

WESTMEATH COUNTY COUNCIL

**SUPPLEMENTARY DEVELOPMENT CONTRIBUTION
SCHEME FOR**

Clonmore Link Road

PLANNING & DEVELOPMENT ACTS 2000 – 2006

1. **Introduction:**

This Supplementary Development Contribution Scheme is in addition to the general scheme and provides for specific contributions for the Clonmore Link road. It has been adopted under Section 49 of the Planning and Development Acts, 2000-2006.

There is a requirement for a major investment for the construction of the Clonmore Link Road within Mullingar Town. It is estimated that Westmeath County Council will be required to recover some €3.746m of the estimated €19.5m cost of the works.

Provision for this recovery was initially catered for in the general scheme and by way of *special contributions* but it is now intended that this supplementary development contribution scheme be used to provide for this necessary infrastructure.

The scheme applies to the town of Mullingar as defined by land zoned at the time a decision is made on a planning application but excludes the area of Mullingar that is covered by the Robinstown Local Area Plan.

2. **Supplementary Development Contribution Scheme**

2.1 **Scheme Details**

Supplementary Development Contribution Schemes enable Planning Authorities, when granting permission, to include conditions requiring the payment of a contribution in respect of any public infrastructure service or project –

- a) specified in a scheme made by the planning authority (hereafter in this section referred to as a “supplementary development contribution scheme”),
- b) provided or carried out, as may be appropriate, by a planning authority or, pursuant to an agreement entered into by a local authority, any other person, and
- c) that will benefit the development to which the permission relates when carried out.

“Public infrastructure service or project” means:

- a) The provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development,
- b) the provision of particular new roads,
- c) the provision of particular new sewers, waste, water and water treatment facilities, drains or watermains and ancillary infrastructure.’

2.2 **Area of Application of Scheme**

The Planning & Development Acts 2000-2006, empowers a Planning Authority to make one or more schemes in respect of different public infrastructure services or projects and different parts of its functional area. This scheme is proposed for the construction of the Clonmore Link Road in Mullingar comprising all current and future zoned land but excluding the area of Mullingar covered by the Robinstown Local Area Plan.

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 the public infrastructure service or project
- (ii) The planning authority shall have regard to the actual estimated cost of providing the public infrastructure service or project. The determination may not include any benefit that accrues in respect of existing development.
- (iii) 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 the Clonmore Link Road is calculated having regard to the estimated required cost recovery to Westmeath County Council. This amounts to 25% of the cost of the project as the

scheme is a Strategic Non National Road as defined by the Department of the Environment and Local Government as so qualifies for 75% grant funding.

The future extent of estimated residential development is based on population projections.

The future extent of estimated industrial / commercial development is based on gateway status and population.

2.4 **Level of Contributions**

The bulk of funding for Clonmore Link Road will come from the exchequer; however, as this is a Strategic Non National Road,, it is estimated that Westmeath County Council will be required to recover some €3.746m of the estimated €19.5m cost of the works.

The level of contributions to be paid under the Scheme, except where an Exemption applies (see Para. 2.6.4) is €34,690 per hectare (€14,038.85 per acre) for new development.

In the case of extensions or brown field developments the charge will be €2.61 per m² on the basis of a 75% footprint.

2.5 **Application**

2.5.1 **Conversion of Residential Units**

Where an existing residential unit is extended or converted to create an additional residential unit, the appropriate rate of contribution will be payable in respect of each additional unit at the m² rate.

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

The charges 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.

2.5.3 Extensions

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

2.5.4 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.

2.6 Payment of Contributions

2.6.1 Payment / Collection of Contributions

Westmeath County Council will apply conditions requiring payment of the contributions provided for in the scheme on all relevant decisions to grant permission with the exception of the exemptions listed at 2.6.4 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 Acts 2000-2006.

2.6.2 Indexation of Contributions

The rates of contribution 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. The calculation will be based on the published figure to the end of November of the preceding year.

