

# **CASHEL TOWN COUNCIL**

**Comhaile Bhaile Chaiseal Mumhan**



## **DEVELOPMENT CONTRIBUTION SCHEME**

**1<sup>st</sup> March 2009 to 28<sup>th</sup> February 2015 (inclusive)**

Adopted by Members of Cashel Town Council on 9<sup>th</sup> February 2009



## Cashel Town Council Planning Section

### Development Contribution Scheme 2009-2015

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## **1.0 BACKGROUND.**

### **1.1 Introduction**

The Planning and Development Act 2000 as amended provides for the making of a Development Contribution Scheme (hereinafter referred to as “the Scheme”) whereby Planning Authorities may, on granting planning permission under Section 34 of the Act as amended, include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting the 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.

Section 48 of the Act sets out that the Scheme:

- Shall set out the basis for the determination of a contribution,
- Make provision for payment of different contributions in respect of different classes or descriptions of development,
- Shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are to be provided having regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination,
- May allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provision of the scheme.

This Scheme has been prepared in accordance with Section 48 of the Planning and Development Act 2000 as amended. The making of the Cashel Town Council Development Contribution Scheme is a reserved function of the Members of Cashel Town Council as set out in Section 48(8) of the Act.

### **1.2 Adoption of scheme**

At meeting of Cashel Town Council held on Monday 9<sup>th</sup> February, 2009 the members having considered:

- (a) the Draft Development Contribution Scheme 2009 – 2015 dated December 2008.
- (b) The Manager’s Report dated February 2009 prepared in accordance with Section 48 (b) of the Planning & Development Act 2000 as amended.
- (c) The Members Directions pursuant to Section 48 (7) of the Planning & Development Act 2000 as amended.

agreed to adopt this Scheme.

## **2.0 CONTRIBUTION SCHEMES**

### **2.1 General Development Contribution Schemes**

These contributions schemes apply in respect of public infrastructure and facilities provided by, or on behalf of, the Local Authority that benefit the development in the area. Under a general development contribution scheme, the Planning Authority does not need to show a direct connection between the development contribution paid and works done which facilitate the development. However, it will be important that the Planning Authority is satisfied that the basis for determining the contribution levels can be adequately justified and supported.

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

- The acquisition of land,
- The provision of open spaces, recreational and community facilities and amenities and landscaping works,
- The provision of roads, car parks, car parking places, sewers, waste water and water treatment facilities, drains and watermains,
- The provision of bus corridors and lanes, bus interchanges facilities (car parks for those facilities), infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures,
- The refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, sewers, waste water and water facilities, drains or water mains and
- Any matters ancillary to the above.

Development contributions can only be levied as capital funding for public infrastructure and facilities and as such cannot be used to pay current costs.

In relation to water and wastewater infrastructure, Planning Authorities shall exclude costs recovered from developers in accordance with the Government Water Pricing Framework. However, pending the full recovery of capital and operational costs through Water Pricing, the levy on commercial/industrial developments for water, wastewater and surface water shall continue where provided.

The period of this General Development Contribution Scheme shall be from 1<sup>st</sup> March 2009 to 28<sup>th</sup> February 2015 inclusive unless amended, extended or replaced with a new scheme by the Members of Cashel Town Council.

No appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with this Scheme<sup>1</sup>. However, an appeal may be brought to the Board where an applicant for permission under Section 34 of the Acts considers that the terms of the Scheme have not been properly applied in respect of any condition laid down by the Planning Authority<sup>2</sup>.

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<sup>1</sup> Section 48(10)(b) of the Planning and Development Acts

<sup>2</sup> Section 48(10)(c) of the Planning and Development Acts

## **2.2 Special Contribution**

A Special Contribution may be imposed on a development where exceptional costs not covered by the General Development Contribution Scheme are incurred by the Local Authority in the provision of a specific public infrastructure and facilities which benefit the proposed development. Any works not commenced within five years or completed within seven years of receipt of payment will result in the applicant being refunded, in full or part, the Special Contribution levy<sup>3</sup>.

