

WESTMEATH COUNTY COUNCIL

DEVELOPMENT CONTRIBUTION SCHEME 2013-2020

PLANNING & DEVELOPMENT ACTS 2000 as amended

1.0 Introduction:

This draft scheme is intended to replace the scheme adopted by Westmeath County Council and Athlone Town Council in July 2007. It is considered that a review of the scheme is opportune at this time to reflect changed economic circumstances, the abolition of Athlone Town Council, the introduction of and in the context of the Ministerial Guidelines on Development Contributions, issued in January 2013. The quantum of development has declined significantly, the value of such development has fallen and the pace of infrastructure provision has also slowed considerably.

This draft is proposed in accordance with Section 48 of the Planning and Development Act 2000 as amended, which provides for a system for levying development contributions for public infrastructure and facilities.

An indicative list of the projects that may be undertaken and the estimated volume of expenditure under the scheme in the period up to 2020 and is given in Appendix 1. The proposed scheme will raise substantial sums to be expended on these projects but the scheme is not required to raise the entire amount. The actual sums required will vary due to a number of factors including:

- Project costs are subject to detailed design and specification;
- All schemes may not be progressed and may be replaced by additional projects of similar nature;
- Additional sources of funding will be sought;
- The priority of projects may alter;
- Development may occur at a faster or slower pace over the next 8 years and recovery of costs may occur over a shorter or longer timeframe;

Public Infrastructure and Facilities include:

- (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, wastewater and water treatment facilities, service connections, watermains and flood relief work;
- (d) the provision of 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, wastewater and water treatment facilities, service connections or watermains;
- (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).

2.0 Calculation of likely development in County Westmeath to 2020

Residential

The Department of Environment, Heritage and Local Government Housing Statistics reveal that 211 houses were completed between January 1st and December 31st 2011. However, this level of activity is exceptionally low and is well below the normal rate of housing supply. Economic conditions and the absence of credit have combined to severely reduce housing construction. It is to be expected that these adverse conditions will pass and activity will revert to a long term average rather than the rates seen in the period from 2000 to 2007. In this regard, for the purposes of this scheme, it is assumed that the population targets in the Midland Regional Planning Guidelines and the Westmeath County Development Plan will be realised by 2020. This would mean that the population would increase to 106,370 resulting in the construction of an additional 8,400 residential units. Assuming an average unit size of 120 m², this would equate to an additional approximate 1,000,000 m² of residential development.

Commercial / Industrial

The projected commercial / industrial development in the county under the development contribution scheme is estimated to be 50,000 m² per annum. Again, this is significantly more than the current rate of supply but is considered to be a reasonable figure in the medium term.

This equates to 400,000 m² over 8 years.

Total Likely Development to year 2020

The area likely to be developed in the county is **1,400,000 m²**.

3.0 Likely Cost of Development to this Development Contribution Scheme

Total expenditure under the scheme up to 2020 is €35.28 million (reference Appendix 1)

4.0 Legal Basis for the Scheme

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.

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 by this mechanism.

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

General and Supplementary contributions must be based on a Scheme adopted by the Elected Members for their functional area.

5.0 Area of Application of Scheme

The Planning & Development Act 2000 as amended empowers a Planning Authority to make one or more schemes in respect of different parts of its functional area. This scheme will be considered by Westmeath County Council and applies to the entire administrative area of County Westmeath.

6.0 Level of Contributions

Following the creation of Irish Water and the issue of Circular PS 21/2013, planning permissions granted after 1st January 2014 have not contained charges in respect of water and waste water infrastructure. In determining the rates of contribution under the scheme, the following should be taken into account:

- current market conditions
- the changed economic conditions since the adoption of the current scheme
- the reduction in the cost of infrastructure as reflected in the index of Construction Tender Prices as published by the Society of Chartered Surveyors, which declined by 11% between the start of 2009 and the end of 2011
- The decline in development, which has reduced the demand for supporting infrastructure
- The significant decline in the value of development land and other property.

Taking all of these factors into account, the contributions proposed in Table 1, which represent a 25% reduction on current charges, are considered to be appropriate.

The level of contributions to be paid under the Scheme, except where an exemption or reduction applies (see Section 7.0) in respect of the different classes of public infrastructure and facilities is set out in Table 1 below. These contributions also apply to any strategic infrastructure undertaken in accordance with the Strategic Infrastructure Act.

Table 1 – Level of Contribution – Westmeath County Council

Class of Infrastructure		€ per residential unit	€ per m² of floor area industrial/commercial and other types of development
A	Open Spaces, cultural, recreational and community facilities, amenities and landscaping works, town and village improvement – including land acquisition.	€681	€6.75
B	Roads, car parking, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures – including land acquisition.	€681	€9.45
	TOTAL	€1,362	€16.20

Note A: Floor Area

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

Table 2– Levels of Contributions – Other Categories of Development

	Category	Amount of Contribution
A	Shortfall in provision of car-parking: Urban: Rural: (Urban charge applies within the development boundaries of Mullingar and Athlone)	€4,000 €2,000
B	Shortfall in provision of open space (i) Urban (ii) Rural	€30 per m ² €10 per m ²
C	Agricultural Development	Nil up to 500 m ² €2.25 per M ² 500 to 1,000 m ² €4.88 per M ² > 1,000 m ² of development Area
D	Initial afforestation/replacement of broad-leaf high forest by conifer species/peat extraction	€458 per hectare of site area
E	Land use for: (i) the winning and working of minerals (ii) buildings used exclusively for storage ancillary to the operation of a quarry including machinery storage sheds, quarry canteens etc. (iii) storage of quarrying aggregates or related outputs such as concrete blocks and bricks but excluding the area for the manufacture of concrete blocks and bricks.	€682 per 0.1 hectare of site area subject to a minimum charge of €5,000
F	Wind Turbines and other renewable energy installations generating more than 0.5 MW	€1,000 per 0.1MW
G	Lands used for deposit of refuse or waste under E.P.A. Waste Licence or LA Waste Permit	€1,822 per 0.1 hectare of site area subject to a minimum charge of €1,000.
H	Development not coming within any of the foregoing classes	€27.44 per m ²

7.0 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 non fee paying primary and secondary schools shall be exempt.
- (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 or any other state funded agency 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 and Athlone, as defined in the Westmeath County Development Plan 2014 – 2020 and the Athlone Town Development Plan 2014-2020 respectively. This reduction also applies in the core of the following towns / villages, as defined in the attached maps: Moate, Kilbeggan, Rochfortbridge, Kinnegad, Killucan, Delvin, Castlepollard, Clonmellon. (See attached maps indicating retail cores).
- (ix)** This reduction does not apply if the permission in question is also benefitting from a discount under (xvi) relating to protected structures.
- (x)** A 33% reduction shall apply to NEW development in IDA owned Business Parks and supported by IDA Ireland.
- (xi)** 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.
- (xii)** Renewable energy development with a capacity up to 0.5MW will be exempt.
- (xiii)** Developments for which either public piped sewerage services or water services are unavailable will be exempted from the contribution amount attributable to the water and drainage class of public infrastructure and facilities;

(xiv) 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.*

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

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

(xvii) 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.

