

CASHEL TOWN COUNCIL

Comhaile Bhaile Chaiseal Mumhan



DEVELOPMENT CONTRIBUTION SCHEME

1st March 2004 to 28th February 2009

February 2004



CASHEL TOWN COUNCIL

DEVELOPMENT CONTRIBUTION SCHEME 2004 - 2009

This document sets out the development contributions, which will be levied on planning permissions granted on or after March 1 2004, until February 28 2009 unless the scheme has been varied or amended during the above period.

Contributions will be levied for :

Public water supply services

Public waste water drainage services

Road infrastructure

Recreational and community facilities and amenities

Car parking facilities

Special Contributions

Cashel Town Council may in addition to the terms of the development contribution scheme, require the payment of a special contribution in respect of a particular development where specific development costs, not covered by the scheme or incurred in respect of public infrastructure facilities, which benefit the proposed development.

This scheme, was adopted by the Members of Cashel Town Council on 23 February 2004.

*Seamus Maher, Town Clerk, Cashel Town Council
Aras Chaiseal Mumhan, Friar Street, Cashel, Co. Tipperary*

*Email: tclerk@casheltc.ie
Fax Number: (062) 64797
Tel: 062 64700
Web: www.casheltc.ie*



**Cashel Town Council
Planning Section**

Development Contribution Scheme 2004-2009

Table of Contents

	Page
1. Background	4
2. Legislation	6
3. Classes of Public Infrastructure and Facilities	12
4. Classes of Development	15
5. Amount of Development Contributions	17
6. General Payment Arrangements	26
7. Basis for Determining Development Contributions	29
8. Implementation of Scheme	38
9. Review	39
10 Adoption of Scheme	40
 <i>APPENDIX 1</i>	 41
Provision of Recreational and Community Facilities and Amenities - SCHEME OF CAPITAL GRANTS	
 <i>APPENDIX 2</i>	 50
Schedule of Development Contribution 2004 - 2009	

1. BACKGROUND

The Local Government (Planning and Development) Act, 1963, which came into effect on 1 October 1964, has, heretofore, been the principal primary legislation providing for, in the interest of the common good, the proper planning and development of cities, towns and other areas, whether urban or rural.

Subsection 1 of section 26 of the 1963 Act empowers Cashel Town Council as planning authority, when deciding to grant permission, to impose conditions. Subsection 2 of section 26 details the nature of planning conditions, among which the following, as quoted, relate to development contributions.

“(f) conditions for requiring roads, open spaces, car parks, sewers, watermains or drains in excess of the immediate needs of the proposed development,

(g) conditions for requiring contribution (either in one sum or by instalments) towards any expenditure (including expenditure on the acquisition of land and expenditure consisting of a payment under subsection (7) of this section) that was incurred by any local authority in respect of works (including the provision of open spaces) which have facilitated the proposed development, being works commenced neither earlier than the 1st day of August, 1962, nor earlier than seven years before the grant of permission for the development,

(h) conditions for requiring contribution (either in one sum or by instalments) towards any expenditure (including expenditure on the acquisition of land) that is proposed to be incurred by any local authority in respect of works (including the provision of open spaces) facilitating the proposed development, subject to stipulations providing for –

- (i) where the proposed works are, within a specified period, not commenced, the return of the contribution or the instalments thereof paid during that period (as may be appropriate),
- (ii) where the proposed works are, within the said period, carried out in part only or in such manner as to facilitate the proposed development to a lesser extent, the return of a proportionate part of the contribution or the instalments thereof paid during that period (as may be appropriate), and
- (iii) payment of interest on the contribution or any instalments thereof that have been paid (as may be appropriate) so long as and in so far as it is or they are retained unexpended by the local authority.”

Subsection 7 of section 26 states the following:

“In a case in which a condition referred to in paragraph (f) of subsection (2) of this section is attached to any permission or approval granted under this section, a contribution towards such of the relevant roads, open spaces, car parks, sewers, watermains or drains as are constructed shall be made by the local authority who will be responsible for their maintenance, and the contribution shall be such as may be agreed upon between that local authority and the person carrying out the works or, in default of agreement, as may be determined by the Minister.”

Notes:

The Minister referred to is the Minister for Local Government whose functions in this matter were transferred to An Bord Pleanála with effect from 10 March 1977 pursuant to the Local Government (Planning and Development) Act, 1976.

2. LEGISLATION

The Planning and Development Act, 2000 was signed into law on 28 August 2000. This Act, inter alia, revises and consolidates the law relating to planning and development by repealing and re-enacting with amendments the Local Government (Planning and Development) Acts, 1963 to 1999, and provides, in the interests of the common good, for proper planning and sustainable development including the provision of housing.

The relevant sections of the Act pertaining to a Development Contribution Scheme are sections 48 and 49, which, in the interest of clarity, are quoted hereunder in full:

- “48.-(1) A planning authority may, when granting a permission under section 34, include conditions for 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 for the infrastructure and facilities).*
- (2)(a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.*
- (b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.*
- (c) A planning authority may, in addition to the terms of a 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 by any local authority in respect of public infrastructure and facilities which benefit the proposed development.*
- (3)(a) 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.*
- (b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall 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 any local authority and the planning authority shall have 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.*
- (c) 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.*
- (4) Where a planning authority proposes to make a scheme under this section, it shall publish in one or more newspapers circulating in the area to which the scheme relates, a notice-*
- (a) stating that a draft scheme has been prepared,*
- (b) giving details of the proposed contributions under the draft scheme,*

- (c) *indicating the times at which, the period (which shall be not less than 6 weeks) during which, and the place where, a copy of the draft scheme may be inspected, and*
- (d) *stating that submissions or observations may be made in writing to the planning authority in relation to the draft scheme, before the end of the period for inspection.*
- (5) (a) *In addition to the requirements of subsection (4), a planning authority shall send a copy of the draft scheme to the Minister.*
- (b) *The Minister may make recommendations to the planning authority regarding the terms of the draft scheme, within 6 weeks of being sent the scheme.*
- (6)(a) *Not later than 4 weeks after the expiration of the period for making submissions or observations under subsection (4), the manager of a planning authority shall prepare a report on any submissions or observations received under that subsection, and submit the report to the members of the authority for their consideration.*
- (b) *A report under paragraph (a) shall-*
- (i) *list the persons or bodies who made submissions or observations under this section,*
 - (ii) *summarise the issues raised by the persons or bodies in the submissions or observations, and*
 - (iii) *give the response of the manager to the issues raised, taking account of the proper planning and sustainable development of the area.*
- (7) *The members of the planning authority shall consider the draft scheme and the report of the manager under subsection (6), and shall have regard to any recommendations made by the Minister under subsection (5).*
- (8)(a) *Following the consideration of the manager's report, and having had regard to any recommendations made by the Minister, the planning authority shall make the scheme, unless it decides, by resolution, to vary or modify the scheme, otherwise than as recommended in the manager's report, or otherwise decides not to make the scheme.*
- (b) *A resolution under paragraph (a) must be passed not later than 6 weeks after receipt of the manager's report.*
- (9)(a) *Where a planning authority makes a scheme in accordance with subsection (8), the authority shall publish notice of the making, or approving, of the scheme, as the case may be, in at least one newspaper circulating in its area.*
- (b) *A notice under paragraph (a) shall-*
- (i) *give the date of the decision of the planning authority in respect of the draft scheme,*
 - (ii) *state the nature of the decision, and*
 - (iii) *contain such other information as may be prescribed.*
- (10)(a) *Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.*

