	€0.00	€ 2,559,600.00
Longford Central RWSS Contract 4: Short Term Upgrade of Lough Forbes WTW	€ 2,000,000.00	€572,000.00	€429,000.00	€143,000.00	€ 1,428,000.00
Longford Central RWSS Contract 3: Network and Reservoir	€ 7,000,000.00	€2,002,000.00	€1,501,500.00	€500,500.00	€ 4,998,000.00
Longford Town Sewerage Scheme - Contract 1: WWTP and Hub Centre	€ 15,000,000.00	€4,110,000.00	€3,082,500.00	€1,027,500.00	€ 10,890,000.00
Longford Central RWSS Contract 6: Main Upgrade of Lough Forbes	€ 4,000,000.00	€1,144,000.00	€858,000.00	€286,000.00	€ 2,856,000.00
Total	€ 44,244,000.00	€11,730,400.00	€8,868,900.00	€2,861,500.00	€ 32,513,600.00

Total Project Costings are determined from the Preliminary Report Cost Estimates and Actual Tender Amounts at time of compilation.

Local Authority contribution is determined from the Water Pricing Policy Report Calculation

All Project Costings are subject to revision as the project progresses over time

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