(xviii) 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).

(xix) Change of use: In respect of 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. Where the former use is fully authorized and any levies that might have applied to that use have been paid, credit will be given for the previous use.

(xx) Demolition and Rebuild: Where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable will be net of the quantum of development previously paid for. Where the former use is fully authorized and any levies that might have applied to that use have been paid, credit will be given for the previous use.

(xxi) 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

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

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

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

8.0 Payment of Contributions

8.1 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 the Council.

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.

8.2 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.

8.3 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.

8.4 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.

- 8.5** 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.
- 8.7** 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 as amended.

9.0 Ring-Fencing of Income

Money accruing to the Council under the Scheme must be accounted for and can only be applied as capital for public infrastructure and facilities. 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. 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.

10.0 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 adopted contribution scheme have not been properly applied in respect of any condition laid down by the Planning Authority.

11.0 Duration of Scheme

This Development Contribution Scheme is adopted for a maximum period up to the 31st December, 2020.

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, 2020.

12.0 Special Development Contributions

Westmeath County 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. Conditions requiring the payment of Special Contributions may be appealed to An Bord Pleanála.

13.0 Supplementary Development Contribution Scheme

There is one current Supplementary Development Contribution Scheme that applies but only in the area covered by the Mullingar Local Area Plan 2014-20200:

Clonmore Link Road & Robinstown Link Roads, Mullingar

14.0 Appendix

Appendix 1 is an Indicative List of projects that may be considered for funding under the Development Contribution Scheme. It should be noted that this list is not exhaustive and may be subject to change.

Ends.

Appendix 1 - Likely Cost of Development to Development Contribution Scheme - Indicative Schemes:

CLASS A

Open Spaces, cultural, recreational and community facilities, amenities and landscaping works, town and village improvement – including land acquisition.

Parks

Provision of Public Parks to:

- Robinstown, Mullingar
- Moate
- Castlepollard

Enhancement of existing Parks in Towns and Villages

Walks

Fore – Mullingar - Kilbeggan (styles, footbridges)

Improvement of access to Knockastia Hill at Coolatoor

River Brosna riverside walk through Kilbeggan

Development of a linear park with walkway / cycleway between Lough Owel and Lough Ennell through Mullingar

Walking and cycling to links throughout the county

Lakes

Provision of viewing / picnic areas and improved access / amenities in selected locations:

- Along Lough Ree Trail (including passing bays)
- Off N55 at Auburn Crossroads
- At Coosan Point (including bathing area)
- Develop a link between the inner lakes and Glasson
- Develop Portlick
- Gartlandstown, Lough Derravaragh, “Sailor’s Garden” Finea, Lough Sheelin, Donore and The Cut, (Lough Lene)
- Lilliput, Ladestown and Tudenham L Ennell
- At Lough Owel
- Lough Iron and surrounding countryside from County Road 126 at Balrath
- Swimming facilities at Portnashangan, Lough Owel
- Portloman, Lough Owel
- Lough Derravaragh from Road 47 between Leney and Multyfarnham
- Slipway and landscaping at Tullaghan, Lough Owel

Open Space

Provision of high quality, public open spaces including town and village parks, localised public open spaces and play areas in Towns and Villages

Integrate open space areas into the fabric of Athlone town by means of pedestrian path systems

Amenity works Mullingar:

- Development of the feeder canal linking Lough Owel and Mullingar
- Link south of Mullingar to Lough Ennell
- Open space strategy for Mullingar
- Selective planting in the Clonmore area and along the western link road

Improvement of facilities and provision of signage at:

- Fore, Finea and Goldsmith country

General environmental improvements across the county and investment in sporting, cultural and recreational facilities.

COST TO SCHEME €3.74 million

CLASS B

Roads, car parking, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures – including land acquisition.

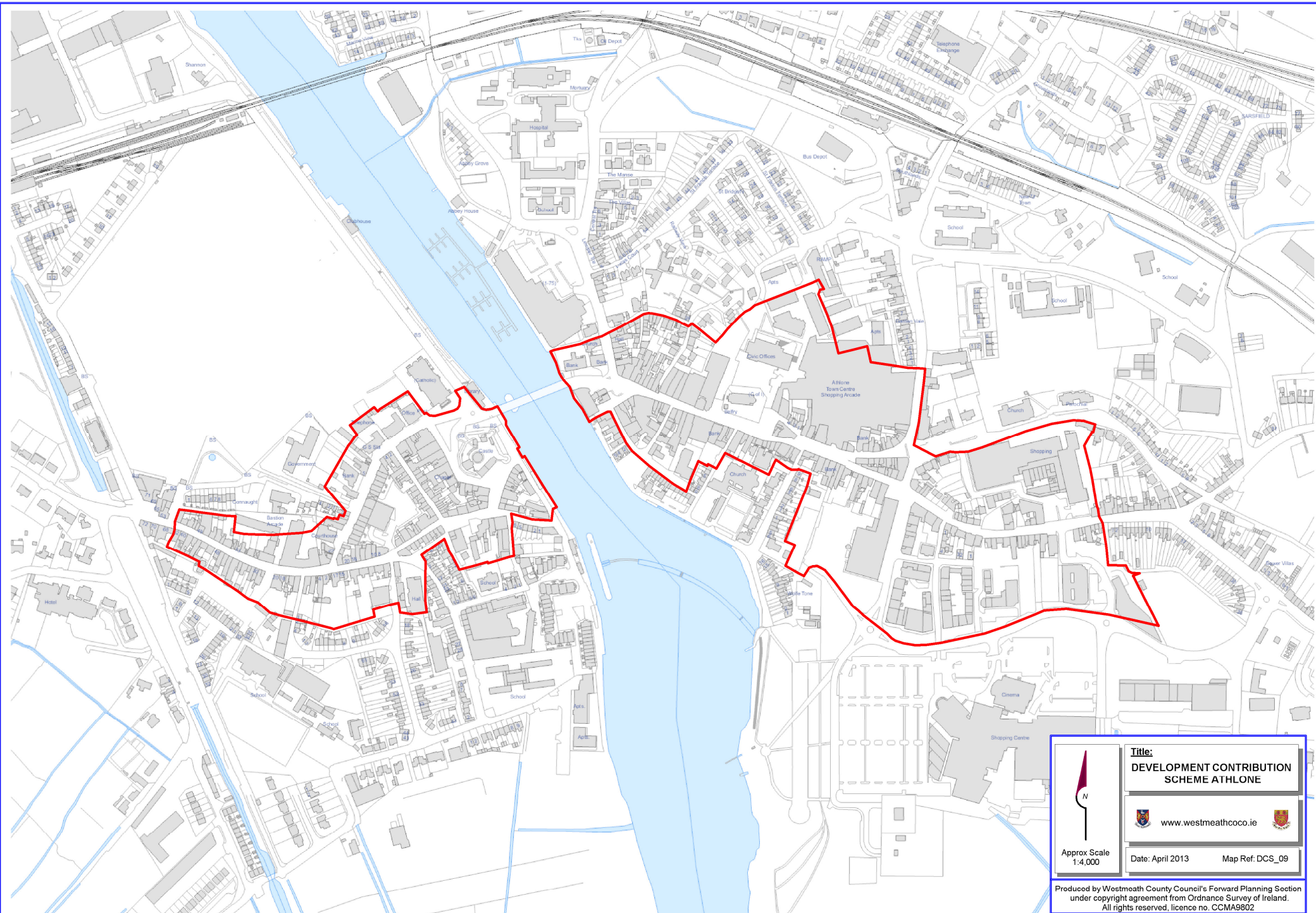
Westmeath County Council Transportation Projects (2012-2020)