- (b) *An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.*
- (c) *Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.*
- (11) *Where an appeal is brought to the Board in respect of a refusal to grant permission under this Part, and where the Board decides to grant permission, it shall, where appropriate, apply as a condition to the permission the provisions of the contribution scheme for the time being in force in the area of the proposed development.*
- (12) *Where payment of a special contribution is required in accordance with subsection (2)(c), the following provisions shall apply-*
- (a) *the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,*
- (b) *where the works in question-*
- (i) *are not commenced within 5 years of the date of payment to the authority of the contribution,*
- (ii) *have commenced, but have not been completed, within 7 years of the date of payment to the authority of the contribution, or*
- (iii) *where the local authority decides not to proceed with the proposed works or part thereof,*
- the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,*
- (c) *where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out.*
- (13)(a) *Notwithstanding sections 37 and 139, where an appeal received by the Board after the commencement of this section relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under section 37 of the decision of the planning authority under that section, the Board shall not determine the relevant application as if it had been made to it in the first instance, but shall determine only the matters under appeal.*
- (b) *Notwithstanding section 34(11), where an appeal referred to in paragraph (a) is received by the Board, and no appeal is brought by any other person under section 37,*
- the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal furnishes to*

the planning authority, pending the decision of the Board, security for payment of the full amount of the special contribution as specified in the condition referred to in paragraph (a).

(14)(a) *Money accruing to a local authority under this section shall be accounted for in a separate account, and shall only be applied as capital for public infrastructure and facilities.*

(b) *A report of a local authority under section 50 of the Local Government Act, 1991, shall contain details of monies paid or owing to it under this section and shall indicate how such monies paid to it have been expended by any local authority.*

(15)(a) *A planning authority may facilitate the phased payment of contributions under this section, and may require the giving of security to ensure payment of contributions.*

(b) *Where a contribution is not paid in accordance with the terms of the condition laid down by the planning authority, any outstanding amounts due to the planning authority shall be paid together with interest that may have accrued over the period while withheld by the person required to pay the contribution.*

(c) *A planning authority may recover, as a simple contract debt in a court of competent jurisdiction, any contribution or interest due to the planning authority under this section.*

(16)(a) *A planning authority shall make a scheme or schemes under this section within 2 years of the commencement of this section.*

(b) *Notwithstanding the repeal of any enactment by this Act, the provisions of section 26 of the Act of 1963, in relation to requiring contributions in respect of expenditure by local authorities on works which facilitate development, shall continue to apply pending the making of a scheme under this section, but shall not apply after two years from the commencement of this section.*

(17) *In this section-*

"public infrastructure and facilities" means-

(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 those 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, sewers, waste water and water treatment facilities, drains or watermains, and*

(f) *any matters ancillary to paragraphs (a) to (e);*

"scheme" means a development contribution scheme made under this section;

'special contribution' means a special contribution referred to in subsection (2)(c).

49.-(1) *A planning authority may, when granting a permission under section 34, include conditions requiring the payment of a contribution in respect of any public infrastructure service or project-*

(a) specified in a scheme made by the planning authority (hereafter in this section referred to as a 'supplementary development contribution scheme'),

(b) provided or carried out, as may be appropriate, by a planning authority or, pursuant to an agreement entered into by a local authority, any other person, and

(c) that will benefit the development to which the permission relates when carried out.

(2)(a) *The amount, and manner of payment, of a contribution under subsection (1) shall be determined in accordance with a supplementary development contribution scheme.*

(b) A supplementary development contribution scheme shall specify-

(i) the area or areas within the functional area of the planning authority, and

(ii) the public infrastructure project or service,

to which it relates, and more than one such scheme may be made in respect of a particular area.

(c) A supplementary development contribution scheme may make provision for the payment of different contributions in respect of different classes or descriptions of development.

(3) *Subsections (3), (4), (5), (6), (7), (8), (9), (10), (11) and (15) of section 48 shall apply to a scheme subject to-*

(a) the modification that references in those subsections to a scheme shall be construed as references to a supplementary development contribution scheme,

(b) any other necessary modifications, and

(c) the provisions of this section.

(4)(a) *A planning authority may enter into an agreement with any person in relation to the carrying out, or the provision, as may be appropriate, of a public infrastructure project or service.*

(b) Without prejudice to the generality of paragraph (a), an agreement may make provision for-

(i) the manner in which the service or project is to be provided or carried out, as the case may be, including provision relating to construction or maintenance of any infrastructure or operation of any service or facility,

(ii) arrangements regarding the financing of the project or service and the manner in which contributions paid or owed to a planning authority pursuant to a condition under subsection (1) may be applied in respect of that project or service,

(iii) the entry into such further agreements as may be necessary with any other person regarding the financing and provision of such service or carrying out of such project,

- (iv) *the entry into force, duration and monitoring of the agreement (including the resolution of disputes).*
- (5) *A planning authority shall not, pursuant to a condition under subsection (1), require the payment of a contribution in respect of a public infrastructure project or service where the person concerned has made a contribution under section 48 in respect of public infrastructure and facilities of which the said public infrastructure project or service constituted a part.*
- (6) *A planning authority may, at any time, by resolution, amend a supplementary development contribution scheme for the purpose of modifying the manner of determining a contribution pursuant to a condition under subsection (1) where the cost of carrying out or providing, as the case may be, the public infrastructure project or service is less than the cost that was estimated when the planning authority first determined the amount of the contribution.*
- (7) *In this section, "public infrastructure project or service" means-*
- (a) the provision of particular rail, light rail or other 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."*

The Planning and Development Act, 2000 (Commencement) (No. 3) Order, 2001 was signed on 19 December 2001. This stated that sections 48 and 49 of the Act would commence and come into effect on 11 March 2002.

It should be noted that section 11 of the Planning and Development (Amendment) Act, 2002, which came into effect on 24 December 2002, has provided for the amendment of section 49(7)(c) above by substituting "waste water" for "waste, water".

