



**LONGFORD COUNTY COUNCIL**

**Development Contribution Scheme  
2018 – 2022**

**Planning & Development Act 2000 (as amended)**

Effective from 1<sup>st</sup> April, 2018

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## 1. Introduction

This Development Contribution Scheme 2018-2022 is intended to replace the scheme adopted by Longford County Council in 2013. The Scheme has been revised having particular regard to the current economic, social and community development of the County, including the tourism prospects of the area.

The Planning and Development Act 2000, as amended, provides for three types of development contributions that may be attached as conditions to a planning permission granted under the Acts:

- general development contributions
- special development contributions
- supplementary development contributions

The adoption of a scheme is a Reserved function of the Council. The contributions will be based on the Development Contribution Scheme adopted by the Elected Members.

Development contributions provide critical resources to facilitate the funding of essential physical and social infrastructure that support the implementation of development plans of local authorities and are a central instrument in improving the quality and therefore the competitiveness of local authority areas, thereby establishing an environment in which enterprise can thrive and communities progress and prosper. Key aims for a Development Contribution Scheme are to promote sustainable development patterns, secure investment in capital infrastructure and encourage economic activity.

## 2. General

### 2.1 Scheme Details

Section 48 of the Planning and Development Act 2000, as amended, enables Planning Authorities when granting permission to include conditions 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 that it is intended will be provided, by or on behalf of a Local Authority (regardless of other sources of funding).

***'Public infrastructure and facilities' includes:-***

- 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, surface water drainage infrastructure and flood relief work;
- 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 places;
- f) The provision of high-capacity telecommunications infrastructure, such as broadband;
- g) The provision of school sites and;
- h) Any matters ancillary to the above.

The primary objectives of the Development Contribution Scheme are to:

- Provide a mechanism by which developers and others can contribute to the cost of providing public infrastructure and facilities that benefit development in their area.
- Increase flexibility for Local Authorities in relation to the range of projects that could be funded from this source, by allowing Authorities to fund public infrastructure provision without necessarily tying it to a specific development.
- Introduce greater transparency into the way in which development contributions are levied and applied (so that developers would be able to establish in advance what levy should apply to them).
- Ensure that Local Authorities can manage and maintain growth by providing key infrastructure to support local economies.

## **2.2 Area of Application of Scheme**

The Planning and 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 shall apply to the administrative area of County Longford.

## **2.3 Basis for Determination of Contributions**

The Guidelines issued by the Department of Environment, Community and Local Government in January 2013, provide that:-

- (i) The scheme must state the basis for determining the contributions to be paid in respect of public infrastructure and facilities.
- (ii) 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 the Local Authority.
- (iii) The Planning Authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities. The determination may not include any benefit that accrues in respect of existing development.
- (iv) The scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.
- (v) 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 public infrastructure and facilities is calculated having regard to the estimated cost to the Council in the period 2018 – 2022 of providing further public infrastructure and facilities as set out in the objectives outlined in the relevant local, regional and national plans, i.e. the County Longford Development Plan, the Local Area Plans, Local Economic & Community Plan, Annual Roads Programmes, Regional Planning Guidelines, National Planning Framework. Regard is also given to the projected residential and industrial/commercial development for the period 2018-2022.

The Development Contribution Scheme has had a very positive impact on the delivery of infrastructure in Longford since its introduction. It has generated funds for a wide variety of infrastructure, including the acquisition of land, provision of open spaces, recreational and community facilities, amenity and landscaping works, roads, car parks, footpaths, cycle paths.

## 2.4 Level of Contributions

The Department of Housing, Planning and Local Government has indicated that schemes need to:-

- Achieve the right balance between funding necessary infrastructure through planning gain and supporting / promoting economic activity and job creation by reducing costs to business. Development Contributions are not cash-cows,
- Avoid levying Development Contributions that are excessively high – Development Contributions are ultimately designed to offset only a portion of the costs of public infrastructure and facilities,
- Promote sustainable development patterns,
- Encourage economic activity,
- Secure investment in capital infrastructure,
- Reflect the reduced costs of infrastructure provision in recent years relative to when schemes were last revised,
- Facilitate job creation through targeted support for specific development types.

