

# **Kilrush Town Council**

## **Development Contribution Scheme**

(under Section 48 of Planning & Development Act 2000)

Revision January 2005 increase of 8.84%

Revision January 2006 increase of 3.3%

Revision January 2007 increase of 10%

Revision January 2008 increase of 3.3%

Revision January 2009 increase of 3.9%

## Preamble

- (1) Sub-section (1) of Section 48 of the Planning and Development Act 2000 ("The Act") enables a planning authority, when granting a planning permission under Section 34 of the Act, to include conditions requiring the payment of a contribution. This contribution is 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 for the infrastructure and facilities).
- (2) (a) Sub-section (2) of Section 48 requires that the basis for the determination of a contribution under Sub-section (1) shall be set out in a Development Contribution Scheme made under this Section.

(b) A Scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.
- (3) (a) Sub-section (3) of Section 48 specifies that a Scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the Scheme.

(b) In stating the basis for determining the contributions to be paid, 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 any Local Authority and the Planning Authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A Scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provision of the Scheme.
- (4) A Planning Authority may facilitate the phased payment of contributions under Section 48 of the Act, and may require the giving of security to ensure payment of contributions.

## Definitions

- (5) (i) Section 48 of the Act gives the following meaning to "public infrastructure and facilities":

  - (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).
- (ii) "Scheme" means a Development Contribution Scheme made under Section 48 of the Act.

## **Basis for Determination of Contribution**

- (6) The basis for determination of a contribution under the Kilrush Town Council Development Contribution Scheme 2003 ("the Scheme") is as follows:

A detailed study carried out by senior council staff established the following:

- (a) The amount of the costs which are attributable, in the years to 2011, to the five classes of public infrastructure and facilities (listed in Paragraph 9 below). These costs are given in Table A which appears in Appendix 1 to this Scheme.
- (b) The residential unit numbers and the aggregated non-residential floor areas in square metres of projected development, in the years to 2011, in each of the classes or descriptions of development, namely residential class and non-residential class. These unit numbers and floor areas are given in Table B which appears in Appendix 1 to this Scheme.
- (c) 70% of the attributable cost to new development will come from planning contributions for residential development and 30% of the cost attributable to new development should come from non-residential development. This has been assessed taking into consideration the degree to which benefits accrue to each of these development types, bearing in mind the urban nature of the Planning Authority area.
- (d) Non-residential development has been split between open non-residential, such as quarries and golf courses where the area of the use is disproportionate to its required contribution, and built non-residential including car parks, where the use is predominantly contained within a structure.
- (e) The development contributions payable per unit of residential development and per square metre of non-residential development are, respectively, determined by dividing the relevant cost by the number of units/relevant floor space. The results of carrying out the division exercises are given in the table in Paragraph 9 of this Scheme below. Details of calculations prior to rounding off are shown in Appendices 2 and 3 of this Scheme.
- (f) Contributions to compensate for shortfalls in open space and car parking provision reflect relative land values and the costs of development of open spaces and car parks and the refurbishment of car parking areas.

## **Development Contribution Scheme**

- (7) This Kilrush Town Council Development Contribution Scheme 2003 ("the Scheme") is made under Section 48 of the Act 2000.
- (8) Under the Scheme, Kilrush Town Council will, when granting a planning permission under Section 34 of the Act, include conditions for requiring the payment of a contribution (the amount of which is indicated below under the heading "Level of Contribution") in respect of public infrastructure and facilities benefiting development in the Town and that is provided, or that it is intended will be provided by or on behalf of Kilrush Town Council (regardless of other sources of funding for the infrastructure and facilities).

## Level of Contribution

- (9) Under the Scheme, the contributions to be paid, except where an exemption applies (see “Exemptions” below) in respect of the different classes of public infrastructure and facilities are as follows:

<b>Class of Public Infrastructural Development</b>	<b>€per residential unit</b>	<b>€per hectare of open non-residential development</b>	<b>€per m<sup>2</sup> of built non-residential development</b>
<b>Class 1</b> Roads Infrastructure and Facilities	<b>666</b>	<b>7,969</b>	<b>4.19</b>
<b>Class 2</b> Water Supply Infrastructure and Facilities	<b>43</b>	<b>7,148</b>	<b>3.12</b>
<b>Class 3</b> Sewerage and Drainage Infrastructure and Facilities	<b>461</b>		
<b>Class 4</b> Recreation and Community Facilities	<b>161</b>	<b>2,125</b>	<b>0.97</b>
<b>Class 5</b> Open Space and Amenities	<b>729</b>	<b>9,273</b>	<b>5.04</b>
<b>Total of Contributions Payable</b>	<b>2,060</b>	<b>26,515</b>	<b>13.32</b> <b>€265,672 maximum</b>

Contribution for lack of provision of open space in residential areas	<b>729 per unit</b>
Contribution for Shortfall in Car Parking Spaces	<b>1,984</b>

**Note 1:** These rates of contribution shall be updated effective from January 1<sup>st</sup> each year during the life of the Scheme in accordance with the Wholesale Price Index – Building and Construction (see Article 13 of the Scheme below).