3. CLASSES OF PUBLIC INFRASTRUCTURE AND FACILITIES

Development contributions shall be paid in respect of the following classes of public infrastructure and facilities benefiting development in the functional area of Cashel Town Council and that is provided, or that it is intended will be provided, by or on behalf of Cashel Town Council or other local authority:

(1) Public Water Supply Services

The sum levied is a contribution towards the cost of:-

- (a) the provision of water treatment facilities and watermains;
- (b) the refurbishment, upgrading, enlargement or replacement of water treatment facilities or watermains;
- (c) the acquisition of land in respect of (a) and (b) above; and
- (d) any matters ancillary to (a) to (c) above.

(2) Public Waste Water Drainage Services

The sum levied is a contribution towards the cost of:-

- (a) the provision of sewers, waste water treatment facilities, and drains;
- (b) the refurbishment, upgrading, enlargement or replacement of sewers, waste water treatment facilities, and drains;
- (c) the acquisition of land in respect of (a) and (b) above; and
- (d) any matters ancillary to (a) to (c) above.

(3) Road Infrastructure

The sum levied is a contribution towards the cost of:-

- (a) the provision of open spaces and landscaping works;
- (b) the provision of roads;
- (c) the provision of bus corridors and lanes, bus interchange facilities (including car parks for those facilities), infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures;
- (d) the refurbishment, upgrading, enlargement or replacement of roads;
- (e) the acquisition of land in respect of (a) to (d) above; and
- (f) any matters ancillary to (a) to (e) above.

Note:

The term "road" has the same meaning as defined in section 2(1) of the Roads Act, 1993, viz.

“road” includes –

- (a) any street, lane, footpath, square, court, alley or passage,
- (b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,
- (c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and
- (d) any other structure or thing forming part of the road and
 - (i) necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or
 - (ii) prescribed by the Minister.

The Minister referred to is the Minister for the Environment, Heritage and Local Government.

(4) Recreational and Community Facilities and Amenities

The sum levied is a contribution towards the cost of:-

- (a) the provision of recreational and community facilities and amenities;
- (b) the acquisition of land in respect of (a) above; and
- (c) any matters ancillary to (a) to (b) above.

The sum levied under this heading (commonly called the “community development” contribution) will be expended to include:

- Works as part of the Urban & Village Renewal Programme 2000-2006
- Undertaking environmental improvements in Cashel
- And in accordance with the Scheme of Capital Grants for the Provision of Recreational and Community Facilities and Amenities. This Scheme of Capital Grants was approved on an ad-hoc basis by Cashel Town Council at its meeting on 3rd March 2003 and is now incorporated into this Development Contribution Scheme. The details of the Scheme, as modified to take cognisance of the requirements of this Development Contribution Scheme, are contained in Appendix 1 on page 40

(5) Car Parking Facilities

Cashel Town Council’s requirements in relation to car parking standards are set out in Table 21 of Section 3.17 of the Town Development Plan 2003, which was adopted by resolution of the Council, dated 6th October 2003. The car parking standards are as follows:

Table 21: Car Parking Standards	
Land-use	Standards
Cinema	1 space per 3 seats
Bars/Restaurant/Hotel	1 space per 15 sq.m. public area
Clinics/Surgeries	2 spaces per consulting room
Caravan Park	1 space per unit of accommodation
Dance halls/Discos	1 space per 10 sq.m.
Dwelling (House/Flats)	1 space per dwelling unit
Hotel/Motel/Guest House	1 space for every 2 bed spaces
Leisure Centre	1 space per 50 sq.m.
Industry	1 space per 100 sq.m.
Nursing Homes	1 space per bedroom
Offices	1 space per 35 sq.m.
Retail Shops/ Supermarkets	1 space per 20 sq.m.
Retail Warehousing	1 space per 35 sq.m.
Warehousing	1 space per 100 sq.m.
Other	Individual assessment

Note: points 1-4 below apply.

1. Each car space shall be 4.8 metres x 2.5 metres with 6.1 metre wide circulation aisles.
2. Disabled spaces shall be 3 metres wide, with a one space per 20 provision.
3. Loading bays should be generally 9 metres x 5 metres (but at least 6 metres x 3 metres).
4. In the case of a use not specified in Table 21, the Council will determine the parking requirements.

In addition to the general car parking standards required, service bays may also be required. The number of service parking bays will depend on the nature and extent of the proposed development and will be determined by Cashel Town Council in each case.

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 sum levied is a contribution towards the cost of:-

- (a) the provision of car parks and car parking places;
- (b) the refurbishment, upgrading, enlargement or replacement of car parks and car parking places;
- (c) the acquisition of land in respect of (a) and (b) above; and
- (d) any matters ancillary to (a) to (c) above.

4. CLASSES OF DEVELOPMENT

Development contributions shall be paid in respect of the following different classes or descriptions of development:

Class	Description	Category
Class 1	(a) The provision of a business premises including: -any structure or 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; - a hotel, restaurant or public house; -any structure or other land used for the purpose of, or in connection with, the functions of a state authority. (b) The provision of facilities for childminding. (c) The provision of a day centre. (d) The provision of any guest house or other premises providing overnight guest accommodation, club, boarding house or hostel. (e) The provision of a shop or supermarket. (f) The provision of a wholesale warehouse or repository. (g) The provision of a school or college. (h) The provision of a nursing home, hospital or health centre.	Commercial
Class 2	The provision of an industrial building.	Industrial
Class 3	The provision of buildings or other structures for the purpose of the keeping of horses.	Agricultural
Class 4	The provision of a house in accordance with the policies of the Town Development Plan 2003.	Residential
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 square metres.	Residential
Class 6	The use of land for – (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, (b) the parking of motor vehicles, (c) the open storage of motor vehicles or other objects or substances.	Commercial

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.	Industrial
Class 8	The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.	Commercial
Class 9	The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunications lines.	Social and Public
Class 10	The use of land as a golf course or a pitch and putt course.	Amenity
Class 11	The use of land as a burial ground.	Social and Public
Class 12	The provision of a telecommunications mast.	Social and Public
Class 13	Development not coming within any of the foregoing classes.	Not applicable

Notes:

1. The following definitions, as given in section 2(1) of the Planning and Development Act, 2000, apply:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building.

5. AMOUNT OF DEVELOPMENT CONTRIBUTIONS

For the purposes of this Scheme the following tables detail the baseline development contributions applicable in respect of the classes of public infrastructure and facilities described in section 4 (on page 13) above.

Development contributions are payable in respect of a development which is the subject of an application for:

- (a) Permission or retention pursuant to the Planning and Development Act, 2000;
- (b) Permission consequent on a grant of outline permission pursuant to the Planning and Development Act, 2000;
- (c) Approval pursuant to the Local Government (Planning and Development) Acts, 1963-1999.

