



ROSCOMMON COUNTY COUNCIL
Comhairle Chontae Roscomáin

Development Contributions Scheme 2008

under Section 48 of the

Planning & Development Acts 2000–2007.

1. Introduction

The Planning & Development Act 2000-2007 provides for a system for levying development contributions in order to increase provision of infrastructure throughout the County. 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

2. General Development Contribution Scheme

Under Section 48 of the Planning & Development Act 2000 to 2007 Roscommon County Council may, when granting a permission under Section 34, require the payment of a contribution in respect of “public infrastructure and facilities” benefiting development in the area of the Planning Authority or that it is intended will be provided or have been provided by or on behalf of Roscommon County Council and regardless of other sources of funding.

Section 48 of the Act defines “Public Infrastructure and facilities” as:

- (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, and
- (f) any matters ancillary to paragraphs (a) to (e).

The adoption of such a scheme is a reserved function.

3. Area to which the Development Contributions Scheme shall apply

The scheme will apply to the entire functional area of the County of Roscommon.

4. Basis for determination of Contributions

The Act provides that:-

- (i) The scheme must state the basis for determining the contributions to be paid in respect of 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. The Classes of Infrastructure proposed under this scheme are set out in Table 1 in Appendix A.
- (v) The scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances.
- (vi) The Act allows for costs of facilities to be **included regardless of other sources of funding**. This would allow for the inclusion of projects which are 100% funded by the Department of Heritage, Environment and Local Government. However this would lead to contributions which are excessively high. Therefore only projects which are not funded and that portion of funded projects which must be provided by the Local Authority have been included in this scheme.

The basis for determining the contributions to be paid in respect of public infrastructure and facilities is calculated having regard to:-

- (a) the estimated cost to the Council in the period 2008 to 2014 of providing further public infrastructure and facilities as set out in the objectives outlined in the Roscommon County Development Plan and associated Town Plans, the Roscommon County Development Board Strategy, Annual Roads Programme and Village and Urban Renewal Projects.
- (b) the estimated floor area of projected development for residential and industrial/commercial classes for the period 2008 – 2014.
- (c) the estimated charge for each residential unit and the estimated charge per m² for industrial/commercial development and other categories of development.

5. Floor Area

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

6. Level of Contributions

Having regard to the estimated cost to the Council of providing further public infrastructure and facilities (as outlined in Table 2 in Appendix A) in the period 2008 to 2014 and the estimated floor area of projected development (as indicated in Table 3) for the same period it is estimated that a contribution of €8,000 per residential unit and €26.00 per m² of industrial/commercial development would be required to cover the marginal capital cost involved. This breakdown of the contribution by class of infrastructure is shown in Table 4.

Levels of contribution for other categories of development are set out in Table 5.

7. Water and Wastewater Facilities

Contributions in respect of water and waste water facilities are payable only when the proposed development avails of the public water mains supply (or semi-private water mains supply) or waste water facilities or where it is proposed to provide such facilities.

Connection charges for water and wastewater are now included in the development charges. However where existing houses connect to new water and wastewater facilities, the owners/occupiers will be liable for a separate charge which does not form part of this scheme.

Charges for Road Opening Licences will be additional to the payment of development contributions but are included in water and wastewater connections charges where applicable.

Commercial/Industrial charges do not include a water or wastewater charge. In accordance with the Water Pricing Policy these are to be recouped through the consolidated water and wastewater charges.

8. Conversion to Residential Units

A contribution will be charged in accordance with the scheme in respect of any additional residential units created.

9. Change of Use

The charges as appropriate in Table 4 and 5 shall apply in the case of a change of use of a development.

10. Extensions

A development contribution will not be required in the case of extensions to residential units unless a connection to public water mains or sewerage is required. In such cases only the relevant contributions appropriate to the service provided will be required.

11. Derelict Sites

Applications for upgrading of derelict/disused dwellings will be treated as new residential units and attract a contribution. However, all developments on sites which are on the Register of Derelict Sites under the Derelict Sites Act 1990 will receive a 50% reduction on the full Development Charge.

11. 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. As regards extractive industry developments, in addition to any buildings, the site area to be used or retained for extraction will be charged at the rate of €2.10 per m² plus any indexation due under paragraph 16.

12. Commencement of Scheme

The Development Contribution Scheme shall commence on the date of adoption of the Scheme by Roscommon County Council.

13. Application of Development Contribution Scheme

In general all applications received by Roscommon County Council will be subject to the Development Contribution Scheme and included as a condition under any permission issued under Section 34 of the Planning & Development Acts 2000-2007.

14. External Funding

It is agreed that in general funding provided from external sources (e.g. Department of Environment, Heritage and Local Government) is not included in the calculation of development contributions under this scheme.

15. Payment of Contribution

The County Council will apply conditions requiring payment of the contributions provided for in the scheme on all decisions to grant permissions granted after the commencement of the Scheme.

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 a rate equal to the European Central Bank (ECB) Main Refinancing Rate in respect of the period the payment was withheld will be payable. The ECB rate in force on the 1st of January and the 1st of July shall apply for the following 6 months in each year. 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 2000-2007.