However, it is important that Development Contributions should not

- Act as a deterrent or disincentive to future prospective investment and development nor act as a barrier to enterprise start up,
- Have a major divergence in the level of Contributions adopted by other Local Authorities in the area,
- Be seen as a mechanism to secure competitive advantage through artificial lowering of Contributions, a so called race to the bottom, because the net effect of such an approach would undermine the capability to improve the environment in which business prospers and society progresses to the detriment of overall competitiveness,
- Impede job creation or facilitate unsustainable development patterns.

## 2.5 Payment of Contributions

### 2.5.1 Payment/Collection of Contributions

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% in respect of the period the payment was withheld may 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 Act 2000, as amended.

### 2.5.2 Indexation of Contributions

The rates of Contribution set out in Table 1 and Table 2 will be adjusted on the 1<sup>st</sup> January each year based on changes to the latest relevant wholesale Price Index for Building and Construction published by the Central Statistics Office. The adjusted figure will be rounded to the nearest €10 in respect of a residential unit or a fixed contribution and to the nearest 50 cent per m<sup>2</sup> in respect of industrial/commercial/other development.

### 2.5.3 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 development authorised by planning permission is commenced. The Planning Authority may facilitate the phased payment of Contributions and may require the giving of security to ensure payment of Contributions.

### 2.5.4 Exemptions/Incentives

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The reduction in development charges will not impose a liability on the Council to refund Development Contributions. 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, sports, 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 **(100% reduction)**.
- (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 for profit or gain **(100% reduction)**.
- (c) Restoration/Refurbishment to a high architectural standard of buildings included in the Record of **Protected Structures** where such works substantially contribute to the restoration or protection of the protected structure (i.e. waiver does not apply to works for purposes of adding an extension to a protected structure) **(100% reduction)**.
- (d) **Social Housing** units, including those which are provided in accordance with an agreement made under Part V of the Planning & Development Act (as amended by 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 **(100% reduction)**.
- (e) Development ancillary to development referred to in paragraphs (a) to (d) above inclusive **(100% reduction)**.
- (f) Development consisting of works for which a person or body has received a **Housing Adaptation Scheme Grant** for People with Disability and/or Mobility Aids Housing Grant or is deemed eligible for such **(100% reduction)**.
- (g) Replacement of dwellings **destroyed by fire (100% reduction)**.
- (h) **Community based social enterprise centres** provided with support from Enterprise Ireland or any other state funded agency **(100% reduction)**.
- (i) **Not for Profit Childcare** facilities **(100% reduction)**.

- (j) **Conversion of Residential Units** - Where an existing residential unit is extended or converted to create an additional residential unit e.g. an apartment or flat the appropriate rate of contribution will be payable in respect of each additional residential unit erected.
- (k) **Extensions** - Subject to (j) 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 m<sup>2</sup> of development involved, subject to the principle of no 'double charging'.  
These types of extensions may be subject to the appropriate reduction as detailed in 2.5.5 a) or b).
- (l) **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.
- (m) **Change of Use from Residential to Commercial** - The charges as appropriate in Table 1 and Table 2 shall apply in the case of a change of use from residential to commercial use. However, an allowance will be made for any development contributions already paid in respect of the residential development.
- (n) **Change of Commercial Use** – The charges as appropriate in Tables 1 and 2 shall apply in the case of a change of commercial use. However, an allowance will be made for any development contributions already paid in respect of the initial development.
- (o) Charge only net additional development in cases of **redevelopment** projects (e.g. a redevelopment totalling 200m<sup>2</sup> of which 150m<sup>2</sup> is replacing existing development, contribution will only be levied on the additional 50m<sup>2</sup>.) N.B. If no contribution was previously paid, the contribution will be levied on the new development in full.
- (p) **Double Charging** - general development contributions already levied and paid in respect of a given development will be deducted from the subsequent charge so as to reflect that this development had already made a contribution.
- (q) Reduced rates for **temporary permissions** to be calculated as follows:  
-33% of normal rate for permissions of up to 3 years  
- 50% of normal rate for permissions of up to 5 years  
-66% of normal rate for permissions of up to 10 years.
- (r) **Wind Turbines** - One single wind turbine being provided within the curtilage of a dwelling for which the turbine is supplying electricity will be exempt from development contributions. This exemption is to apply to a single turbine per house which is for private use only and not for commercial use or gain.  
Development of **Industrial Wind Turbines** will be levied in accordance with charges applied in Table 2 (H).

- (s) **Solar Energy & Other Renewable Energy Developments** – A 100% exemption will apply in respect of other renewable energy developments for single house domestic purposes which is **not** supplying electricity to the national grid or for export.