Development contributions are not payable in respect of a development, which is an exempted development within the meaning of the Planning and Development Act, 2000 or the Planning and Development Regulations, 2001, as amended.

Note:

1. Where the amount of the development contribution is to be calculated by reference to the site area or gross floor space to be provided and the relevant area is less than the unit of measurement specified in respect of the relevant class of development or is not an exact multiple of that unit, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the development contribution payable in respect of the application, as a complete unit.
2. Where the amount of the development contribution is to be calculated by reference to the area of gross floor space, that area shall be ascertained by the internal measurement of the floor space on each floor of a building or buildings (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to development to which the application primarily relates. Any attic or basement floor space which is capable of being developed for the same purpose as the main building, shall be included in the calculation of the gross floor space of the building.

Class 1

- (a) The provision of a business premises including:
- any structure or 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;
 - a hotel, restaurant or public house;
 - any structure or other land used for the purpose of, or in connection with, the functions of a state authority.
- (b) The provision of facilities for childminding.
- (c) The provision of a day centre.
- (d) The provision of any guest house or other premises providing overnight guest accommodation, club, boarding house or hostel.
- (e) The provision of a shop or supermarket.
- (f) The provision of a wholesale warehouse or repository.
- (g) The provision of a school or college.
- (h) The provision of a nursing home, hospital or health centre.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	€5.32 per square metre
(ii) public waste water drainage services	€7.85 per square metre
(iii) road infrastructure	€14.28 per square metre
(iv) recreational and community facilities and amenities	€2.71 per square metre
(v) car parking facilities	€2,000 per space rising to €4,000 per space

Notes:

- (a) The contribution at (v) above applies per car parking space. It will apply only in circumstances where the developer is unable to meet the requirements relating to car parking as set out under part (5) of section 4 (on page 14) above and where the contribution is commensurate with the shortfall in spaces, to enable the planning authority to facilitate the provision of car parking spaces elsewhere.

Class 2 The provision of an industrial building or light industrial building.

<i>Class of Infrastructure</i>		<i>Amount</i>
(i)	public water supply services	€3.37 per square metre
(ii)	public waste water drainage services	€9.00 per square metre
(iii)	road infrastructure	€13.60 per square metre
(iv)	recreational and community facilities and amenities	€4.20 per square metre
(v)	car parking facilities	€2,000 per space rising to €4,000 per space

Notes:

- (a) The contribution at (v) above applies per car parking space. It will apply only in circumstances where the developer is unable to meet the requirements relating to car parking as set out under part (5) of section 4 (on page 14) above and where the contribution is commensurate with the shortfall in spaces, to enable the planning authority to facilitate the provision of car parking spaces elsewhere.

Class 3 The provision of buildings or other structures for the purpose of the keeping of horses.

<i>Class of Infrastructure</i>		<i>Amount</i>
(i)	public water supply services	NIL
(ii)	public waste water drainage services	NIL
(iii)	road infrastructure	€7.14 per square metre
(iv)	recreational and community facilities and Amenities	NIL
(v)	car parking facilities	NIL

Class 4

The provision of a house in accordance with the policies of the Town Development Plan 2003.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	€9.43 per square metre
(ii) public waste water drainage services	€10.24 per square metre
(iii) road infrastructure	€14.40 per square metre
(iv) recreational and community facilities and amenities	€13.97 per square metre
(v) car parking facilities	€2,000 per space rising to €4,000 per space

Notes:

- (a) The contribution at (v) above applies per car parking space. It will apply only in circumstances where the developer is unable to meet the requirements relating to car parking as set out under part (5) of section 3 (on page 12) above and where the contribution is commensurate with the shortfall in spaces, to enable the planning authority to facilitate the provision of car parking spaces elsewhere.

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 square metres.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	€9.43 per square metre
(ii) public waste water drainage services	€10.24 per square metre
(iii) road infrastructure	€14.40 per square metre
(iv) recreational and community facilities and amenities	€13.97 per square metre
(v) car parking facilities	€2,000 per space rising to €4,000 per space

Notes:

- (a) The contribution at (v) above applies per car parking space. It will apply only in circumstances where the developer is unable to meet the requirements relating to car parking as set out under part (5) of section 4 (on page 14) above and where the contribution is commensurate with the shortfall in spaces, to enable the planning authority to facilitate the provision of car parking spaces elsewhere.
- (b) The above contributions apply only to each square metre in excess of 40 square metres

Class 6 The use of land for -

- (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,
- (b) the parking of motor vehicles,
- (c) the open storage of motor vehicles or other objects or substances.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	€53.20 per 0.1 hectare
(ii) public waste water drainage services	€78.50 per 0.1 hectare
(iii) road infrastructure	€142.80 per 0.1 hectare
(iv) recreational and community facilities and amenities	€27.10 per 0.1 hectare
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (i) above applies only where public water supply services are being availed of. The contribution will be assessed on the site area of the development to which the application relates and is calculated at the rate of 1% of the equivalent rate for Class 1 (on page 17) above.
- (b) The contribution at (ii) above applies only where public wastewater drainage services are being availed of. The contribution will be assessed on the site area of the development to which the application relates and is calculated at the rate of 1% of the equivalent rate for Class 1 (on page 17) above.
- (c) The contribution at (iii) above will be assessed on the site area of the development to which the application relates and is calculated at the rate of 1% of the equivalent rate for Class 1 (on page 17) above.
- (d) The contribution at (iv) above will be assessed on the site area of the development to which the application relates and is calculated at the rate of 1% of the equivalent rate for Class 1 (on page 17) above.

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>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	NIL
(ii) public waste water drainage services	NIL
(iii) road infrastructure	€6.80 per square metre
(iv) recreational and community facilities and amenities	NIL
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (iii) above will be assessed on the gross floor area of the tanks or structures to be provided and is calculated at the rate of 50% of the equivalent rate for Class 2 (on page 18) above.

Class 8 The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	NIL
(ii) public waste water drainage services	NIL
(iii) road infrastructure	€1.43 per square metre
(iv) recreational and community facilities and amenities	NIL
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (iii) above will be assessed on the area of advertising space to be provided and is calculated at the rate of 10% of the equivalent rate for Class 1 (on page 17) above.

Class 9

The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunications lines.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	NIL
(ii) public waste water drainage services	NIL
(iii) road infrastructure	€0.68 per metre length
(iv) recreational and community facilities and amenities	NIL
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (iii) above will be assessed on the length of line to be provided and is calculated at the rate of 5% of the equivalent rate for Class 2 (on page 18) above with metre length of line being equated to square metre area of building.

Class 10

The use of land as a golf course or a pitch and putt course.