## **2.3 Supplementary Development Contribution Scheme**

This scheme refers to the provision of a particular public infrastructure service or project which will directly benefit the development(s) concerned and is not covered by the General Development Contribution Scheme. This scheme may only be applied to a specified area within the functional area of the Planning Authority and the making of a Supplementary Development Contribution Scheme is a reserved function of the Members of the Local Authority<sup>4</sup>.

# **3 OVERVIEW OF 2004-2009 DEVELOPMENT CONTRIBUTION SCHEME**

## **3.1 Introduction**

The 2004-2009 Development Contribution Scheme was adopted by Cashel Town Council on 23<sup>rd</sup> February 2004 pursuant to Section 48(8) of the Planning and Development Act 2000. The Scheme applied to conditions attached to Planning Permissions granted under Section 34 of the Act during the period from 1<sup>st</sup> March 2004 to 28<sup>th</sup> February 2009 inclusive with amounts revised in accordance with increases in the Wholesale Price Index – Building and Construction Materials (reference WPAA201) as published by the Central Statistics Office.

## **3.2 Contributions Collected**

A sum of **€1,463,786** has been collected through the general development contribution scheme during the period 1<sup>st</sup> March 2004 to 31<sup>st</sup> August 2009 as set out in Table 1 below.

Table 1

| <b>Contribution Type</b>                          | <b>Amount collected 01/03/04 – 31/08/09</b> |
|---|---|
| Public Water Supply                               | 266,671.31                                  |
| Public Waste Water Drainage                       | 328,578.33                                  |
| Road Infrastructure                               | 341,002.63                                  |
| RecreationalCommunity<br>Facilities and Amenities | 192,770.06                                  |
| Car Parking                                       | 334,764.46                                  |
| <b>Total</b>                                      | <b>€1,463,786.79</b>                        |

<sup>3</sup> Section 48(12) of the Planning and Development Acts

<sup>4</sup> Section 49 of the Planning and Development Acts.

The collection of the contributions has arisen from one of the thirteen development classes as set out in the Development Contribution Scheme which can be categorised into two different types of development. Table 2 below sets out the percentage contributed by development type.

Table 2

| <b>Development Type</b> | <b>Percentage Contributing to Total Collected</b> |
|-------------------------|---|
| Commercial              | 72%   |
| Residential             | 28%   |

The sum of €1,463,786 collected to the 31<sup>st</sup> August 2008 has been (a) spent on or (b) committed to capital projects in the Town as follows:

Table 3

| <b>SERVICE AREA</b>      | <b>PROJECTS</b>  | <b>CONTRIBUTIONS SPENT</b> | <b>CONTRIBUTIONS COMMITTED</b> |
|--------------------------|--|----------------------------|--------------------------------|
| ROADS                    | <ul style="list-style-type: none"> <li>• Improvements Deerpark Road</li> <li>• Phase II Town Centre</li> </ul>   | 42,884.74                  | 298,117.89                     |
| CAR PARKING              | <ul style="list-style-type: none"> <li>• Development Main Street Car Park</li> <li>• Provision Car Parking</li> </ul>  | 66,159.30                  | 286,605                        |
| WATER                    | <ul style="list-style-type: none"> <li>• Entrance Road Palmershill</li> <li>• Watermain at Deerpark Road</li> <li>•</li> </ul>   | 55,150.27                  | 211,521.04                     |
| SEWERAGE                 | <ul style="list-style-type: none"> <li>• Sewerage Gashouse Lane</li> <li>• SLI - Dualla Road</li> </ul>  |                            | 328,578.33                     |
| RECREATIONAL AND AMENITY | <ul style="list-style-type: none"> <li>• Spafield Resource Centre</li> <li>• O'Hurley Pipe Band</li> <li>• Cashel Town F.C.</li> <li>• Cashel R.F.C.</li> <li>• Larkspur Park</li> <li>• Cashel Youth</li> </ul> | 31,780                     | 160,990.06                     |

|  |  |  |  |
|--|--|--|--|
|  | <ul style="list-style-type: none"> <li>Centre</li> <li>• Cashel Scouts Hall</li> <li>• Cashel Handball Club</li> <li>• Spafield Resource Centre</li> </ul> |  |  |
|--|--|--|--|

### 3.3 Contributions Outstanding

Development Contributions in the sum of €2.1 million remain outstanding. These charges relate to:

- (a) Developments where planning permission has been Granted but developments have **not** commenced.....€1,767,146.81
- (b) Developments which have commenced and
  - (i) Where developers have agreed a phasing of payment ....€208,032.67
  - (ii) Where charges remain unpaid (being actively pursued through Enforcement and Court).....€142,822.38

### 3.4 Conclusion

The 2004 - 2009 Development Contribution Scheme has therefore attracted **€3.5m** as at 30<sup>th</sup> September 2008.