Project

Robinstown Link Canal Road
Robinstown Avenue
Garrycastle Rail Bridge Athlone
Ardmore Road Link Mullingar
Bleach Yard Link and Grove St widening
Taughmon to Crookedwood
Camagh Road Link Kilbeggan
College Road Mullingar
Walderstown R390 Realignment
Weldons Cross Roundabout Mullingar
Daracom R156 Roundabout Mullingar
Traffic Management at Mullingar Hospital
Killucan Road Roundabout Kinnegad
Ardmore Road Footpaths
Ardmore Road to Russelstown Road link
Car Parks
Lynn to Mullingar Business Park Link
Traffic Signals - Upgrading
Saunders Bridge Pedestrian link

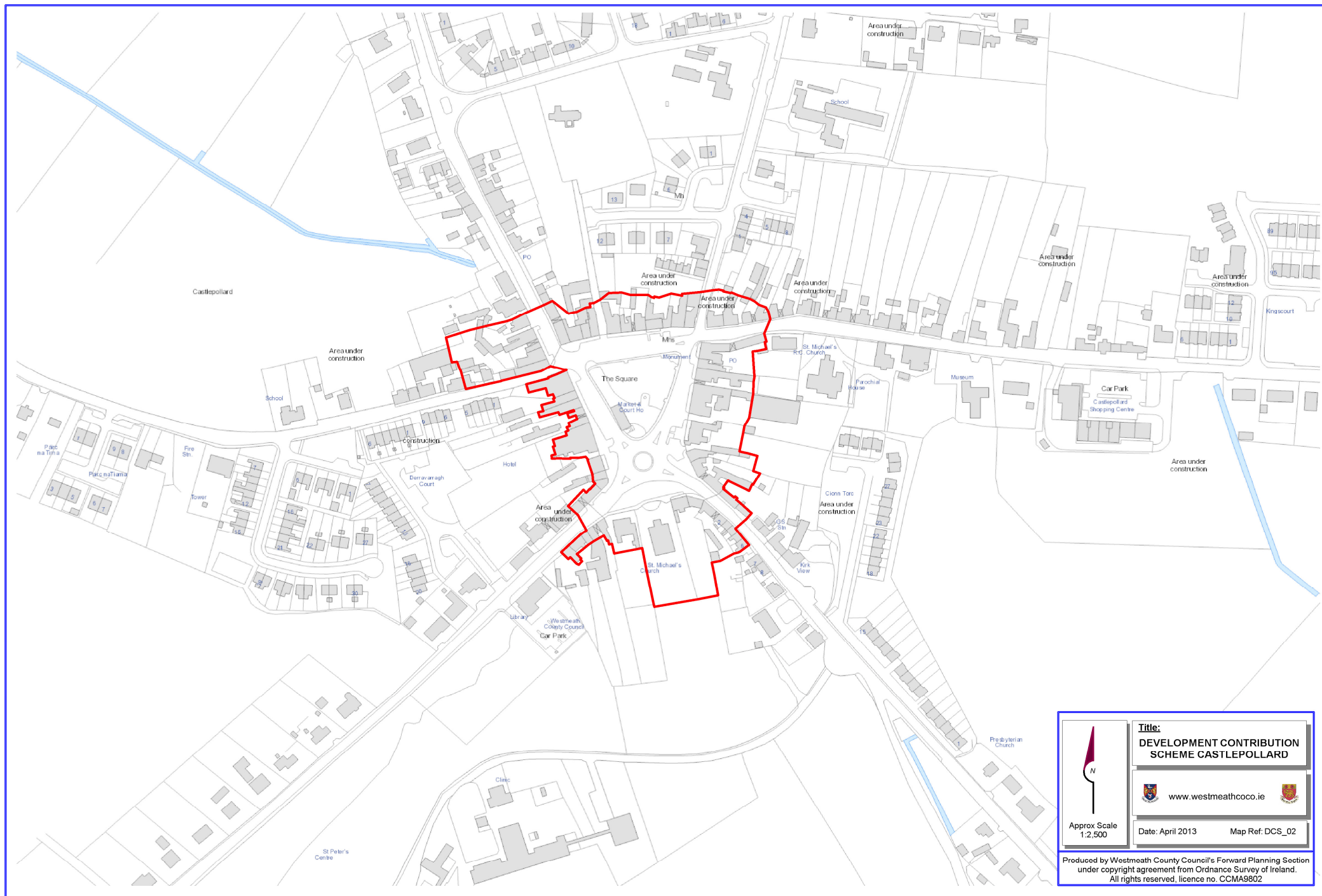
Longford Road Pedestrian link
 Bus Service Infrastructure
 Pedestrian Links Across Royal Canal
 Patrick St to Met Station to Fair Green
 R392 Skeagh Hill Climbing lane
 Tullamore Road to Clara Road Link, Kilbeggan
 R446 to L1223 Camagh Road Link
 Mullingar Road to Castlelost Road Link, Rochfortbridge
 Rail crossing on Mount Temple Road, Moate
 N6 / Windmill Road junction improvement
 Railway Link Road Athlone
 Cornamaddy Roundabout Athlone
 Lidl / IDA junction Athlone
 Glen / Two Mile junction Athlone
 Cornamaddy to Coosan Link, Athlone
 R446 Bunavalley junction, Athlone
 Roscommon Road / Tuam Road junction, Athlone
 Magazine Road/ Talbot St junction, Athlone
 CIE Link Road, Moate
 Cycleways
 Traffic Calming
 Traffic Management
 Public Realm and Streetscape Improvements
 Footpaths