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	NIL
(ii) public waste water drainage services	NIL
(iii) road infrastructure	€71.40 per 0.1 hectare
(iv) recreational and community facilities and amenities	NIL
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (iii) above will be assessed on the site area of the development to which the application relates and is calculated at the rate of 50% of the equivalent rate for Class 6 (on page 20) above. The following areas will not be subject to the contribution:
- (i) access roads, car parking facilities and locations of buildings (see (b) below);
 - (ii) other areas ancillary to the principal activity of the golf course or pitch and putt course.
- (b) The provision of any building on the site will be assessed in accordance with Class 1 (on page 17) above.

Class 11 **The use of land as a burial ground.**

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	NIL
(ii) public waste water drainage services	NIL
(iii) road infrastructure	€714 per 0.1 hectare
(iv) recreational and community facilities and amenities	NIL
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (iii) above will be assessed on the site area of the development to which the application relates and is calculated at 5 times the rate for Class 6 (on page 20) above.

Class 12 **The provision of a telecommunications mast.**

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	NIL
(ii) public waste water drainage services	NIL
(iii) road infrastructure	€1,360 per mast
(iv) recreational and community facilities and Amenities	€4,200 per mast
(v) car parking facilities	NIL

Notes:

- (a) The contribution at (iii) above will be assessed per mast to be provided and is calculated at the rate of 1 mast being equivalent to 0.1 hectare of site area of the equivalent rate for Class 2 (on page 18) above.
- (b) The contribution at (iv) above will be assessed per mast to be provided and is calculated at the rate of 1 mast being equivalent to 1,000 square meters of gross floor space of the equivalent rate for Class 2 (on page 18) above.

Class 13**Development not coming within any of the foregoing classes.**

<i>Class of Infrastructure</i>	<i>Amount</i>
(i) public water supply services	€5.32 per square metre
(ii) public waste water drainage services	€7.85 per square metre
(iii) road infrastructure	€14.28 per square metre
(iv) recreational and community facilities and amenities	€2.71 per square metre
(v) car parking facilities	€2,000 per space rising to €4,000 per space

Notes:

- (a) The contribution at (i) above applies only where public water supply services are being availed of.
- (b) The contribution at (ii) above applies only where public wastewater drainage services are being availed of.
- (c) The contribution at (v) above applies per car parking space. It will apply only in circumstances where the developer is unable to meet the requirements relating to car parking as set out under part (5) of section 4 (on page 12) above and where the contribution is commensurate with the shortfall in spaces to enable the planning authority to facilitate the provision of car parking spaces elsewhere.

6. GENERAL PAYMENT ARRANGEMENTS:

The following general arrangements will apply in respect of the payment of development contributions:

- 1(a)** The contribution payable will be based on the rate of contribution applicable at the date of payment and not on the rate of contribution in existence at the date of issue of the grant of permission.
- 1(b)** Where a contribution is not paid in accordance with the terms of the appropriate condition as laid down by Cashel Town Council, as planning authority, (or, as appropriate, by An Bord Pleanala, on appeal) any outstanding amounts due to Cashel Town Council shall be paid together with interest that may have accrued for the period withheld. Interest shall be calculated in accordance with the overdraft rate of interest applicable at the time.
- 2.** Cashel Town Council may facilitate the phased payment of contributions due in accordance with the terms of this Scheme, and may require the giving of security to ensure the payment of contributions. The payment of contributions on a phased basis will be assessed on a case by case basis. The prior written consent of Cashel Town Council will be required for the payment of contributions on a phased basis. The contribution payable upon each phase will be based on the rate of contribution applicable at the date of payment and not on the rate of contribution in existence at the date of issue of the grant of permission. (see Implementation Article 7, page 39).
- 3.** Cashel Town Council may recover, as a simple contract debt in a court of competent jurisdiction, any contribution or interest due to it under the terms of this Scheme.
- 4.** The following percentage reductions shall apply to the categories as listed hereunder:

The required development contributions shall be reduced by 100% in the following cases:

- Provision of facility by organisations, which are considered to be exempt from planning fees as outlined in Part 12 Article 157 of the Planning and Development Regulations 2001.
- Social Housing, including those provided by a voluntary or co-operative housing body, which is recognised by the Council.

- Social / Affordable housing units, which are provided in accordance with an agreement made under Part V, section 96 of the Planning and Development Act 2000 (as amended by Section 3 of the Planning and Development (Amendment) Act 2003). 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 / Affordable Housing, is entered into.
- Development by or on behalf of a voluntary organisation which is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality or by people of a particular group or religious denomination and is not to be used mainly for profit or gain.
- Development which is designed or to be used as workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain.

The required development contributions shall be reduced by 50% in the following cases

- Restoration / Refurbishment to a high architectural standard of buildings included in record of Protected Structures as outlined in the Council's Town Development Plan

The required development contributions shall be reduced by 20% in the following cases

- Where an old or derelict building as listed in the Council's Register of Derelict Sites is being reconstructed in sympathy with its existing character or where a derelict building is being reused as a dwelling.
5. Adjustments for non-residential development contributions will be made by the water services authority when calculating the consolidated charge for water services under the Framework for Water Pricing. This framework provides for the recovery of the marginal capital costs of water services: from the general non-domestic customer on the basis of either a consolidated metered charge using the water in/water out principle or through individual contracts with significant, generally larger, customers; and for residential development through development contributions.
 6. An application for permission for modification to a permitted development, including a change of house type or amendment to a site layout, will be assessed on the basis of the scale of development contributions in operation at the date of issue of the decision to grant permission.
 7. No development contributions shall be payable in respect of developments carried out by Cashel Town Council pursuant to Section 179 of the Planning and Development Act, 2000.

8. Development contributions payable in respect of an application for permission for change to use shall be assessed in accordance with the appropriate class pertaining to the proposed use, with an allowance being made for any development contributions already paid in respect of the former use.
9. In the case of a mixed development, the development contribution payable will be based on the sum of contributions payable in respect of each class of development within the overall development.

7. BASIS FOR DETERMINATION OF DEVELOPMENT CONTRIBUTIONS:

The basis for determination of the development contributions has included calculation of the real current cost to Cashel Town Council (excluding grant assistance) of the provision of high quality infrastructure to meet the needs of a vibrant, progressive and forward-looking town and the applicability of these costs to new development.

The Scheme reflects to the greatest extent possible the different demands arising from different scales of development.

The basis for determining development contributions in respect of the classes of infrastructure and facilities benefiting development as detailed in section 3 (on pages 11-13) above is as set out in the following subsections

7.1 PUBLIC WATER SUPPLIES

The following tables list the proposed works to be carried out in the period 2004-2009 in respect of public water supplies.

