

LIMERICK COUNTY COUNCIL



**DEVELOPMENT CONTRIBUTION SCHEME
2009-2013**

Effective from 1st January 2009.

DEVELOPMENT CONTRIBUTION SCHEME LIMERICK COUNTY COUNCIL
2009-2013

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DEVELOPMENT CONTRIBUTION SCHEME
LIMERICK COUNTY COUNCIL 2009-2013

1. BACKGROUND:

Limerick County Council in common with other Local Authorities throughout the state is required to source considerable amounts of money annually to fund a variety of public infrastructure projects. Projects include for example road construction and improvements, the construction and upgrading of water supply and waste water systems, the provision of amenities such as open space and playgrounds and environmental improvements. Such infrastructure in turn directly benefits a wide range of existing developments throughout the County (e.g. residential, commercial, industrial), enables future development to proceed and enhances the quality of life of the people who live, work, visit and do business in our County.

Much of the funding for such infrastructure comes from external sources (e.g. Government Grants). However, there is significant shortfall which must be sourced from elsewhere. In the context of the above it is believed that it is reasonable to expect that developers, large and small, contribute in a fair and equitable way to the cost of such beneficial infrastructure by way of Development Contributions. Furthermore the principle of Development Contributions is enshrined within Section 48 of the Planning and Development Acts 2000-2006, which details the methodology and guiding principles by which such Development Contribution Schemes should be arrived at. This legislative context is outlined in Section 3 below.

The scheme was approved by the Council on the 24th November 2008 and comes into effect from 1st January 2009.

2. OBJECTIVES OF THE SCHEME:

The primary objectives of the Development Contribution Scheme are :

- To provide a mechanism for developers and other planning applicants to contribute to the cost of public facilities that benefit their area.
- To provide more flexibility for local authorities by allowing them to fund public infrastructure without necessarily tying it to specific development.
- Provide transparency in the way contributions are levied and applied.
- Allow Local Authorities to manage and maintain growth by providing key infrastructure to support development. Some of this infrastructure will benefit from grant assistance from Central Government. However, significant costs must be borne by Limerick County Council. It is essential therefore, that Limerick County Council has an appropriate Development Contribution Scheme to support the funding of this vital infrastructure.
- Much work will be carried out in the upgrading, provision or replacement of roads, car parks, sewers, water supply and wastewater facilities, drains and water mains. In addition a significant amount of funding will be expended in the

provision of public playgrounds, public parks, developments for special needs and community childcare facilities.

3. LEGISLATIVE CONTEXT:

Planning and Development Acts 2000 to 2006

- Section 48(1) of the Planning and Development Act 2000-2006 outlines that a planning authority, when making a grant of permission, may include a condition 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 intended to be provided by or on behalf of the Local Authority regardless of other sources of funding for the infrastructure and facilities.
- The Planning and Development Act provides that the making of the Scheme is a reserved function of the Planning Authority.
- Section 48(2) requires that the basis for the determination of a contribution under Subsection (1) shall be set out in a Development Contribution Scheme made under this section.
- Section 48(3) 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.
- A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.
- A planning authority may facilitate the phased payment of contributions and may require the giving of security to ensure payment of contributions.
- The Act provides that in the event of non-payment of a contribution in accordance with the terms of the condition, a planning authority may require the payment of a contribution together with interest that may have accrued over the period while withheld by the person required to pay the contribution.

4. TYPES OF DEVELOPMENT CONTRIBUTIONS

The Act provides for three types of development contributions that may be attached as conditions of planning permissions:

- (a) General Development Contributions (Section 48 – Principal Contribution Scheme)
- (b) Supplementary Development Contributions (Section 49)
- (c) Special Development Contributions (Section 48(2)(c)).

Both General and Supplementary Contributions are based on a scheme adopted by members of the local authority.

(a) General Development Contribution Schemes (Section 48 of P&D Act 2000-2006)

These contribution schemes apply in respect of public infrastructure and facilities provided by or on behalf of the Local Authority that benefit development in the local authorities functional area. Section 48 (1) of the Planning and Development Act 2000-2006 outlines that a planning authority, when making a grant of permission may include a condition requiring the payment of a contribution in respect of public infrastructure and

facilities. This section also indicates that such contributions may be related to works benefiting development in the area of the planning authority rather than facilitating the proposed development as in Section 26 (2) (h) of the Planning and Development Act 1963. In determining the General Development Contribution Scheme the above provisions shall apply.