Development of Solar Farms or other Renewable Energy Developments for commercial purposes (non-domestic) will be levied at the appropriate rate detailed in Table 2 (I).

- (t) **Telecommunications/Broadband Infrastructure** (masts and antennae) – Where masts and antennae, dish and other apparatus/equipment for communication purposes form part of the National Broadband Plan or a subsequent Government endorsed initiative as defined by the Department of Communication, Energy and Natural Resources (DCENR) they will not be subject to development contributions **(100% reduction)**.

Development Contributions will be waived for co-located antennae, dish and other apparatus/equipment for communication purposes. In the case of broadband 'only' providers, subject to such operators demonstrating to the satisfaction of the Planning Authority that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate broadband service such infrastructure will not attract development contributions.

Any new buildings associated with masts and antennae will be charged at the commercial rate.

- (u) No contribution applies to the development of **glasshouses/glasshouse** type development relating to commercial fruit & vegetable type production **(100% reduction)**.
- (v) **Derelict & Vacant Sites** – All developments on sites which are on the Register of Derelict Sites under the Derelict Sites Act 1990 and Vacant Sites Register under the Urban Regeneration and Housing Act 2015 **(50% reduction)**.
- (w) The establishment of residential uses will be promoted within the Town Core area (in accordance with the provisions of the CDP Core Strategy, OBJ TC2), in order to encourage greater vibrancy within the town centre outside of business hours. In particular, there will be a focus on underused buildings within the town core and sections of the housing list where a shortage of suitable accommodation has been identified, such as elderly single males. This will be supported through initiatives and opportunities at local and national level as they arise. This will be restricted to Housing list/underused buildings with prioritisation being to 1 and 2 bed units **(100% reduction)**.

## 2.5.5 Incentives to Support Economic Development

### a) Incentivised Developments

Longford County Council will incentivise through lower Development Contributions the following types of commercial and industrial activity which will contribute to the economic performance of the County.



Longford County Council will incentivise:-

- Any **hotel** development that will provide a minimum of 20 bedrooms in County Longford - **100% reduction** in the level of Development Contributions.
- Any **business grant-aided** or supported by IDA /Enterprise Ireland/LEO/Fáilte Ireland - **50% reduction** in the level of Development Contributions.
- Any development that would progress the Government's Action Plan for Jobs, particularly those actions identified in the Midland Region Action Plan for Jobs which are likely to have strong **job creation** potential or are enterprises that can provide a strong impetus for subsequent enterprise development ('pump priming' enterprises) - **50% reduction** in the level of Development Contributions.
- Any **tourism** development to include accommodation and related infrastructure that supports the objectives of the Longford Tourism Strategy – **50% reduction** in the level of Development Contributions.
- The **change of use and/or re-use** of old industrial buildings for job creating industrial/commercial purposes shall be **exempt** where Development Contributions were paid in respect of former use.

Developments eligible for reduction under 2.5.5 a) will not be considered for a further reduction under 2.5.5 b).

**b) Incentivised Areas**

It is an objective of Longford County Council to identify prioritised development areas within which specific development and regeneration policies will be promoted.

Accordingly, Longford County Council will incentivise commercial and industrial activity through lower Development Contributions in designated **Incentivised Areas**. The following towns are nominated as incentivised areas and appropriate development shall qualify for a **20% reduction**:

- **Granard**
- **Edgeworthstown**
- **Ballymahon**
- **Lanesboro**
- **Drumlish**

This incentive will apply to commercial and industrial development within the boundaries of these towns as set out in the Longford County Development Plan 2015-2021.

In addition, Longford County Council will incentivise commercial and industrial activity in **Longford Town and its environs** in particular developments that are:

- located within the 8 Strategic Sites and/or,
- located within the Town Core area and within the Regeneration Zone and/or,
- identified as supporting the site resolution objective,

all outlined in Appendix 1A of Longford County Development Plan 2015-2021 - Longford Town and Environs Local Area Plan 2016-2022.

Developments eligible for reduction under 2.5.5 b) will not be considered for a further reduction under 2.5.5 a).

Having regard to the nature and extent of any Industrial/Commercial or Storage and Warehousing (non-retail) Development and its potential benefit to the socio/economic development of the County, the Chief Executive following consultation with the Corporate Policy Group shall have discretion to vary the amount of any contribution to be charged under the scheme. Such variation to be approved by way of Chief Executive's Order which shall state the reason for the variation.