It is envisaged that the net expenditure of €241,000 on these works will benefit new development in accordance with the following:

(It should be noted that charges in relation to water usage imposed as per the Water Services Pricing Policy are not considered) .

Proposed Public Water Supply Services Improvement Works Programme 2004 - 2009

Name of Scheme	Estimated Cost	Net Cost to new development
Reservoir at Palmershill, 300,000 gallon capacity	€550,000	€137,500
Distribution ring main 200mm circulating east and south of town taking in Balckspots, old road and deerpark road west	€240,000	€60,000
Spur main 150 mm on Dualla Road	€110,000	€27,500
Spur main 150 mm on Deerpark Road	€32,000	8,000
Spur main 150 mm on Clonmel road	32,000	8,000
TOTAL	964,000	241,000

It is estimated that the net expenditure will benefit new development in accordance with consumption rates as follows:

<u>TYPE</u>	<u>PERCENTAGE</u>
Residential	63%
Commerical	30%
Industry	7%

An analysis of recent planning applications has been undertaken and it is anticipated that the projected floor area to be developed over the period of the scheme will be as follows:

<u>CLASS</u>	<u>CONTENT</u>
Residential	16,100 m2
Commercial	7,000 m2
Industrial	5,000 m2

Accordingly the estimated cost is apportioned per class of development as follows:

CLASS	CALCULATION	UNIT COST
Residential	$\frac{241,000 \times 0.63}{16,100}$	€9.43/m2
Commercial	$\frac{241,000 \times .30}{7,000}$	€10.32/m2
Industrial	$\frac{241,000 \times 0.07}{5,000}$	€3.37/m2

Note:

The charge on Commerical Development is not sustainable as the economic success of the Town depends on development and re-development of commercial units in order to retain and increase employment and to service the growing tourist industry. The development contribution is therefore reduced by €5.32m2

7.2 PUBLIC SURFACE WATER DRAINAGE SERVICES AND PUBLIC WASTE WATER DRAINAGE SERVICES

The following tables list the works proposed to be carried out in the period 2002 – 2008 in respect of public surface water and waste water drainage services.

It is envisaged that the net expenditure of €388,500 on these works will benefit new developments – in accordance with the following:

(It should be noted that charges relating to discharge of foul sewage imposed as per The Water Pricing Policy are not considered).

Proposed Public Waste (including Surface Water) Water Drainage Services Improvement Works Programme 2004 - 2009

Name of Scheme	Estimated Cost	Net Cost to new development
Waste Water Treatment Plant refurbishment	€3,375,000	€150,000
Extension to Windmill Road	200,000	50,000
Upgrade sewers on Dualla Road	330,000	40,000
Extension on Clonmel Road	240,000	60,000
TOTAL	€4,145,000	€300,000

It is estimated that the net expenditure will benefit new development in accordance with discharge rates as follows:

CLASS	PERCENTAGE
Residential	55%
Commerical	30%
Industry	15%

An analysis of recent planning applications has been undertaken and it is anticipated that the projected floor area to be developed over the period of the scheme will be as follows

CLASS	CONTENT
Residential	16,100 m2
Commercial	7,000 m2
Industrial	5,000 m2

Accordingly the estimated cost is apportioned for each class of development as follows:

CLASS	CALCULATION	UNIT COST
Residential	$\frac{300,000 \times 0.55}{16,110}$	€10.24/m ²
Commercial	$\frac{300,000 \times .30}{7,000}$	€12.85/m ²
Industrial	$\frac{388,520 \times 0.15}{5,000}$	€9.00/m ²

Note:

The charge on Commercial Development is not sustainable as the economic success of the Town depends on development and re-development of commercial units in order to retain and increase employment and to service the growing tourist industry. The development contribution is therefore reduced to €7.85m².

7.3 ROAD INFRASTRUCTURE

Section 2.6 of the Cashel Town Development Plan 2003 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 Act 2000.

Table 1

PROPOSED ROAD IMPROVEMENTS WORKS PROGRAMME 2004 - 2009

Name of Scheme	Estimated Cost	Cost apportionment to new development
Link Road from Clonmel Road to Old Road	1,104,000	€375,000
McCann Street Improvements	€56,000	€5,000
William Street Improvements	€230,000	€10,000
Cathal Brugha Street Improvements	€17,800	€3,000
Circular Road Footpath	18,300	€2,000
Pedestrian link to Rock from Main St.	€110,200	€5,000
Total	€1,536,300	€400,000

Calculation of Roads Levy:

An analysis of recent Planning decisions has been undertaken in order to assess the projected floor areas to be developed during the period 2004 – 2009. It is considered that there should be a pro-rata distribution of road development levies based on projected floor area to be developed over the period 2004-2009.

<u>Class</u>	<u>Floor Area (2004-2009)</u>	<u>Percentage of Total Floor Area</u>	<u>Calculation</u>	<u>Rate per sq.m.</u>
Commercial	7,000 sq.m	25%	$\frac{€400,000 \times 0.25}{7,000}$	€14.28
Industrial	5,000 sq.m	17%	$\frac{€400,000 \times 0.17}{5,000}$	€13.60
Residential	16,100 sq.m	58%	$\frac{€400,000 \times 0.58}{161,000}$	€14.40

Note 1.

Class 3 The provision of buildings or other structures for the purpose of the keeping of horses.

An exception will be made in the case of the above classes whereby the requirements for roads infrastructure (i.e. footpaths and lighting) will not be as onerous on the Council therefore a 50% levy will be applied in respect of these classes. The rate per square metre will be €7.14

7.4 CAR PARKING FACILITIES

It is estimated that an additional 150 spaces will need to be provided in the longer term. The cost apportionment per space is estimated to be €3,780 (i.e. construction costs = €567,000).

In addition there is a land acquisition cost. At 200 spaces per 0.5 hectare typically and using €240,000 per 0.5 hectare as the current cost of development land, the unit cost is €1,220.

The cost of car parking per space is thus:

$$€3780 + €1220 = €5,000$$

Having regard to the benefit of these proposed car parking facilities to new development, the baseline development contributions shall be as follows:

- (i) for any decision to grant permission made during the period 1 March to 28 February 2005, inclusive (irrespective of when the planning application was submitted) – the amount of €2,000;
- (ii) for any decision to grant permission made during the period from 1 March 2005 to 28 February 2006, inclusive (irrespective of when the planning application was submitted) – the amount of €2,500;
- (iii) for any decision to grant permission made during the period from 1 March 2006 to 28 February 2007, inclusive (irrespective of when the planning application was submitted) – the amount of €3,000;
- (iv) for any decision to grant permission made during the period from 1 March 2007 to 29 February 2008, inclusive (irrespective of when the planning application was submitted) – the amount of €3,500; and
- (v) for any decision to grant permission made during the period from 1 March 2008 to 28 February 2009, inclusive (irrespective of when the planning application was submitted) – the amount of €4,000

The amounts at (i), (ii), (iii), (iv) and (v) above shall not be subject to the requirements of paragraph 7 of section 8 (on page 38) below.