The type of public infrastructure and facilities that can be funded by this mechanism are:

- (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.
- (f) Any matters ancillary to paragraphs (a) to (e).

(b) Supplementary Development Contributions (Section 49).

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 and which will directly benefit the development on which the levy is imposed.

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. However the scheme must in addition specify the area or areas within the functional areas of the planning authority where the scheme will apply and the particular public infrastructure project or service for which the scheme is being applied. In the area for which the scheme is adopted these contributions will be payable in addition to those payable under Section 48.

In this section, “public infrastructure project or service” means –

- (a) the provision of particular rail, light rail or 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.

In determining the Supplementary Development Contribution Scheme the above provisions shall apply.

Limerick County Council does not propose to make a Supplementary Contribution Scheme at this time but may do so, if necessary, at a future time.

(c) **Special Development Contributions (Section 48(2)(c))**

This provides for a Special Development Contribution where exceptional costs not covered by the general contribution scheme are incurred by a local authority in the provision of a specific public infrastructure or facility. The Planning Authority may require the payment of a Special Development Contribution in addition to a contribution under the General Scheme.

5. **BASIS FOR THE DETERMINATION OF THE DEVELOPMENT CONTRIBUTION SCHEME 2009 - 2013**

The Council used the following methodology as the basis for determining the Development Contribution Scheme 2009-2013:-

- a) The Council considered the objectives contained inter alia in the County Development Plan 2005-2011, the Local Area Plans within the functional area of the Council, the Corporate Plan 2004-2009, Limerick County Development Board Strategy on Economic, Social & Cultural Development 2002-2011, Limerick County Council's Housing Strategy 2005-2011, Retail Strategy, National Spatial Strategy 2002-2020, Transport 21, National Development Plan, Regional Planning Guidelines and the Water Services Investment Programme.
- b) The Council conducted an examination/analysis of:
- Residential Planning Applications Commenced on a Countywide basis (over the period 2004-2007 and part of 2008).
 - Housing Completion Rates on a Countywide basis (over the period 2004-2007).
 - Analysis of Non-Residential development commenced from 2004-2007 and from this an estimation of the amount of non-residential floorspace per annum which the Council is likely to grant.
 - Analysis of Indexation from 2002 to 2008 – figures taken from Central Statistics Office.
 - Analysis of Housing Strategy projections, population projection and economic forecasts.
 - Each Directorate of the Council considered the potential costs of programmed works and estimated the monies required from the Development Contribution Scheme.

Note: Costs recoverable from the non-domestic sector in accordance with the Government's Water Pricing Framework should be excluded from the determination of the Scheme.

- (c) New or improved services are necessary for new development but also benefit existing developments. Only that part of the capital expenditure which will benefit new or improved services is used in the calculations of the amounts to be met by the levies on new development.

6. SCHEDULE OF CHARGES:

The charge levels under Limerick County Council's Contribution Scheme are broken down under the following service headings:

Roads: This charge will contribute to improvements to roads in the County.

Water: The charge for water includes the upgrading of existing and the construction of new water treatment works and mains.

Waste Water: The cost of improvement to and upgrading of existing facilities and the provision of new wastewater systems comes from this charge. This will also assist in funding the Council's policy on the provision of water and waste water services in small towns and villages.

Open Space/Community: The charge made in relation to open space and community goes towards the provision of open spaces, parks, playgrounds, recreational facilities and walkways. It also contributes to Urban and Village Renewal works and other community facilities including tourist related development.

A breakdown of rates levied on both Residential and Commercial/Industrial Developments are set out under '**Rates of Contribution**' at page 10. This scheme reflects the rural nature of County Limerick, the very large number of small settlements throughout the county and the many objectives, included in the County Development Plan and Local Area Plans. The Development Contribution Scheme will be used to fund the provision of infrastructure to address the rural and dispersed settlement pattern of the county and for projects which are not likely to attract E.U. or Government funding because of their relatively low rating in terms of national funding priorities. An example would be the funding of the Council's policy on "Water & Sewerage Services in Small Towns and Villages". This funding has allowed and will continue to allow Limerick County Council to enhance the provision of services to facilitate development in towns and villages and this will be in addition to the normal funding provided by Government for these services.