#### 4 CLASSES OF DEVELOPMENT

Development Contributions shall be paid in respect of the following different classes or descriptions of development. In addition, other proposals for development not specifically mentioned below will be dealt with on a case by case basis and charged at a rate which is deemed most appropriate. The basis for determination will be the rate for developments which are listed in the scheme and are deemed closest in nature to the proposed development.

Table 4

| <b>CLASS</b> | <b>DESCRIPTION</b>  | <b>CATEGORY</b>    |
|--------------|---|--------------------|
| Class 1      | <p>(a) The provision of a business premises including:</p> <ul style="list-style-type: none"> <li>• Any structure of other land which is normally used for the carrying on of any professional or commercial undertaking or any structure which is normally used for the provision therein of services to persons;</li> <li>• A hotel, restaurant or public house</li> <li>• Any structure of other land used for the purpose of, or in connection with, the functions of a state authority.</li> </ul> <p>(b) The provision of facilities for childminding<br/>           (c) The provision of a day centre<br/>           (d) The provision of any guest house or other premises providing overnight guest accommodation, club, boarding house or hostel<br/>           (e) The provision of a shop or supermarket<br/>           (f) The provision of a wholesale warehouse or repository<br/>           (g) The provision of a school or college<br/>           (h) The provision of a nursing home, hospital or health centre.</p> | <i>Commercial</i>  |
| Class 2      | The provision of an industrial building or light industrial building.   | <i>Industrial</i>  |
| Class 3      | The provision of buildings or other structures for the purpose of keeping horses  | <i>Agriculture</i> |
| Class 4      | The provision of a house in accordance with the policies of the relevant Town and Environs Development Plan   | <i>Residential</i> |
| Class 5      | The provision of an extension to an existing house or the conversion for use as part of the house of any garage, store, shed or other structure, where the gross floor area of the works, when measured internally exceeds 40 sq metres   | <i>Residential</i> |
| Class 6      | <p>The use of land for:</p> <p>(a) The keeping or placing of any tents, campervans, caravans or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods</p>   | <i>Commercial</i>  |



|          |   |                          |
|----------|---|--------------------------|
|          | (b) The parking of motor vehicles<br>(c) The open storage of motor vehicles or other objects or substances  |                          |
| Class 7  | The provision on, in, over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes               | <i>Industrial</i>        |
| Class 8  | The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements                        | <i>Commercial</i>        |
| Class 9  | The provision of overhead transmission or distribution lines for conducting electricity or overhead telecommunication lines.                              | <i>Social and Public</i> |
| Class 10 | The use of land as a golf course or a pitch and putt course.  | <i>Amenity</i>           |
| Class 11 | (a) The use of land as a burial ground<br>(b) The provision of a museum, public library, public hall, exhibition hall, social centre or community centre. | <i>Social and Public</i> |
| Class 12 | The provision of a telecommunication mast   | <i>Social and Public</i> |
| Class 13 | The provision of telecommunication antennae   | <i>Social and Public</i> |

## **5.0 BASIS FOR DETERMINATION OF CONTRIBUTIONS**

### **5.1 Introduction**

In determining contribution levels, regard has been had to the objectives, strategies and work programmes of Cashel Town Council. In particular, regard has been had to, among other sources, the Draft Cashel Town and Environs Development Plan 2009-2015; Draft South Tipperary County Development Plan 2009 – 2015; Water Services and Roads Capital Projects Programme; Cashel Public Realm Plan; Cashel City Walls Conservation Plan and Community Facilities Scheme.