WCC Total
€19.14m

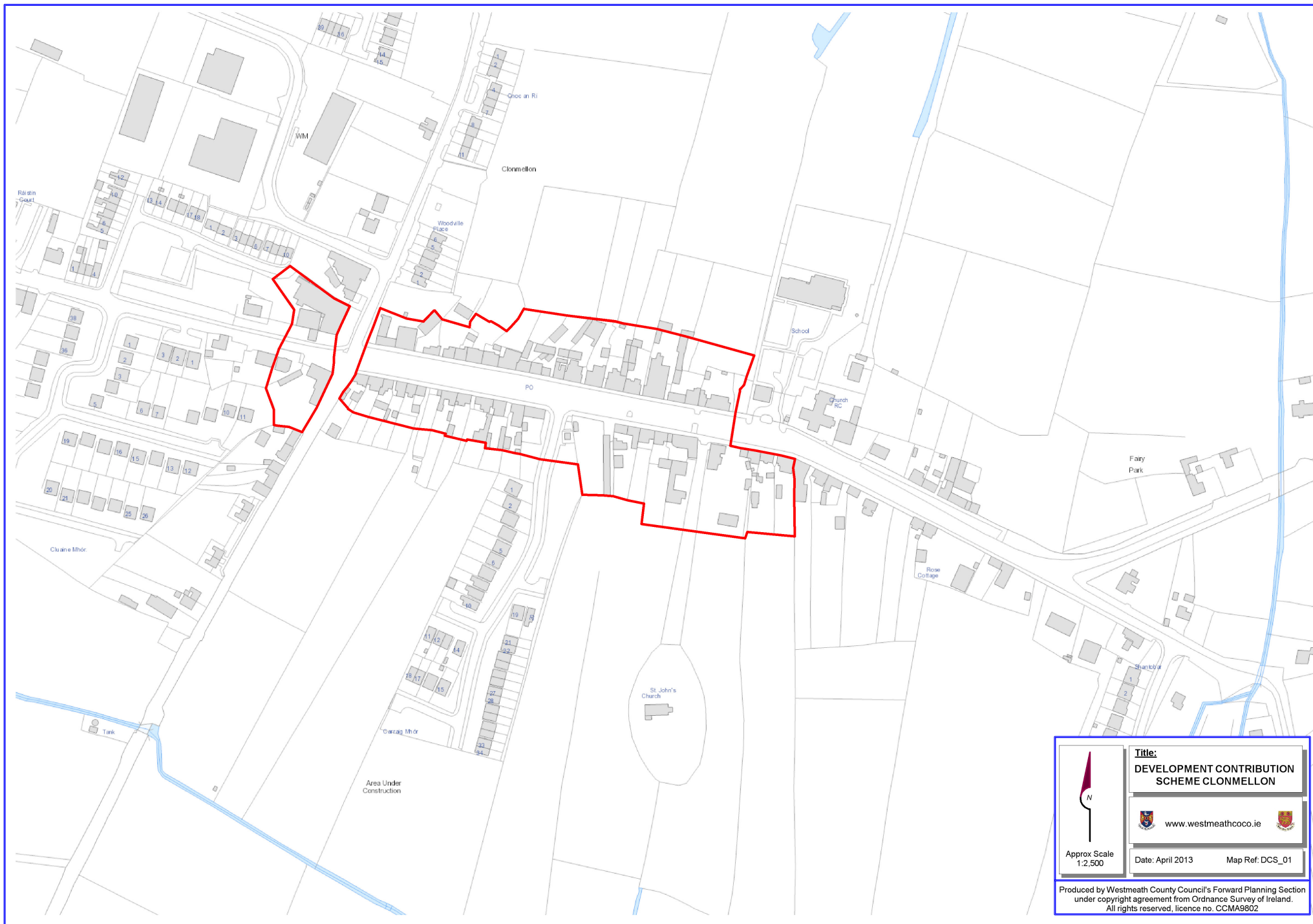


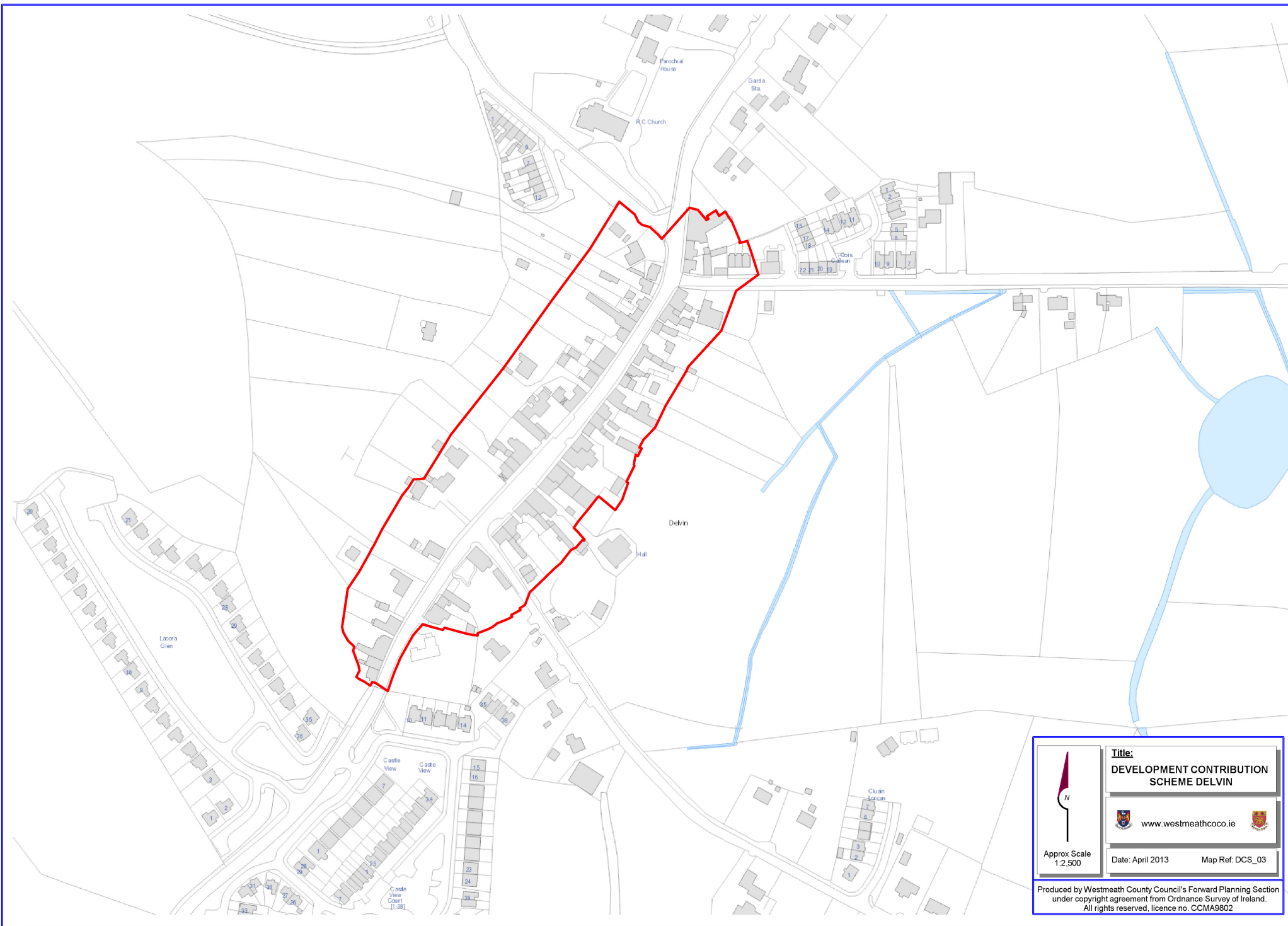
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