

WESTMEATH COUNTY COUNCIL

SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME FOR

**Clonmore Link Road and Robinstown Link Road
Mullingar**

PLANNING & DEVELOPMENT ACTS 2000 – 2012

Adopted June 2013

1. **Introduction:**

This Supplementary Development Contribution Scheme is additional to the general scheme and provides for specific contributions for the Clonmore Link Road and Robinstown Link Road. It replaces the two Supplementary Schemes that were previously in place for these two link roads.

There was a requirement for a major investment in the construction of the Clonmore Link Road and Robinstown Link Road within Mullingar Town. The Schemes included the Joe Dolan Bridge and were completed in 2011 at a total cost of €18m. Of this cost, Westmeath County Council is required to fund some €4.5m with the balance coming from the Department of Transport, Tourism and Sport.

The scheme applies to the town of Mullingar as defined by land zoned at the time a decision is made on a planning application.

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.

2.2 **Area of Application of Scheme**

The Planning & Development Acts 2000-2012, 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 and Robinstown Link Road in Mullingar and applies to all current and future zoned land.

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 future extent of estimated residential development is based on population projections. The estimated population growth in Mullingar to 2020, based on Regional Planning Guidelines is 10,831 requiring approximately 4,500 residential units. The estimated future extent of industrial / commercial development is based on gateway status and population and is approximately 160,000m² by 2020.

Taking the above development projections and the deficit on the two link roads into account and taking account of the prevailing economic environment, it is considered that the charge should be set at €25,560 per Hectare or €1.92 per m². This represents a 25% reduction on the current charges.

2.4 **Level of Contributions**

The level of contributions to be paid under the Scheme, except where an Exemption applies (see Para. 2.6.4) is **€25,560** per hectare for new development.

In the case of extensions or brown field developments the charge will be €1.92 per m² of development area.

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.

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.

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 **New Residential Development**

The contribution payable per residential unit under this scheme shall be capped at €4,000.

2.6 Payment of Contributions

- 2.6.1** 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. The operative date of the scheme is from a date two weeks after the scheme is adopted by both Councils.

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed by the Council. Contributions due with regard to permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

- 2.6.2** The Council may facilitate the payment of contributions payable under the Scheme by instalment in accordance with an agreed schedule and the Council may require the giving of security to ensure payment of Contributions.
- 2.6.3** The Council, in accordance with statutory powers, may recover as a simple contract debt in a court of competent jurisdiction any contribution (including interest and legal costs) due to it under the terms of this scheme. The Council, furthermore, may initiate enforcement action under the Planning and Development Acts 2000-2011(as amended) in respect of unpaid development contributions.
- 2.6.4** Where applicable, connections to water and sewerage services may be denied where the development contribution has not been paid in full or paid in part in an agreed instalment plan. The development contribution is required for capital expenditure and therefore costs incurred for such matters as connections to such services are not included in the development contribution and are subject to separate connection fees.
- 2.6.5** Where a letter / certificate of compliance with the development contribution condition is required, reference will be made to the payment of contributions as applicable to the development in question. If contributions have not been paid or if an agreed schedule of payments has been made but has not been honoured, a report on compliance will refer to these facts. In the case of applicable residential developments the compliance report will also refer to compliance with condition(s) requiring the lodgement of security for the completion of services in the related development.
- 2.6.6** The rates of contribution shall be adjusted annually on the 1st of January in accordance with changes to the Tender Price Index as published by the Society of Chartered Surveyors.
- 2.6.7** If a developer is required to provide facilities or infrastructure in excess of the immediate needs of the proposed development, the Planning Authority may enter into an agreement with the developer to off-set development contributions against such provisions of public facilities in accordance with Section 34 of the Planning & Development Act 2000.

2.7 Exemptions and Reductions

The following categories of development will be exempted from the requirement to pay development contributions or will pay a reduced rate, as stated, under the Scheme:

- (i) Development by charities of not-for-profit development shall be exempt.
 - (ii) Social and Affordable housing units, which are purchased in accordance with an agreement made under Part V of the Act (as amended under the Planning & Development (Amendment) Act, 2002) shall be exempt.
 - (iii) All primary and secondary schools shall be exempt from the development contribution rate specified in this scheme.
 - (iv) Not for profit childcare facilities shall be exempt.
 - (v) Uncovered storage and display areas associated with and ancillary to development shall be exempt.
 - (vi) Community based enterprise centres provided with support from Enterprise Ireland shall be exempt.
 - (vii) House extensions, which do not result in an independent unit, shall be exempt.
 - (viii) A 33% reduction shall apply in the Retail Core of Mullingar, as defined in the Westmeath County Development Plan 2008 – 2014 and in the core of the following towns and villages, as defined on the attached maps:
 - a) Castlepollard
 - b) Moate
 - c) Kilbeggan
- This reduction does not apply if the permission in question is also benefitting from a discount under (xv) relating to protected structures.
- (ix) A 33% reduction shall apply to NEW development in IDA owned Business Parks and supported by IDA Ireland.
 - (x) Development consisting of sheltered or supported accommodation for homeless persons, sheltered housing schemes for vulnerable groups such as the elderly, disabled and persons with mental health issues provided by voluntary or not-for-profit non-statutory groups that are recognised by the Council as such, shall be exempt.
 - (xi) Renewable energy development with a capacity up to 0.5MW will be exempt.

(xii) Not for profit development carried out by bodies exempted from the requirement to pay a planning application fee, in accordance with Article 157 of the Planning and Development Regulations 2000 (as amended) shall be exempt. The exemption is stated below;

Development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—

- i.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,*
- ii.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.*

(xiii) Power Lines, Antennae Structures, Sewer / Drainage / Road Construction / provision of infrastructural facilities shall be exempt;

(xiv) Development Contributions are not payable in respect of Local Authority Development carried out under Section 179 of the Planning and Development Act 2000 – 2012.

(xv) Development involving permitted works to protected structures shall be subject to a 50% reduction on the applicable rate of contribution, where the works substantially contribute to the restoration or protection of the protected structure.

(xvi) Revisions/Modification to a permitted development: An application for permission for modification/revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission. The contribution payable at commencement will be based on the permission implemented i.e. the original permission or the revised proposal (updated in accordance with the relevant index).

(xvii) Change of use: In respect of a permission for change of use, where development contributions were paid in respect of the former use the contribution payable on the new proposal will be net of the quantum of development previously paid for / pre-existing and fully authorised.

Demolition and Rebuild: In respect of a permission for the demolition and replacement of an existing structure, where development contributions were paid in respect of the existing structure, the contribution payable on the new proposal will be net of the quantum of development previously paid for / pre-existing and fully authorised.

(xviii) Developments permitted by way of a temporary permission or cumulative temporary permissions shall be liable to pay development contributions as follows:

- Up to 3 years: 33% of normal rate
- Up to 5 years: 50% of normal rate
- Up to 10 years: 66% of normal rate
- Over 10 years: 100% of normal rate

(xix) The refurbishment of Derelict House shall be exempt.

For the purpose of clarity, no exemption or reduction will apply to the following types of development:

- a) Hospitals and similar development
- b) Third level educational institutions
- c) Fee paying schools
- d) Retention permission

2.8 **Ring-Fencing of Income**

Money accruing under the Scheme must be accounted for in a separate account and can only be applied to the Clonmore Link Road and Robinstown 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.

2.9 **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.

2.10 **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 31st December 2020.

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 31st December 2020.