16. Indexation of Contributions

The rates of contribution set out in Table 4 and Table 5 will be adjusted on the 1st January each year based on changes to the wholesale Price Index for Building and Construction published by the Central Statistics Office, commencing on 1st January 2009. The adjusted figure will be rounded to the nearest €10 (ten) Euro in respect of a residential unit or a fixed contribution and to the nearest 10 (ten) cent per m² in respect of charges imposed on that basis.

17. 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. In the event of any delay in the receipt of phased payments, interest on contributions will be due at a rate of 5% per annum at the time of payment.

18. Ring-fencing of income

Money accruing to the Council under the Scheme must be accounted for in a separate account 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.

19. Reductions and Exemptions

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The following categories of development will be considered in this regard:

(a) Development by or on behalf of a “voluntary organisation” (*an organisation which derives in excess of 50% of their capital funding or running costs through local contributions*) which is designed or intended to be used for social, recreational, educational, cultural 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% exemption)**

(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 mainly for profit or gain – **(100% reduction)**

(c) Restoration/refurbishment to a high architectural standard of buildings included in the Record of Protected Structures – **(100% exemption)**

(d) Social housing units 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% exemption)**

(Note: Where Part V Agreements are not in place prior to the decision to grant permission, the full Contribution will be applied and will remain in place unless an agreement which includes the provision of social housing is entered into.)

(e) Affordable Housing which is part of a Council Scheme of Affordable Housing, housing on sites under the Council’s Affordable Sites scheme, or Affordable Housing provided as part of an Agreement under Part V of the Planning and Development Acts, will attract a reduced development charge of **50% of the rate applicable** for housing.

(f) Development consisting of childcare provision to be operated by voluntary or not-for-profit providers. - **(100% Exemption from Development Contributions)**

(g) Development consisting of drug treatment and rehabilitation services and drug education/prevention services for which permission was applied for by and is to be operated by not-for-profit community-based providers. - **(100% Exemption from Development Contributions)**

(h) Development consisting of works for which a person or body has received a Housing Adaptation Scheme for People with a Disability and/ or Mobility Aids Housing Grant. - **(100% Exemption from Development Contributions)**

(i) 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. - **(100% Exemption from Development Contributions)**

(j) Commercial developments proposed within the towns and villages which are within Tier 3 to 6 of the Settlement Hierarchy specified in Table 10 of Chapter 2 of the County Development Plan shall be exempt from payment of development contributions for developments up to 1,000m². - **(100% Exemption from Development Contributions)** Developments with a floor area greater than 1000 m² shall attract development contributions on the entire floor area.

(k) Construction of new, and extension of existing publicly funded Schools shall be exempt from payment of development contributions. **(100% Exemption from Development Contributions)**

(l) Development of Sports facilities provided by Voluntary Sporting Bodies shall be exempt from payment of development contributions. **(100% Exemption from Development Contributions)**

(m) Development ancillary to development referred to in paragraphs (a) to (l) above inclusive.

(n) Applications from a son or daughter of a farmer for a dwelling on the farm holding will receive a 100% exemption from the development charge subject to the following conditions:

- (i) The son or daughter of the farmer must be taking over the family farm enterprise. Appropriate evidence to the satisfaction of the Planning Authority must be produced.
- (ii) The family farm must be registered to the applicant on the date of application but not prior to the 9th of March 2004. Appropriate evidence to the satisfaction of the Planning Authority must be produced.
- (iii) Where the family farm is not registered to the applicant on the date of application, a condition requiring payment of the relevant contribution will be included in any permission granted and will be payable in the normal manner. Development Contributions paid in these circumstances will be refunded when the registration has been completed, subject to all other conditions of this exemption being complied with.
- (iv) Only one exemption, including any exemption already availed of shall be applicable to the family farm landholding.

(o) A 10% reduction will be applied to development contributions levied on residential development where (i) the development contributions have been paid in full prior to any works commencing on the development in question or any associated development on the same site, **and** (ii) payment is made within twelve months of the grant of permission.

(p) Development by or on behalf of a “voluntary organisation” (*an organisation which derives in excess of 50% of their capital funding or running costs through local contributions and does not operate mainly for profit or gain*) which is designed or intended to be used as an enterprise centre. – **(100% exemption)**

In the case of developments in the categories (a), (d), (f), (g), (i), (l) and (p) above, in order to qualify for any exemption, the Planning Authority must first be satisfied that the assets of the organisation proposing the development will remain in voluntary use even if the organisation is to cease its activities.

20. Change of House Plan

Permissions on applications for a Change of House Plan, where a condition only is being altered and the permission does not seek a term of full duration, the existing contribution, if any, on the original permission shall continue to apply and no new development charge shall be imposed

21. Appeal to An Bord Pleanála

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

22. Special Development Contributions

Under Section 48(2)(c) Roscommon County Council may levy an additional special contribution on an individual development, where costs which are not covered by the scheme are incurred in respect of public infrastructure which benefits the proposed development or is necessary for the development to proceed. Where payment of such a contribution is required, the condition shall specify the particular works carried out or proposed to be carried out by or on behalf of the County Council.