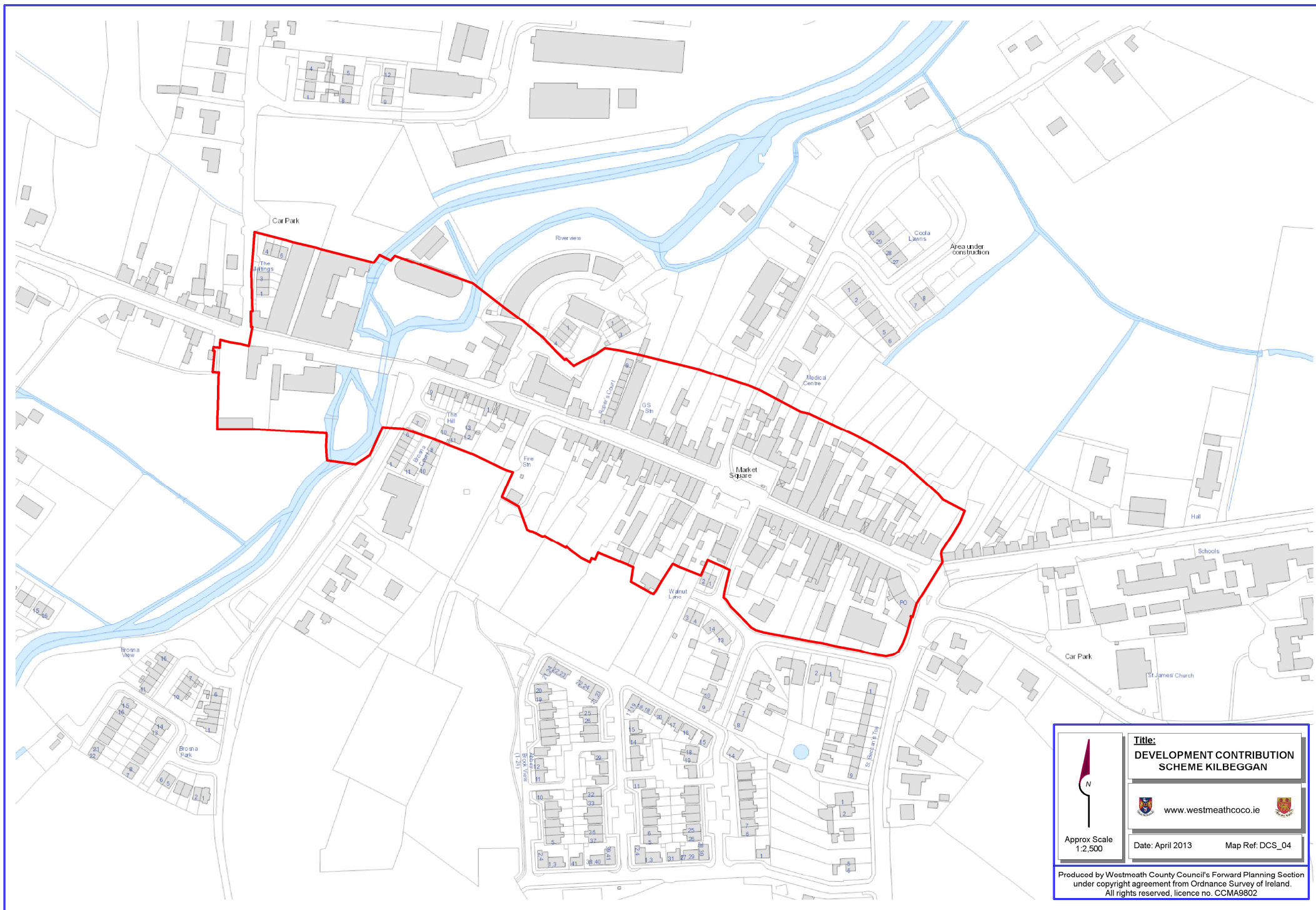
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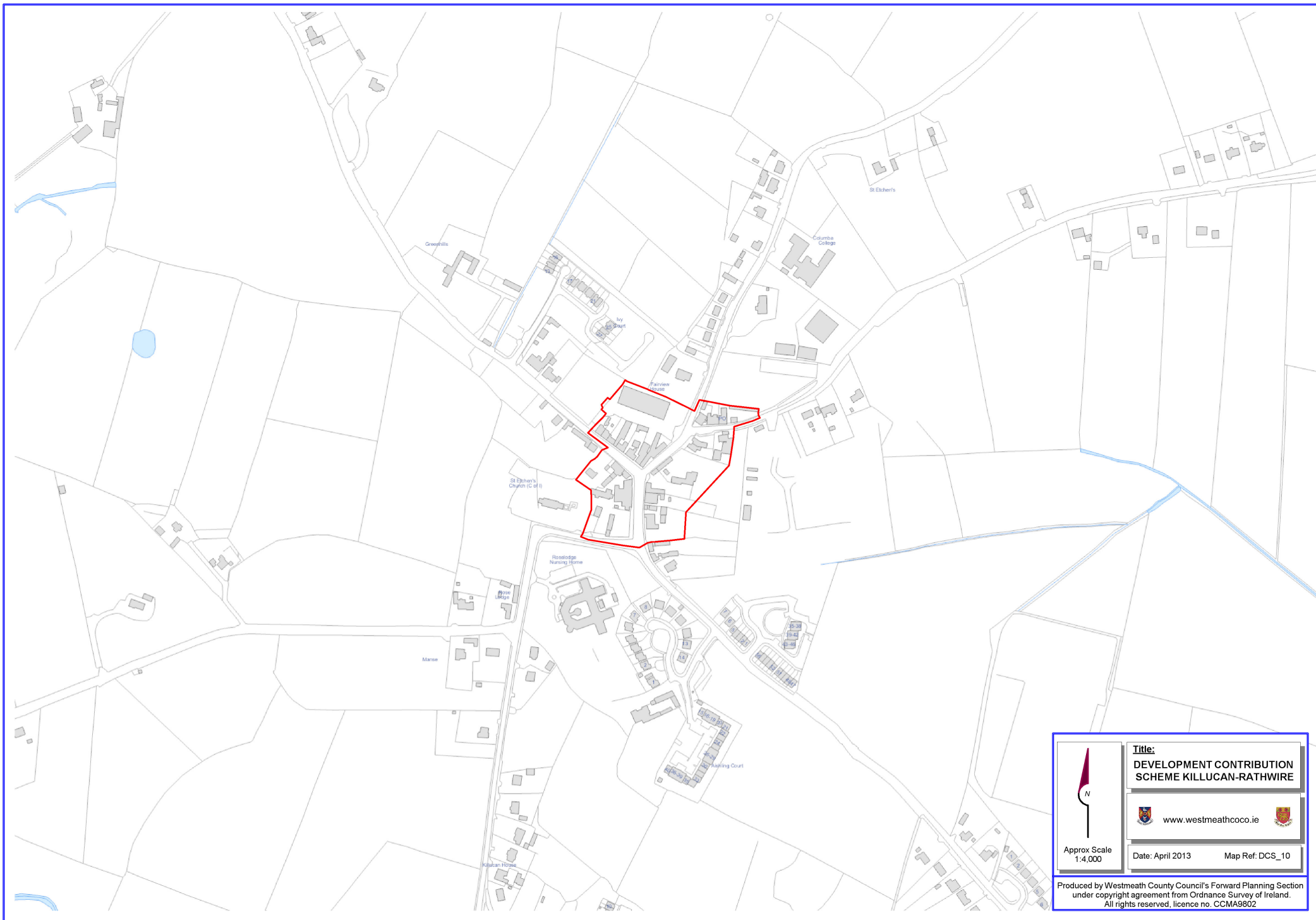