The adjusted figure will be rounded to the nearest €10.

2.6.3 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 contribution is paid.

The Planning Authority may facilitate the phased payment of contributions subject to an administrative charge and may require the giving of security to ensure payment of contributions.

2.6.4 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 – (75% Reduction). At the County Manager's discretion an exemption of 100% may apply.
- (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 mainly for profit or gain – (75% reduction). At the County Manager's discretion an exemption of 100% may apply.
- (c) Restoration/refurbishment to a high architectural standard of buildings included in the Record of Protected Structures – (50% reduction)
- (d) **Social** housing units, including those which are provided in accordance with an agreement made under Part V of the Planning & Development Acts 2000-2006 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.

2.7 **Ring-Fencing of Income**

Money accruing under the Scheme must be accounted for in a separate account and can only be applied as capital for the Clonmore Link Road. The Annual Reports must contain details of monies paid or owing to the Local Authority under the scheme and indicate how such monies paid to it have been spent.

2.8 **Appeals to An Bord Pleanála**

Conditions requiring a contribution to be paid in accordance with a Supplementary 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.

2.9 **Duration of Scheme**

While the Planning & Development Acts 2000-2006 does not specify the lifetime of a Supplementary Development Contribution Scheme the Department of Environment and Local Government recommends that it should be adopted for a specific period. In that regard it has been agreed by the Council Members that the scheme be adopted for a maximum period up to 28th February 2015.

The Scheme may be reviewed in the interim having regard to circumstances prevailing at the time and a new scheme may be adopted in advance of the 28th February 2015.

3.0 Calculation of Contributions

Section 49 of the Planning & Development Acts 2000-2006 provides that a planning authority may include conditions requiring the payment of a contribution in respect of public infrastructure service or project and facilities benefiting development in the area. It also requires that in stating the basis for determining the contribution that it shall *have regard to the actual cost while excluding any benefit that accrues in respect of existing development*. This is reflected in the €3,746m required to be recovered.

Residential

The Regional Planning Guidelines project a population increase of some 60,000 in the area of the gateway towns by the year 2020. DoELG National Population and Regional Population Targets 06-20, have predicated a population of 333,088 for the Midlands region up to 2020. The Westmeath share of this figure is taken to be approximately 100,000 up to 2014. Most of the growth will be focused on the two of the linked gateways towns. Using these figures the Draft County Development Plan sets out that Mullingar will grow by 7,000 over the plan period 2008-2014.

On this basis, using a constant population increase per annum of 1,166 it is reasonable to assume a population increase for Mullingar over the duration of this scheme of 8,749. Applying a rate of 2.4 persons per house equates to 3,645 houses and applying a density of 35 units per hectare equates to 104 hectares of residential land. (257 acres)

Commercial / Industrial

Based on an examination of IPlan for 3 sample months in 2004 and 2005 suggests a reasonable projection of 88.6 hectares of commercial/industrial land to be developed in Mullingar up to 2015.

Total

The area likely to be developed in Mullingar to the year 2015 is 192.6 hectares.

The Clonmore Link Road Supplementary Development Contribution shall be levied on **111.5 hectares** of land in Mullingar. This consists of zoned land in Mullingar (192.5hec) but excludes the area to which the Robinstown Link road shall service (81 hectares)

Brown field (Infill) Sites

In the case of extensions or brown field developments, the charge will be based on a 75% footprint e.g. if the charge is €34,690 per hectare (€14,038.85 per acre) for a supplementary scheme for Clonmore Link Road, on the basis of 4040m² in an acre, the calculation per m² is applied using a figure of 3030m² which equates to €2.61 per m².

Discount for Existing Development

This is built in under the water pricing policy.

SUMMARY OF CHARGE UNDER SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME FOR CLONMORE LINK ROAD

Greenfield development €34,690 per hectare

Brown field development and extension of commercial / industrial €2.61 per m².