**Note 2:** The floor area of proposed development shall be calculated as the gross floor area. This means the gross floor area determined from the external dimensions of the permitted buildings, including the gross floor area of each floor including mezzanine floors.

**Note 3:** The extent to which any non-residential development other than buildings shall be calculated as the gross operational area determined by the external dimensions of the permitted operational areas.

**Note 4:** Costs recoverable from under the Water Pricing Framework document from non-domestic users will be excluded from the development contributions of non-residential development.

- (10) The charges available to different types of development and how they relate to the Development Contribution Scheme is identified below:

Category of Development	Charge	Notes
<p><b>Class 1</b>            (a) The provision of a business premises including:            - any structure or other land which is normally used for the carrying on of any professional or commercial undertaking or any structure which is normally used for the provision therein of services to persons;            - a hotel, restaurant or public house;            - any structure or other land used for the purpose of, or in connection with, the functions of a state authority.            (b) The provision of facilities for child-minding.            (c) The provision of a day centre.            (d) The provision of any guest-house or other premises providing overnight guest accommodation, club, boarding house or hostel.            (e) The provision of a shop or supermarket.            (f) The provision of a wholesale warehouse or repository.            (g) The provision of a school or college.            (h) The provision of a nursing home, hospital or health centre.</p>	Built Non-Residential	See development contribution tables for non-residential development.
<p><b>Class 2</b>            The provision of an industrial building or light industrial building.</p>	Built Non-Residential	See development contribution tables for non-residential development.
<p><b>Class 3</b>            The use of land for the winning and working of minerals, including the extraction of sand, gravel and stone. The use of land for the deposit of refuse or waste.</p>	Open Non-Residential	See development contribution tables for non-residential development. Only operational land to be included in calculations. Operational land refers to land from which extraction takes place or over which refuse or waste is deposited, buildings, roadways and storage areas. Phasing of contributions to be tied to agreed phasing in permission granted.
<p><b>Class 4</b>            The provision of buildings or other structures for the purpose of agriculture including the keeping of horses.</p>	Built Non-Residential	See development contribution tables for non-residential development. See exemptions for farm buildings developed to fulfil the requirements of environmental legislation.
<p><b>Class 5</b>            The provision of a residential unit.</p>	Residential	See development contribution tables for residential development.
<p><b>Class 6</b>            The provision of an extension to an existing residential unit or the conversion for use as part of the residential unit of any garage, store, shed or other structure.</p>	Residential	See development contribution tables for built non-residential development and charge contribution per m <sup>2</sup> as for built non-residential development.

<b>Class 7</b> The change of use of any building or land.	All categories	The difference between the contributions arising for the existing use if it were new and the contributions arising from the new use will constitute the development contribution under the Scheme.
<b>Class 8</b> The use of land for – (a) the keeping or placing of any tents, camper vans, caravans or other structures (whether or not movable or collapsible) for use as temporary dwellings or the sale of goods, (b) the parking of motor vehicles, (c) the open storage of motor vehicles or other objects or substances.	Open Non-Residential	See development contribution tables for non-residential development.
<b>Class 9</b> The provision on, in, over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes.	Built Non-Residential	See development contribution tables for non-residential development.
<b>Class 10</b> The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.	Non-Residential	Calculated as being the footprint of the advertisement using its overall height from ground as the diameter of a circle and the volume of that circle as being the area of land liable for development contribution.
<b>Class 11</b> The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunications lines.	Non-Residential	Contributions only collected in respect of road contributions and open space and amenity at a rate of €1,320 per kilometre of line.
<b>Class 12</b> The use of land as a golf course or a pitch and putt course.	Open Non-Residential	See development contribution tables for non-residential development.
<b>Class 13</b> The erection of wind turbines ancillary buildings and telecommunications mast.	Non-Residential	Water services and open space contributions not to be collected. €6,608 per mast or turbine to be collected for roads and recreation and community facilities.
<b>Class 14</b> Development not coming within any of the foregoing classes.	Non-Residential	See development contribution tables for non-residential development.

## Exemptions

- (11) The following categories of development will be exempted, or partly exempted, from the requirement to pay development contributions under the Scheme:
- (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, or for use as a burial ground – **totally exempt**.
  - (b) is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain - **totally exempt**.
  - (c) social housing units including those which are provided in accordance with an agreement made under Part V of the Act (as amended under 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 – **totally exempt**.
  - (d) agricultural buildings required to be provided as a requirements of environmental regulations – **totally exempt**.
  - (e) development involving works to protected structures, other than demolition – **totally exempt**.
  - (f) development undertaken as part of the Kilrush Town Renewal Scheme – **totally exempt**.
  - (g) development within the Architectural Conservation Area that retains and enhances the architectural character of the area – **50% reduction in contributions**.
  - (h) restoration of derelict properties – **50% reduction in contributions**.
  - (i) development ancillary to development referred to in above - **exempt to the same degree**.
  - (j) where a development provides its own private water supply or effluent treatment system to the satisfaction of the Planning Authority, those elements of any development contribution relating to the provision of those public facilities or infrastructure costs will be deducted from the development contribution.