The Contribution Scheme has been divided under the following headings:

- A. Environs (The zoned area in the District Development Plans for Castletroy and Southern Environs)
- B. Towns with Sewerage Schemes in Place.
- C. Other Towns & Villages without Sewerage Schemes
- D. Individual House outside settlements
- E. Other Uses

7. EXEMPTIONS:

Exemptions from contributions may be granted in respect of the following categories:

- Social housing.
- Developments in towns and villages which represent residential infill.

- Where an old or derelict dwelling is being reconstructed in sympathy with its existing character, or where an old building of character is being reused as a dwelling including protected structures.
- Where residential development is taking place on a site designated for tax incentives under the Urban or Town Renewal Schemes.
- Development by voluntary organisations/voluntary or co-operative housing bodies as outlined in Part 12, Article 157 (2) of the Planning & Development Regulations 2001-2008.
- Community developments provided by non-profit making organisations.
- Provision of facilities by organisations which are considered to be exempt from planning fees as outlined in Part 12, Article 157(1a-c) of the Planning & Development Regulations 2001-2008.
- Burial grounds
- The provision of transmission or distribution lines for conducting electricity or telecommunication lines.
- Developments provided for individuals who are in receipt of funding under Housing Adaptation Grant Scheme in respect of new developments.

8. INDEX LINK ADJUSTMENT:

It was agreed by the Council when adopting the scheme that no index link adjustment would be made for the initial 30 month period i.e up to 30th June 2011. The position would be further reviewed at that stage.

9. OUTLINE PERMISSIONS:

Where contribution amounts have been specified in outline permissions, these amounts will be the amounts applied to decisions issuing at permission consequent/approval stage updated in line with the said Wholesale Price Index. If the contribution is not stated, the contribution rate applicable at the time of the decision on the Permission Consequent/Approval will be applied.

10. PAYMENT OF CONTRIBUTIONS

- a) Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all relevant decisions to grant planning permissions made following the making of the Scheme by the Council.
- b) The contributions under the Scheme shall be payable prior to commencement of development. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as referred to in section 9 above.
- c) The Planning Authority 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.
- d) Consideration will be given to the provision of specific infrastructural works and facilities by a developer and other planning applicants in lieu of payment of development contributions subject to the written agreement of the Planning Authority.

11. APPEALS TO AN BORD PLEANĀLA

An appeal may be brought to the Board where the applicant for planning permission under Section 34 of the Planning and Development Acts 2000-2006 considers that the terms of the Scheme have not been properly applied in respect of any conditions laid down by the Council.

12 REVIEW OF SCHEME –

It is intended that the Development Contribution Scheme will last for 5 years. However the Scheme may be reviewed at anytime during its lifetime (2009-2013) if so decided by the Council

13 ANNUAL REPORT

The Annual Report of Limerick County Council shall indicate the monies paid to and owed to the Council under Section 48 and how this money was spent.

14 LIMERICK CITY BOUNDARY ALTERATION

In regard to any planning application made or planning permission granted prior to the 1st March, 2008 and which relates wholly or impart to the relevant areas covered by the boundary extension as set out under Statutory Instrument No. 53 of 2008, such applications will be regulated by Limerick County Council's Planning Contribution Scheme which existed on the 1st March, 2008 i.e. the date of the boundary extension as provided for under Statutory Instrument No. 54 of 2008.

15. RATES OF CONTRIBUTIONS

The rates of contributions for Limerick County from 1st January, 2009 are set out on the attached Sections A to E inclusive. It should be noted that these rates may be subject to a review after the initial 30 month period i.e after 30th June 2011.

LIMERICK COUNTY COUNCIL

DEVELOPMENT CONTRIBUTION
SCHEME 2009-2013

(15) Rates of Contribution

APPLICABLE FROM 1ST JANUARY 2009

**DEVELOPMENT CONTRIBUTION SCHEME
Limerick County Council**

Applicable from 1st January, 2009

A Environs (The zoned area in the District Development Plans for Castletroy and Southern Environs)

Residential Development (up to 200 square metres)

Services:	Rate
Water	€1,094
Sewerage	€2,188
Open Space/ Community and other public infrastructure and facilities as defined in Section 48 of the Planning and Development Act, 2000	€2,188
Roads	€6,016
Total	€11,486 per unit

For development over 200 square metres the additional square metres will be charged at a rate of €57 per square metre.

Apartments are charged at 75% of a residential unit.