Where these works are not commenced within five years of the date of payment to the authority of the contribution or have commenced but not been completed within seven years of the date of payment of the contribution or where the County Council decides not to proceed with the proposed works or part thereof, the contribution (or an amount in proportion to those works which have not been carried out) shall be refunded to the applicant together with any interest that may have accrued over period while held by the County Council.

22. 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 by a Local Authority or a private developer on behalf of and pursuant to an agreement with a Local Authority (e.g. 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 or particular water or waste water 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. 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. Developers should not be required to make two payments in respect of the same infrastructure, and therefore a public infrastructure project should not be included in both a General and Supplementary Contribution Scheme.

Where the project is to be provided by way of a Public Private Partnership (PPP), the PPP agreement can specify the way in which these contributions will be applied to pay for the infrastructure in question.

It is not proposed to draft a Supplementary Draft Contribution Scheme at this time.

23. Certificates of Compliance

Where a Certificate of Compliance with Planning Conditions is requested, reference will be made to the payment of contributions attached to the permission. If the contributions have not been paid in full prior to commencement of the development or in the case where a schedule of payments has been made, the applicant has not honoured that schedule, a report on the compliance of the development will refer to this fact.

24. Date of Implementation

The Scheme will apply to all relevant decisions made by the Planning Authority on and after the date of adoption of the Scheme by Roscommon County Council. The Scheme, when adopted shall remain in force until the adoption of a replacement scheme.

Appendix A

Table 1 Classes of Infrastructure

Class of Infrastructure
Road and other Infrastructure
Water Facilities
Wastewater Facilities
Libraries, Enterprise and Cultural Development, Leisure
Amenity, Open Spaces

Table 2 Estimated Expenditure per Class of Infrastructure

Class of Infrastructure	Estimated Expenditure to 2014
Roads Infrastructure including, Town and Village Improvements, Public Lighting, Footpaths, Car Parking, Contribution to Capital Schemes, Traffic Management, Drainage, Broadband, fire services facilities	23,805,000
Water Facilities including: Contribution to Small Schemes Programme Small Public Schemes DBO Contribution Future Domestic Demand not otherwise funded	9,430,000
Wastewater Facilities Contribution to Small Schemes Programme Small Public Schemes DBO Contribution Future Domestic Contribution to Capital Prog.	8,580,000
Libraries, Enterprise, Cultural Development and Leisure including: Contribution to New Library Facilities, Waterside Tourism Facilities, Lough Key Project, Arts Centre, Enterprise Centre, Swimming Pool Fund	7,750,000
Amenity, Open Spaces including provision of new parks and open spaces, Cemeteries.	7,160,000
TOTAL	56,725,000

Table 3 Estimated Development to 2014

Residential Development Projected Number of Residential Units	5,935 units (70% urban, 30% rural)
Non-Residential Floor areas in square metres projected industrial/commercial development	311,100 m ² Commercial 24,800 m ² Storage & Warehousing

Table 4 Levels of Contribution

Class of Infrastructure	€ per Residential Unit	€ per m² industrial/commercial development
Roads Infrastructure including, Town and Village Improvements, Public Lighting, Footpaths, Car Parking, Contribution to Capital Schemes, Traffic Management, Drainage, Broadband, Swimming Pool Fund, fire services facilities	2400	18.00
Water Facilities including: Contribution to Small Schemes Programme Small Public Schemes DBO Contribution Future Domestic Demand not otherwise funded	1600	Nil
Wastewater Facilities Contribution to Small Schemes Programme Small Public Schemes DBO Contribution Future Domestic Demand not otherwise funded	2000	Nil
Libraries, Enterprise, Cultural Development and Leisure including: Contribution to New Library Facilities, Waterside Tourism Facilities, Lough Key Project, Arts Centre, Enterprise Centre, Swimming Pool Fund	1100	3.00
Amenity, Open Spaces including provision of new parks and open spaces, Cemeteries.	900	5.00
TOTAL	€8,000	€26.00

Table 5 – Levels of Contributions – Other Categories of Development

	Category	Amount of Contribution
A	Shortfall in provision of car-parking space (where permission allows) (i) Urban (ii) Rural (outside of Area Plan Boundaries – Roscommon, Boyle, Castlerea, Ballaghaderreen, Athlone Environs)	€4,500 per space € 2,600 per space
B	Initial afforestation/replacement of broad-leaf high forest by conifer species (excluding Amenity Forestry)/peat extraction	€ 650 per hectare of site area
C	Storage and Warehousing excluding Retail Warehousing	€26.00 per m ² up to 300m ² €15 per m ² > 300m ²
D	(a) Communication Masts (b) Not-for –profit Community related masts	€ 12,500 per mast €3,750 per mast
E	Landfilling/raising of sites (inert material)	€1.75 per m ²
F	Wind Farm Developments	€6,000 per MW of capacity
G	Extractive Industry (in addition to any Buildings)	€2.10 per m ² of site extraction area
H	Development not coming within any foregoing class	€26 per m ²
I	Agricultural development	€0 per m ²