## Payment of Contribution

- (12) Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all decisions to grant planning permissions made following the making of the Scheme by the Council.
- (13) The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed by the Council. Contributions shall be payable be at the index-adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Paragraph 9 above.

- (14) The Council may facilitate the phased payment of contributions payable under the Scheme, and the Council may require the giving of security to ensure payment of contributions.
- (15) The Council will ring fence and apportion monies received by way of development contributions collected under this Scheme in accordance with the following table:

**Apportionment of Monies Received**

<b>Public Infrastructure and Facilities</b>	<b>% of Contribution</b>
Water Services	
Sewerage	25%
Supply	2%
Roads	30%
Recreation and Community Facilities	8%
Open Space and Amenity	35%

**Appeal to An Bord Pleanála ("the Board")**

- (16) An Appeal may be brought to the Board 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.

**Review Of Scheme**

- (17) The rates of contribution will be updated annually from January 1<sup>st</sup> in accordance with the Wholesale Price Index – Building and Construction, published by the Central Statistics Office.
- (18) The Scheme will be reviewed by the Council as part of the review of the County Development Plan and takes place on six yearly cycles having regard to circumstances prevailing at the time. After a review of the Scheme, a new Scheme may be made. The cut-off year for the Scheme (unless a new Scheme is made before then) is 2011.
- (19) The Council may from time to time review the Scheme where it appears to the Council that events require an amendment to the Scheme.

**Special Development Contributions**

- (20) A special development contribution, in addition to the terms of the Scheme, may be imposed under Section 48 of the Act where exceptional costs not covered by the Kilrush Town Council Development Contribution Scheme 2003 are incurred by the Council in the provision of a specific public infrastructure or facility (the particular works will be specified in the planning conditions when special development contributions are levied). Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. Conditions imposing special contributions may be appealed to An Bord Pleanála.

## Appendix 1

**Table A - Costs attributable to the Lifetime of the Scheme**

<b>Class of Public Infrastructural Development</b>	<b>€</b>
Class 1 Roads Infrastructure and Facilities	<b>105,000</b>
Class 2 Water Supply Infrastructure and Facilities	<b>4,210</b>
Class 3 Sewerage and Drainage Infrastructure and Facilities	<b>74,900</b>
Class 4 Recreation and Community Facilities	<b>25,000</b>
Class 5 Open Space and Amenities	<b>125,000</b>
<b>Total</b>	<b>334,110</b>

**Table B - Projected Development to Year 2011**

Residential Development Projected number of residential units	<b>150</b>
Non-Residential Floor areas in square metres of projected industrial/commercial development	<b>10,000</b>

## Appendix 2 Project List

### Roads

Car Park Place de Plouzane, O'Dea's Road	€150,000
Local Roads refurbishment, upgrading and replacement as per Improvement Scheme	€1,950,000

**Total Expenditure in excess of €2,100,000**

### Water Supply

Ennis Road  
St Patricks Terrace  
Moore Street  
Pella Road  
Frances Street  
Refurbishment, upgrading & replacement works

**Total Expenditure in excess of €421,000**

### Sewerage and Drainage

Lower Frances Street  
Ennis Road  
Henry Street  
Vandeleur Street  
Sewerage Treatment Scheme

**Total Expenditure in excess of €7,490,000**

### Recreation and Community Facilities

Vandeleur Gardens  
Town Play Area

**Total Expenditure in excess of €500,000**

### Open Spaces and Amenities

Henry Street  
Frances Street  
Moore Street  
Riverside Walk  
Public Open Space as per Development Plan

**Total Expenditure in excess of €2,500,000**

Development Contribution

## Appendix 3

### Roads

Total in excess of	€2,100,000
<b>5% attributable to new development</b>	<b>€105,000</b>
Residential: €666.00 per unit	
Non-residential: €4.19 per m <sup>2</sup>	

### Water Services

Capital Works Sewers/Drains in excess of	€7,490,000
Capital Works Water Supply in excess of	€421,000
Total in excess of	€7,911,000
<b>1% attributable to new development</b>	<b>€79,110</b>
Residential: €504.00 per unit	
Non-residential: €3.12 per m <sup>2</sup>	

### Recreation and Community Facilities

Total in excess of	€500,000
<b>5% attributable to new development</b>	<b>€25,000</b>
Residential: €161.00 per unit	
Non-residential: €0.97 per m <sup>2</sup>	

### Open Spaces and Amenities

Total in excess of	€2,500,000
<b>5% attributable to new development</b>	<b>€125,000</b>
Residential: €729.00 per unit	
Non-residential: €5.04 per m <sup>2</sup>	

### **Total Expenditure**

**€13,011,000**

### **Total attributable to new development**

**€334,110**

70% residential	€233,877
Units developed 150	€1,559.18 per unit
30% industrial/commercial	€100,233
M <sup>2</sup> developed 10,000	€10.02 per m <sup>2</sup>