Non- Residential Development – per 100 square metres

Services	Rate
Manufacturing	€5,743
Offices	€17,000
Retail/ Retail Warehouses	€15,161
Warehouses	€5,743

Note: Development contributions in regard to non- residential development will be adjusted in line with the Water Pricing Framework.

**DEVELOPMENT CONTRIBUTION SCHEME
Limerick County Council**

Applicable from 1st January, 2009

B Towns with Sewerage Schemes in Place

Residential Development up to 200 square metres

Services	Rate
Water	€1,094
Sewerage	€1,094
OS/ Community and other public infrastructure and facilities as defined in Section 48 of the Planning and Development Act, 2000	€1,094
Roads	€1,860
Total	€5,141 per unit

For development over 200 square metres the additional square metres will be charged at a rate of €26 per square metre.

Apartments are charged at 75% of a residential unit.

Non- Residential Development – per 100 square metres

Services	Rate
Manufacturing	€2,571
Offices	€7,603
Retail/ Retail Warehouses	€6,782
Warehouses	€2,571

Note: Development contributions in regard to non- residential development will be adjusted in line with the Water Pricing Framework.

**DEVELOPMENT CONTRIBUTION SCHEME
Limerick County Council**

Applicable from 1st January, 2009

C Other Towns & Villages (Key Settlements) without sewerage schemes

Residential Development up to 200 square metres

Services	Rate
Water	€1,094
Sewerage	
OS/ Community and other public infrastructure and facilities as defined in Section 48 of the Planning and Development Act, 2000	€1,094
Roads	€1,860
Total	€4,047 per unit

For development over 200 square metres the additional square metres will be charged at a rate of €18.50 per square metre.

Apartments are charged at 75% of a residential unit.

Non- Residential Development – per 100 square metres

Services	Rate
Manufacturing	€2,024
Offices	€6,016
Retail/ Retail Warehouses	€5,360
Warehouses	€1,969
Other non agricultural uses	€4,047

Note:

- The charges set out above will apply to non-residential development in any location other than those listed in A(Environs) or B (Towns with Sewerage Schemes in place).
- Development contributions in regard to non-residential development will be adjusted in line with the Water Pricing Framework.

DEVELOPMENT CONTRIBUTION SCHEME
Limerick County Council

Applicable from 1st January, 2009

D Individual house outside settlements

Residential Development up to 200 square metres

Services	Rate
Water	€1,094 #
Sewerage	
OS/ Community and other public infrastructure and facilities as defined in Section 48 of the Planning and Development Act, 2000	€1,094
Roads	€1,860
Total	€2,954/€4,047 per unit

For development over 200 square metres the additional square metres will be charged at a rate of €17.50 per square metre.

Apartments are charged at 75% of a residential unit.

Will only apply if receiving a water supply from a public main (including Group Water Schemes receiving a water supply from a public main) or if public main is running alongside development.

DEVELOPMENT CONTRIBUTION SCHEME
Limerick County Council

Applicable from 1st January, 2009

E. Other Uses

Class of Development	Rate
Agricultural development where the development exceeds the Environmental Impact Assessment threshold as specified in the Planning and Development Regulations, 2001-2002	€2,871 per 100 square metres
The use of land for – a) the mining and working of minerals, including quarrying b) the deposit of refuse or waste	€1,094 per hectare. In addition, a Special Contribution Scheme will be applied to these developments on an individual basis.
The use of land as a Golf Course or a Pitch and Putt Course	€219 per hectare. In addition, Club houses and other related buildings will be charged at €5743 per 100 square metres
The use of land for – a) the keeping or placing of any tents, campervans, caravans or other structures, for the purpose of caravanning or camping or the sale of goods b) the parking of motor vehicles c) the open storage of motor vehicles or other objects or substances	€5,470 per hectare
The provision on, in over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes	€219 per square metre
The provision of an advertising structure or the use of an existing structure or other land for the exhibition of advertisements	€15 per square metre of advertising
Wind Farm Development	€2,188 per turbine
Telecommunication Structures (including Masts)	€2,188 per structure
Development not previously mentioned in the Scheme	€5,743 per 100 square metre.

APPENDIX A

RANGE OF CAPITAL AND OTHER PROJECTS TO BE FUNDED FROM THE DEVELOPMENT FUND:

The tables below lists a sample of projects to be funded from the Development Fund for the period 2009 - 2013.