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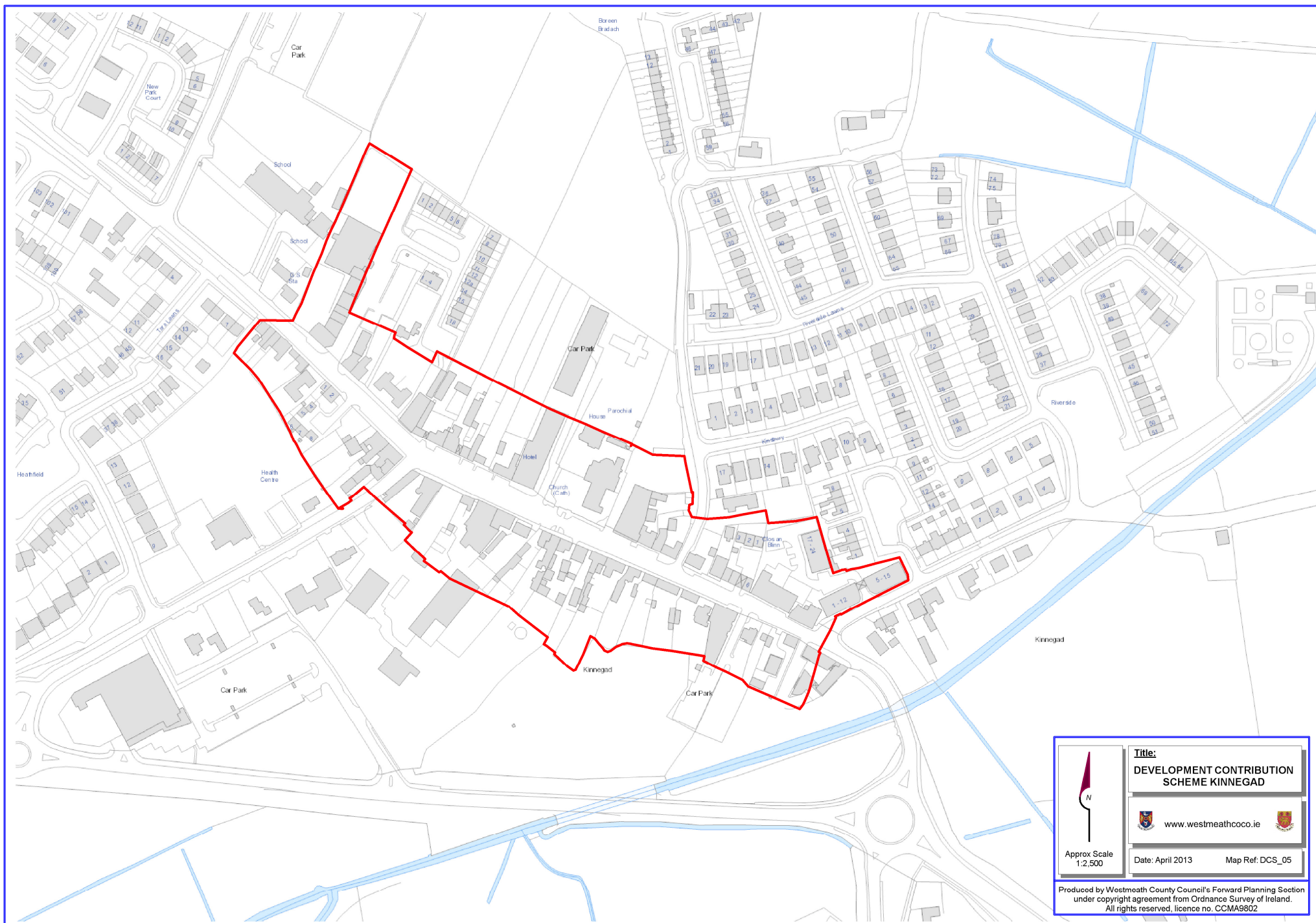
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