7.5 RECREATIONAL, COMMUNITY AND AMENITY FACILITIES

Section 2.7 of the Cashel Town Council Development Plan 2003 sets out policies and objectives of Cashel Town Council with regard to the following

- Community Development, Education and Cultural Facilities.
- The Environment, Amenity and Open Space.

Projected amenity and cultural objective estimates for the period 2004 to 2009.

Table 1.

Objective	Estimated Cost	Net cost to new development
Development of Public open spaces & parks	€ 200,000	€ 30,000
Provision for a new Town Park	€ 500,000	€ 95,000
Improve the visual amenity of all approach roads of the town	€ 150,000	€ 24,500
Provide links to amenity areas throughout the Town	€ 100,000	€ 15,000
Environmental streetscape improvements including undergrounding of overhead cables, provision of Town Centre focal point	€ 350,000	€ 54,500
Provide extension to St. Cormac's cemetery and remembrance garden	€ 200,000	€ 30,000
Promotion and development of Community and recreational facilities	€ 325,000	€ 51,000
TOTAL	€ 1,835,000	€ 300,000

The table indicates a total levy of €300,000 to new development within the town.

New development impacts on existing infrastructure and amenity facilities and requires the provision of new and/or an upgrading of existing facilities. Based on analysis of recent planning decisions and the availability of zoned land within the Urban area, the following distribution of development levies shall apply:

Table 2.

Class	Percentage
Commercial	18%
Industrial	7%
Residential	75%

Projection of Percentage Distribution Of Development Contributions.

The following table provides the 5-year floor area projections for development within the town boundary.

Table 3.

Class	No. of Houses	No. of Extensions	Sq. Metre
Commercial	N/A	N/A	7,000
Industrial	N/A	N/A	5,000
Residential	175	25	16,100

It is projected, as indicated in Table 4, that costs attributable to each class of new development for the 5-year period will be follows :

Table 4.

Class of Development	Amount of Levy
Commercial	€ 54,000
Industrial	€ 21,000
Residential	€ 225,000
TOTAL	€ 300,000

An analysis of the above information and projections provides the following costs per square metre for each class of new development.

Table 5.

Type of Development	Rate Per M² (€/m²)
Commercial	€ 7.71
Industrial	€ 4.20
Residential	€ 13.97

Note:

The charge on Commercial Development is not sustainable as the economic success of the Town depends on development and re-development of commercial units in order to retain and increase employment and to service the growing tourist industry. **The development contribution is therefore reduced to €2.71m².**

8. IMPLEMENTATION OF SCHEME:

This Development Contribution Scheme will be implemented as follows:

1. The Scheme will come into operation on 1st March 2004, and will be applied to any decision to grant permission, which is made on or after that date, irrespective of when the planning application was submitted.
2. Subject to 3 below, the basis for the determination of a development contribution shall be as set out in this Development Contribution Scheme.
3. Cashel Town Council may, in accordance with Section 48 of the Planning and Development Act, 2000, 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.

An example of such a **special contribution** is where a proposed development will lead to a demand for public surface water drainage services, which does not exist, or to an increased demand on existing public surface water drainage services, and which are separate from public waste water drainage services. It is likely that this will apply only in exceptional circumstances of very large developments.

4. Where payment of a special contribution is required in accordance with 3 above, the following provisions shall apply:

- (a) The condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,
- (b) where the works in question-
 - (i) are not commenced within 5 years of the date of payment to the authority of the contribution,
 - (ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution, or
 - (iii) where the local authority decides not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (c) be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,
- (c) where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out.

5. Section 49 of the Planning and Development Act, 2000 provides for the making of a supplementary development contribution scheme. It is not envisaged that Cashel Town will make such a scheme at this time.

6. This Scheme will operate for a 5-year period from the 1 March 2004 to 28 February 2009, unless the Scheme is revoked, varied or modified in the intervening period.

7. The amounts of development contribution specified in this Scheme shall be as follows:

- (a) For any decision to grant permission made during the period 1 March 2004 to 28 February 2005, (irrespective of when the planning application was submitted and following adoption of the scheme) the amounts shall be those specified in this Scheme.
- (b) For any decision to grant permission made during the period 1 March 2005 to 28 February 2006, (irrespective of when the planning application was submitted) - the amounts shall be as at (a) and revised in accordance with any increase in the Wholesale Price Index - Building and Construction Materials (reference WPAA201) as published by the Central Statistics Office, occurring between 1 January 2004 and 31 December 2004.
- (c) For any decision to grant permission made during the period 1 March 2006 to 28 February 2007 (irrespective of when the planning application was submitted) - the amounts shall be as at (b) and revised in accordance with any increase in the Wholesale Price Index - Building and Construction Materials (reference WPAA201) as published by the Central Statistics Office, occurring between 1 January 2005 and 31 December 2005;
- (d) For any decision to grant permission made during the period 1 March 2007 to 29 February 2008, (irrespective of when the planning application was submitted) - the amounts shall be as at (c) and revised in accordance with any increase in the Wholesale Price Index - Building and Construction Materials (reference WPAA201) as published by the Central Statistics Office, occurring between 1 January 2006 and 31 December 2006.
- (e) For any decision to grant permission made during the period 1 March 2008 to 28 February 2009, (irrespective of when the planning application was submitted) -the amounts shall be as at (d) and revised in accordance with any increase in the Wholesale Price Index - Building and Construction Materials (reference WPAA201) as published by the Central Statistics Office, occurring between 1 January 2007 and 31 December 2007.

The provisions of paragraph 7 above shall not apply to the development contributions for car parking facilities set out under heading (7.4) Car parking Facilities, on page 35) above.

9. Review

The Development Contribution Scheme will be reviewed in 2006.

10. ADOPTION OF SCHEME

This Development Contribution Scheme was adopted by Cashel Town Council at its meeting on 23 February 2004, pursuant to section 48(8)(a) of the Planning and Development Act, 2000.

APPENDIX 1

Provision of Recreational and Community Facilities and Amenities

SCHEME OF CAPITAL GRANTS

Purpose of Scheme

It is the intention of Cashel Town Council to assist, in general, the provision of recreational and community facilities and amenities and so improve the quality of life for the people of Cashel and their visitors. This Scheme is primarily intended to assist with community development in the town, specifically those needs arising in the provision of open spaces, recreational and community facilities and amenities and landscaping works, the acquisition of land for that purpose and any matters ancillary to same.