Table 1: Water Service Programme

Scheme/Project Title	Allocation from Development Fund 2009-2013
WPP Contribution under WSIP:	
5 Wastewater – Askeaton, Athea, Foynes, Glin & Shanagolden	
Watermain Croom Link	
Kilmallock Sewerage Scheme	
Mungret Sewerage Scheme	
Adare-Patrickswell Trunkmain	
Adare-Patrickswell Sewerage Scheme	
Pallasgreen/Bruff/Hospital/Dromcollogher Sewerage Schemes (4 Towns)	
Montpelier Sewerage Scheme	
East Limerick Trunkmain	
Remedial Action Works	
Total	€20m

Table 2: Small Towns & Villages PPP Initiatives

Scheme/Project Title	Allocation from Development Fund 2009-2013
Small Towns & Villages Initiatives/Small Capital Schemes:	
Athea	
Oola	
Knocklong	
Galbally	
Kileedy	
Herbertstown	
Athlacca	
Ballylanders	
Ballyagran	
Tournafulla	
Ballyneety	
Shanagolden	
Total	€20m

Table 3: Roads & Transportation Infrastructural Projects

Scheme/Project Title	Allocation from Development Fund 2009-2013
Castletroy Distributor Rd, Phase 3, Gold Links Road to Groody Road	
Bloodmill Road Realignment	
Golf Links Road	
Oola Village – Main St.	
Retrofit Cyclelanes Castletroy	
Fedamore Junction	
Newcastlewest Distributor Road	
Area Schemes	
Village Renewal	
Town Renewal	
City Environs Renewal	
Bridges	
Signage	
Public Lighting	
Housing Estates	
Traffic Calming	
Traffic Management	
Distributor Roads	
Total	€40m

Table 4: Community & Enterprise Projects

Scheme/Project Title	Allocation from Development Fund 2009-2013
Castletroy Public Park	
Ballykeefe Public Park	
Public Parks Development Works	
Tourism Projects incl. Adare Heritage Upgrade; Kilmallock Heritage; Lough Gur; N69 Project; Curraghchase; Askeaton-Foynes-Glin; Walking Routes; Cycling Routes; River Trails etc.	
Kilmallock Heritage Centre	
Kilmallock Conservation of Walls; Historic Walk; Interpretative Signage	
Arts Projects: St. Josephs Church, Knockainey	
All Saint's Church Castleconnell	
Honey Fitz Theatre Lough Gur	
Glenbrohane Arts Community Resource	
Friar's Gate Kilmallock	
Artists Spaces Cappamore	

Community Playgrounds	
Communities in Motion – Facilities for Older Adults	
Recreation Facilities for Youth	
Sports Facilities eg All Weather Pitches	
Community Enterprise Schemes	
CIAR Enterprise Scheme Match Funding	
Broadband	
Community Sport & Cultural Grant Scheme	
Village Renewal Scheme: Various	
Graveyard Enhancement Works	
Total	€20m

The cost of the schemes may not be the full costs and the allocations are the apportionment of the cost to be met by the Development Fund. The allocations are based on projected income over the five-year period and the current balance in the Development Fund. However, projections will be reviewed depending on levels of development contributions collected.

It should be noted that the Scheme is an indicative list of current demands for infrastructure from the various directorates and other projects may be substituted where appropriate while staying within the overall approved budget

Forward Planning

Limerick County Council is statutorily required to prepare a County Development Plan and Local Area Plans and as part of its overall development brief remit is obliged to undertake the drawing up of land use plans and studies which will enable the planned development of the county, including the provision of infrastructure. These plans and studies set out overall strategies for the proper planning and sustainable development of the areas which are the subject of the plans. These plans include objectives for the provision or facilitation of the provision of infrastructure in the areas concerned.

Given the critical nature of Forward Planning in identifying the infrastructural requirements of the county, expenditure associated with Forward Planning, including the drawing up of land use plans and studies, development plans and local area plans, is to be charged to capital account (development contributions), in accordance with Section 48 (17)(f) of the Planning and Development Acts 2000-2006.

A proportion of the cost of Forward Planning will be charged. This will cover the staff and ancillary cost associated with drawing up Local Area Plans, carrying out strategic environmental assessment, reviewing the County Development Plan, reviewing the Housing Strategy and the preparation of similar strategic planning reports. This cost is included in the development contribution figure for each of the services.

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