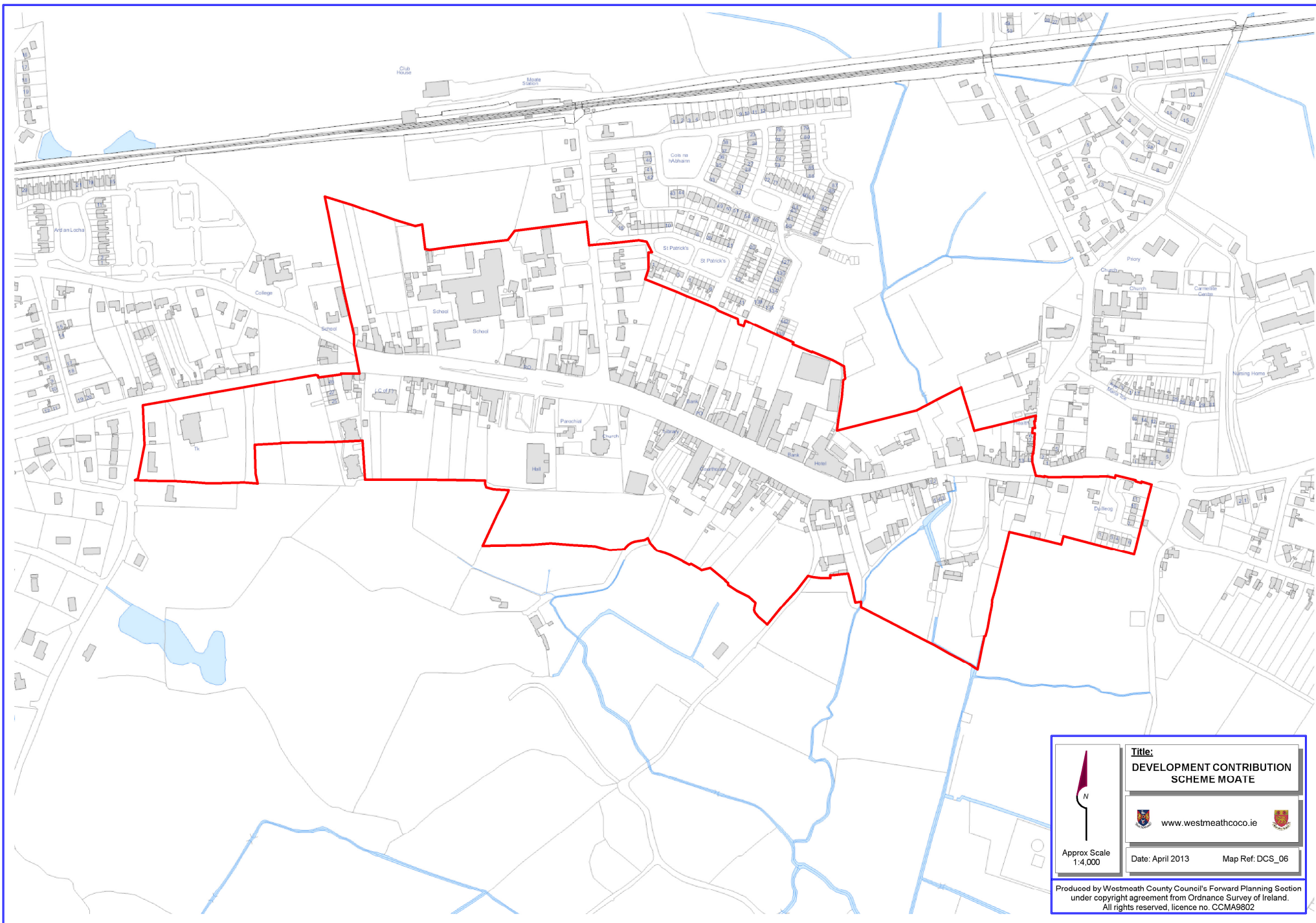
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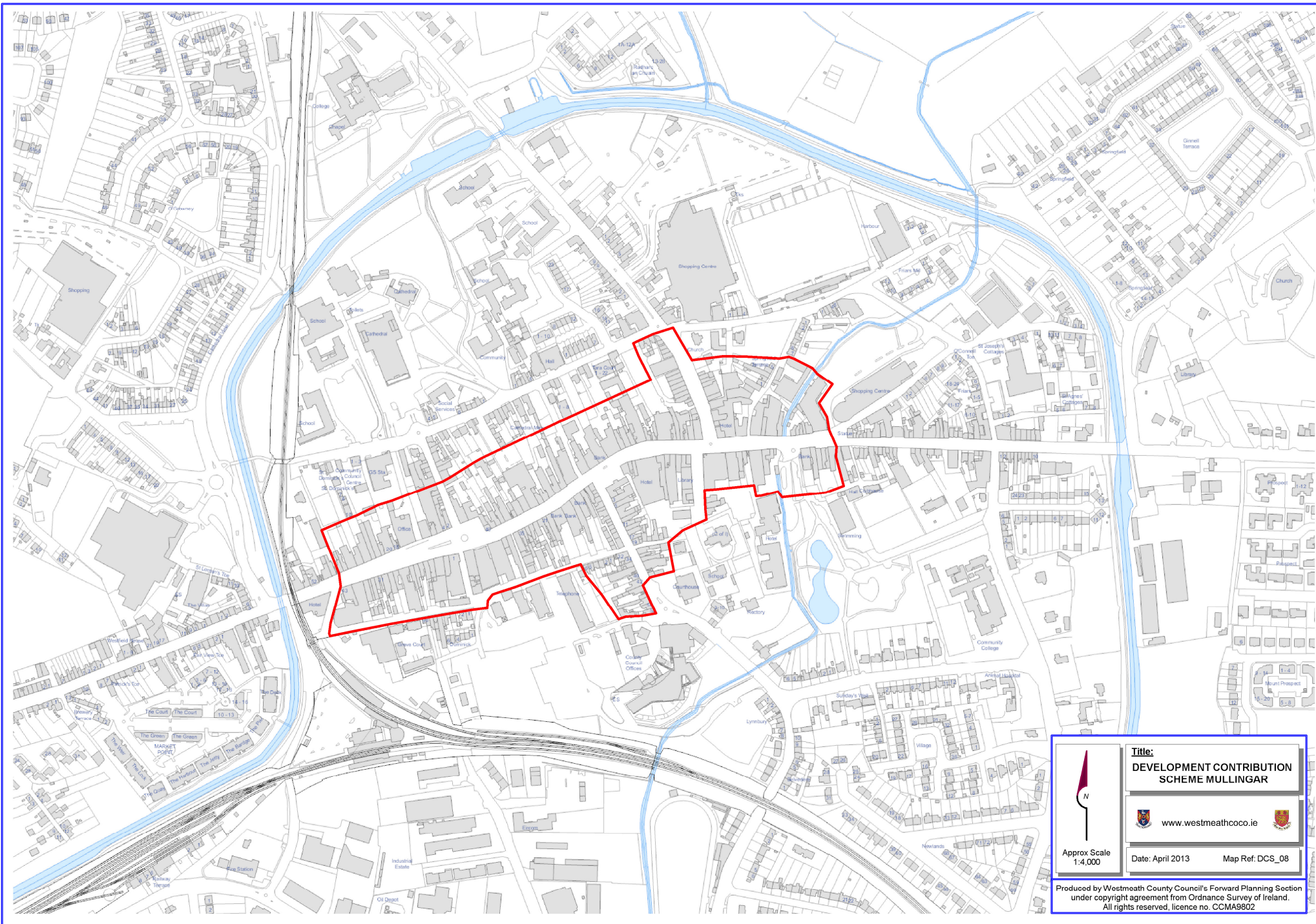