### **5.2 Public Water Supply**

Public Water Supply expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of water treatment facilities and watermains and associated acquisition of land and ancillary matters. The Programme for period 2009 – 2015 will include:

Distribution ring main 300mm circulating east and south of town taking in Balckspots, old road and deerpark road west; Spur main 150 mm on Dualla Road; Spur main 150 mm on Deerpark Road; Spur main 150 mm on Clonmel road and Upgrading Galtee R.W.SS.

<sup>1</sup>  
**Residential development is anticipated as follows: 15,200sqm of new build and 1,500 of chargeable residential extensions.**

### **5.3 Public Waste Water Services**

Expenditure on public wastewater services provides for the provision, refurbishment, upgrading, enlargement or replacement of sewers.

#### **Proposed Public Waste (including Surface Water) Water Drainage Services Improvement Works Programme 2009 – 2015 is**

Serviced land initiative serving Dualla Road, Clonmel Road, Cahir Road, Windmill Road

### **5.4 Road Infrastructure**

Roads infrastructure expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of roads, the provision of open spaces, landscaping works, bus corridors and lanes, bus interchange facilities, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures, the associated acquisition of land and ancillary matter.

Section 8 of the Draft Cashel Town and Environs Development Plan 2009 – 2015 sets out the policies and objectives of Cashel Town Council in relation to Transportation. It is evident that new developments impact on the roads network in various ways. Increased traffic is generated and the road(s) may not be suitable for additional traffic and may require improvement. Additional public lighting and traffic management measures including the provision of additional car-parking, traffic signals, signage and road marking are required both adjacent to the new development and on the road network generally. For new development on existing roads, a system of development levies is required which takes account of existing and proposed development in accordance with the requirements of the Planning and Development Acts 2000 – 2007.

#### **PROPOSED ROAD IMPROVEMENTS WORKS PROGRAMME 2009 – 2015 is**

Link Road from Clonmel Road to Old Road; McCann Street Improvements; Traffic Calming at Clonmel Road; Circular Road Footpath on lower Rock slopes; Pedestrian link to Rock from Main St.; Town Centre Improvement Phase 3

### **5.5 Recreational and Community Facilities and Amenities**

Expenditure on recreational & community facilities and amenities includes for the provision of recreational & community facilities & amenities, the associated acquisition of land and ancillary matters.

It is proposed that in the period 2009 – 2015 to provide recreational community and amenity facilities by or on behalf of Cashel Town Council under the Community Facilities and Amenities Scheme (see Appendix A).

**The projected amenity and cultural objective for the period 2009 to 2015 are as follows:-**

Development of Public open spaces & parks; Improve the visual amenity of all approach roads of the town; Provide links to amenity areas throughout the Town ; Environmental streetscape improvements including undergrounding of overhead cables, provision of Town Centre focal point; Provide extension to St. Cormac’s cemetery and remembrance garden; Promotion and development of Community and recreational facilities

## **5.6 Car Parking**

Where the developer is unable to meet the requirements relating to car parking, a development contribution, commensurate with the shortfall in spaces, shall be paid to the Planning Authority to facilitate the provision of car parking spaces elsewhere.

The contribution in lieu of car parking spaces is charged at a rate of €4,000 per space. The charge is the estimated net expenditure for the provision, refurbishment, upgrading, enlargement or replacement of car parks and car parking places, the associated acquisition of land and ancillary matters.

## **5.7 Exemptions/Reductions**

A development contribution shall not apply in the following instances:

- Where development is carried out in accordance with Section 179 of the Planning and Development Acts <sup>5</sup>
- Where development is carried out in accordance with Article 157(1) and (2) of the Planning and Development Regulations 2001 as amended <sup>6</sup>
- Where a development consists of the provision of housing and includes a condition providing for the developer to enter into an agreement under Section 96<sup>7</sup> of the Planning and Development Act 2000, as amended, a development contribution shall not apply to the residential units provided for use by Cashel Town Council.

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5 – Local Authority Development

6 – development that is exemption from the payment of a planning application fee

7 – Provision of Social/Affordable housing.

The development contribution charge shall be reduced by 50% in the following instances:

- Where the development consists of restoration/refurbishment works adhering to the principles of conservation to structures included on the Record of Protected Structures,  
or
- Where the development consists of restoration/refurbishment works to a structure included on the Derelict Sites Register,  
or
- Where the development is being carried out by a person who is in receipt of a Housing Adaption Grant for People with a Disability for the subject development.