### 3. **Ring-Fencing of Income**

Money accruing to the Council under the Scheme must be accounted for in separate accounts and can only be applied as capital for approved public infrastructure and facilities. The Annual Reports 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.

The Chief Executive will submit a report to the Council each year indicating the programme of Capital projects proposed by the Council for the following 3 years having regard to the availability of resources.

### 4. **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 scheme have not been properly applied in respect of any condition laid down by the Planning Authority.

In such cases, where there is no other appeal against the decision of the Planning Authority, the Board can only deal with the matter under appeal, and the Planning Authority may make the grant of permission notwithstanding the appeal to the Board provided that the person taking the appeal furnishes to the planning authority security for payment of the full amount of the contribution.

### 5. **Water & Wastewater Facilities**

Following the creation of Irish Water and the issue of Circular PS 21/2013 and in accordance with the Water Services (No. 2) Act 2013, planning permissions granted after 1st January 2014 have not contained charges in respect of water and waste water infrastructure. Responsibility for water services (i.e. Water Supply and Waste Water) nationally rests with Irish Water.

No Development Contributions are therefore to be levied by Longford County Council locally for water and wastewater projects.

A charge in respect of water services infrastructure provision, in respect of developments granted planning permission after 1st January, 2014, is levied and collected by Irish Water. Longford County Council is carrying out the majority of its previous functions by way of a Service Level Agreement with Irish Water.

## 6. Duration of Scheme

The new Scheme, will remain in place until **31<sup>st</sup> December, 2022**, or until a new Scheme is adopted.

The Scheme may be reviewed in the interim from time to time by the Planning Authority having regard to circumstances, including local and national plans prevailing at the time and a new scheme *may* be adopted in advance of the 31<sup>st</sup> December, 2022.

The revised Development Contribution Scheme will be applied to all relevant planning permissions where a decision to grant is made on or after the **1<sup>st</sup> April, 2018**.

## 7. Special Development Contribution Scheme

Longford 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.

If the works in question are not commenced within 5 years, or completed within 7 years of the receipt of payment, (or final instalment thereof, if paid by phased payments) or where the Council decide not to proceed with the proposed works or part of works, the applicant will be refunded the Special Contribution together with any interest accrued over the period held by the Council. Any refund will be in proportion to the work not carried out. Conditions requiring the payment of Contributions under the Special Development Contribution Scheme may be appealed to An Bord Pleanála.

## 8. Supplementary Development Contribution Scheme

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 or proposed to be provided by a Local Authority or a private Developer on behalf of and pursuant to an agreement with a Local Authority (eg. through Public Private Partnership) and which will directly benefit the development on which the levy is imposed.

Supplementary Development Contribution Schemes may be used for rail, light rail or other public transport infrastructure, particular new roads and the provision of new schools and ancillary infrastructure. However, they should only be used where the project will bring a direct benefit to the developments which it serves. In the case of a rail or light rail project, for example, provision of the infrastructure will facilitate increased residential densities surrounding the infrastructure.

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. The Scheme must specify the area to which it applies and also must specify the public infrastructure project or service on which the Supplementary Contributions are to be expended. It is not proposed to draft a Supplementary Contribution Scheme at this stage.

## 9. Determination of Future Infrastructure Costs

In 2016, Longford County Council adopted a 3 Year Capital Programme - The Multi Annual Capital Programme 2016 – 2018 which can be summarised as follows:

### Summary of 2016-2018 Year Capital Programme

Development Category	Investment
Housing & Building	€14,404,850
Roads & Transportation	€450,000
Water Services	€855,000
Economic Development, Community & Enterprise, HR, Library, Culture & Heritage	€3,100,000
Environmental Services	€1,430,000
Recreation & Amenity	€240,000
<b>Total</b>	<b>€20,479,850</b>

This investment will be funded from the following sources:

Funded By	Amount
Grants	€16,424,850
Capital Reserve	€1,350,000
Development Contributions	€450,000
Sale of Industrial Sites	€500,000
Loans	€1,755,000
<b>Total</b>	<b>€20,479,850</b>

It was projected when adopting the 3 Year Capital Programme that income from Development Contributions would provide €450,000 of the overall ambitious investment schedule of €20,479,850. This equates to 2% of the overall investment requirements. This translates to a discount of 98% being applied to reflect the benefit to existing development that will accrue from such facilities and infrastructure.