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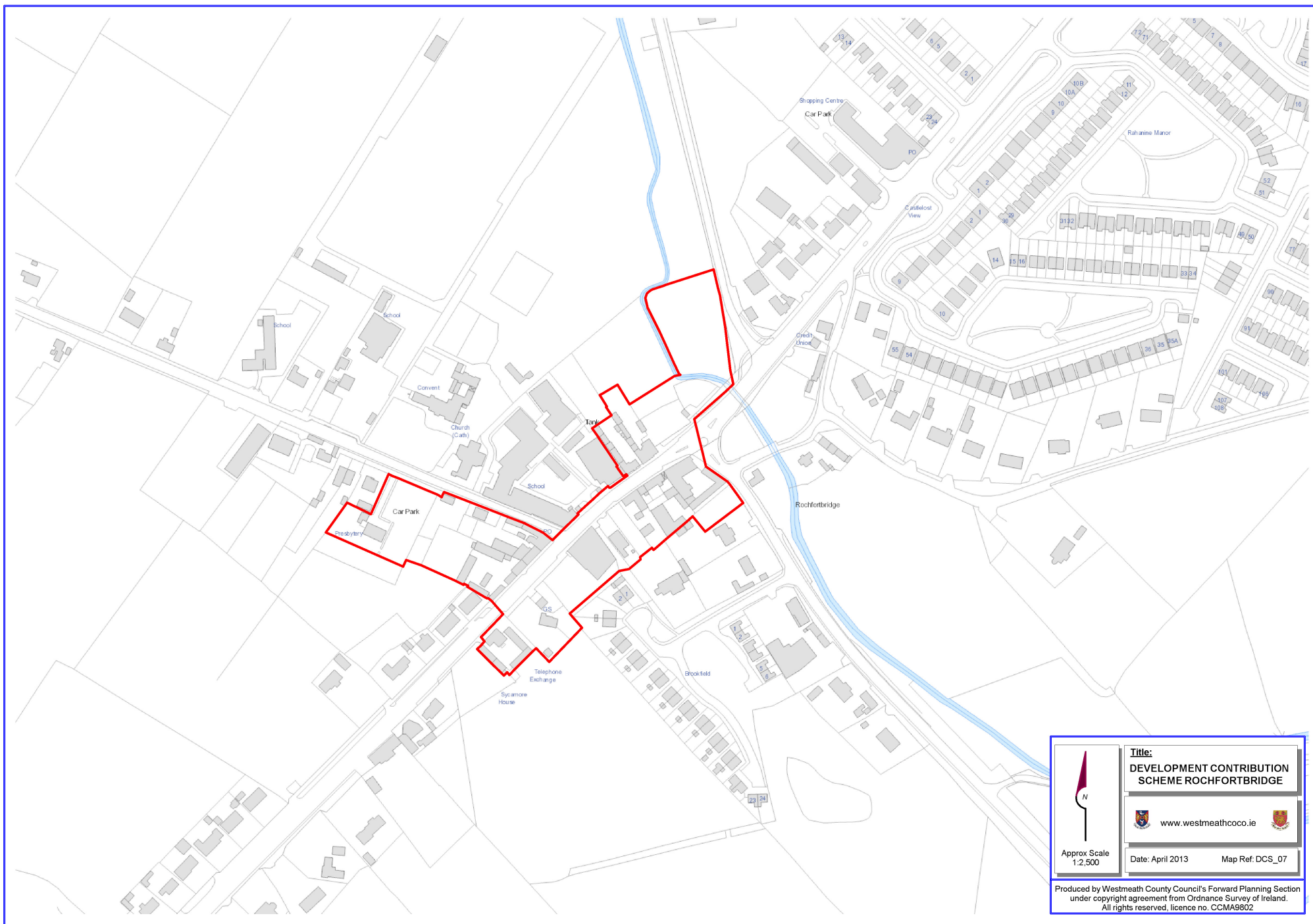


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