In the case of a proposed development for change of use, the development will attract development contributions where the proposed use results in an increase in service use only. In such instances, the developer will be charged for the increase in use only.

## 6.0 Implementation of Scheme

This Development Contribution Scheme shall come into operation on 1<sup>st</sup> March 2009 and will be applied to all decisions to grant planning permission made on or after that date, irrespective of when the planning application was submitted, on land within the administrative area by Cashel Town Council. It shall also apply to any order by An Bord Pleanála on or after that date where it is a condition of the order that the amount of a development contribution is to be determined by the Planning Authority.

Cashel Town Council may, in addition to the terms of this scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by this scheme are incurred in respect of public infrastructure and facilities which benefit the proposed development<sup>29</sup>.

Cashel Town Council may, in addition to the terms of this scheme require the payment of a supplementary contribution in accordance with a Supplementary Development Contribution Scheme<sup>10</sup> if made by the Planning Authority.

In cases where a development is being carried out in phases and such phases have been identified as part of the planning permission, the contribution may be paid in associated instalments at the commencement of each phase. The phased payment of the contribution payable will require the prior written agreement of the planning authority and may require the giving of security/bond to ensure payment.

This Development Contribution Scheme shall apply until 28<sup>th</sup> February 2015 inclusive unless it is otherwise modified, extended or replaced. A review of the Scheme will be carried out commencing 1<sup>st</sup> January, 2011.

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<sup>10</sup> – Section 49 of Planning & Development Act 2000 as amended.

# CASHEL TOWN COUNCIL

## DEVELOPMENT CONTRIBUTION SCHEME 2009 – 2015

| Class of Infrastructure                              | Class 1 Commercial | Class 2 Industrial   | Class 3 Agricultural | Class 4 Residential | Class 5 Residential Extensions | Class 6 Commercial (Caravans /Motor Vehicles) | Class 7 Commercial (Storage) | Class 8 Commercial (Advertising Structure) | Class 9 Commercial (Overhead Lines) | Class 10 Commercial (Golf /Pitch and Putt Courses) | Class 11 Burial Grounds | Class 12 Telecommunications Masts | Class 13 Antennae   |
|--|--------------------|----------------------|----------------------|---------------------|--------------------------------|---|------------------------------|--|-------------------------------------|--|-------------------------|-----------------------------------|---------------------|
| (i) Public Water Supply Services                     | €6.92/ m2          | €4.39 / m2           | Nil                  | €12.27 / m2         | €12.27 / m2                    | €69.26 per 0.1 hectare                        | Nil                          | Nil  | Nil                                 | Nil  | Nil                     | Nil                               | Nil                 |
| (ii) Public Waste Water Drainage Services            | €10.22/ m2         | €11.71m <sup>2</sup> | Nil                  | €13.33 / m2         | €13.33 / m2                    | €102.18 per 0.1 hectare                       | Nil                          | Nil  | Nil                                 | Nil  | Nil                     | Nil                               | Nil                 |
| (iii) Road Infrastructure                            | €18.59 / m2        | €17.70/ m2           | €9.30m <sup>2</sup>  | €18.74/ m2          | €18.74 / m2                    | €185.88 per 0.1 hectare                       | €8.85/ m2                    | €1.86/ m2                                  | €0.88per metre length               | €92.93 per 0.1 hectare                             | €29.37 per 0.1 hectare  | €1,771 per mast                   | €1,000 per antennae |
| (iv) Recreational & Community Facilities & Amenities | €3.53/ m2          | €5.74 / m2           | Nil                  | €18.17/ m2          | €18.17 / m2                    | €35.28 per 0.1 hectare                        | Nil                          | Nil  | Nil                                 | Nil  | Nil                     | €5,477 per mast                   | €1,000 per antennae |
| (v) Car Parking Facilities                           | €4,000 per space   | €4,000 per space     | Nil                  | €4,000 per space    | €4,000 per space               | Nil   | Nil                          | Nil  | Nil                                 | Nil  | Nil                     | Nil                               | Nil                 |

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