Basis for Determination

The Scheme is applicable to the Cashel Urban Area, but is being determined on a county-wide basis so as to ensure that locations with less development and hence less development contributions, will have an equal opportunity for eligibility for funding in respect of facilities which the promoters consider are needed. The intention is to provide the county with a range of recreational and community facilities and amenities, but based on expressed needs (initially articulated through applications), sustainability and social inclusion, the process being guided by such research, needs analysis and plans as are or will be available.

Where those living as a result of development in one area (district electoral division or electoral area) require or use facilities in another area, it is envisaged that funding may be transferred on an inter-area or intra-area basis to assist in the provision of those facilities.

Furthermore, where those living as a result of development in a particular location require or use facilities in an adjoining town or area, which is a separate local authority (i.e. South Tipperary County Council, Carrick-on-Suir, Cashel and Tipperary Town Councils and Clonmel Borough Council), it is envisaged that funding may be transferred between the County Council and the Town and Borough Councils to assist in the provision of these facilities.

Strategy and Aims

A number of strategies have identified needs in the town related to the provision of open spaces, recreational and community facilities and amenities and landscaping works.

The Town Development Plan 2003 (adopted by resolution of the Council dated 6th October 2003) includes policies to:-

- ensure that adequate amenity and recreational open space and facilities, including community facilities and centres, are available for all groups of the population at a convenient distance from their homes and places of work;
- encourage developers to pool land in order to satisfy open-space requirements to allow the provision of large multi-purpose (e.g. parkland and playing pitches) amenity areas as well as small incidental open spaces within housing areas;
- promote the provision of public playgrounds and parks in all settlement centres;
- seek the provision and suitable management of Local Areas for Play and Local Equipped Areas for Play in new housing estates and to implement measures to find suitable sites for their provision in existing residential areas;
- seek to retain and incorporate key landscape features such as trees, stone walls, streams, etc. into open space and landscape plans for new developments in order to create distinctiveness of landscape and a sense of identity;
- protect mature trees; and
- seek the provision of arts, cultural and entertainment facilities, new works of art or performing spaces in association with new development proposals, where appropriate.

The Local Agenda 21 Wheel contained in the South Tipperary County Strategy for Economic, Social and Cultural Development as adopted by South Tipperary County Council on 4 March 2002 and launched by the South Tipperary County Development Board on 8 April 2002 outlines a range of desired community facilities at village, small town and county town level. In the future, work on the Agenda 21 Wheel and other strategies, such as those by the County Childcare Committee or other agencies, will also specify desired community facilities.

While much research work and planning remains to be done, it is clear that the present provision for community facilities in the town is inadequate. Investment is required to assist community based projects, which aim for the social, recreational, amenity and cultural betterment of their community, and which are:

- well founded;
- well supported by their community, financially and otherwise;
- preferably based on a co-operative proposal from several groups so as to create a better and more sustainable use of resources by sharing facilities;
- based on an acknowledgement of, and/or provision for, social inclusion;

- are recognised by the Council as being the main provider of a particular service to all members of the public in a particular community area;
- formulated within the context of the existing and future plans and strategies of Cashel Town Council and other agencies; and
- ensuring that the facilities or parts of the project directly assisted by the Scheme are available to all members of the community.

Types of facilities and works proposed for eligibility under this Scheme of Capital Grants could include:

- sporting facilities;
- children's playgrounds;
- facilities for youth and senior citizens;
- multi-functional community halls;
- community resource centres;
- arts and library facilities;
- parks and walks;
- heritage sites.

The process will firstly be based on expressed needs (initially articulated through applications) and then by such research, needs analysis, strategies and plans as are or will be available. It is estimated that in the period 2004-2008 a sum of €300,000 will be required to begin the task of providing community facilities within the principles listed above.

The finance will be distributed as received with provision for fund transfer between electoral areas, and into borough and town and county areas, where projects similarly draw their audiences or clients across electoral boundaries.

Terms and Conditions for Scheme

Introduction

1. Funds will be provided on the basis of expressed need, where there is a genuine lack of such facility proposed and where there is provision for public access, community support, social inclusion and sustainability.
2. Cashel Town Council reserves the right to conduct, commission or review research on the social, economic and cultural needs of the town and, in particular, on the need for recreational and community facilities and amenities and to modify the Scheme and its administration, or not, accordingly.

Administrative

1. Applications must be from a legally constituted, not for profit, club or association which: -
 - (a) is registered and in good standing with its national representative body, if any;
 - (b) has a constitution or rules approved by Cashel Town Council;
 - (c) holds annual general meetings;
 - (a) is open to new members, without discrimination, from the area which the club or association serves; and
 - (b) has made audited financial, investment and other records (including all bank and other account details) available to Cashel Town Council.
2. Applications for funding must be submitted on the appropriate application form and all relevant and necessary supporting information must be included. Incomplete applications may be returned or delayed.
3. Applications for funding shall be due after 1 January and no later than 4.30pm on 1 April (or the first working day after, if 1 April is not a working day) at locations(s) to be advertised. Funding decisions shall be communicated to the applicants no later than 31 October.
4. The beneficiary must produce appropriate satisfactory evidence of clear and valid title, or an agreement to acquire title, to the lands or buildings to be funded under the Scheme. Where title is leasehold the interest must be for a minimum of 10 years and such matters shall be taken into consideration by the local authority in deciding the amount of grant to be paid. Projects can be sited on Council owned land provided written permission is given by the Manager.
5. Grant-aided facilities shall not be alienated, assigned, sold or otherwise disposed of without the consent of the relevant local authority.
6. Applications for funding will normally only be accepted for capital works which have not yet taken place. Works can start after the first site visit by staff from the Director of Community and Enterprise's office but it is to be clearly understood that acceptance of an application does not mean that a project will be funded. Grants will normally only be paid out when works to that amount have taken place.
7. Applications for funding for capital works already undertaken may be accepted, at the assessment committee's discretion but only for works undertaken since the date of introduction of the Development Contribution Scheme.
8. Successful applicants must enter into a legal agreement conferring the right on the local authority at its absolute discretion to seek a refund of the grant paid, in whole or in part, where the facility is disposed of at any time or if the applicant ceases its activities.
9. Where an application for funds is rejected, the applicant may return it asking for the decision to be reviewed and giving the reasons and/or information why the application should be reviewed.

- 10 Administrative and other requirements may be revised or altered by the assessment committee.

Financial

1. Funding will be provided only for capital projects with a minimum cost of €10,000.
2. Applicants are reminded to be very realistic regarding financial planning and sustainability. Consideration should be given to developing projects on a phased basis to avoid crippling interest charges, for example, and income figures should be based on realistic user projections.
3. Funding will be provided for capital works, i.e. new projects or the refurbishment of existing facilities. Where new projects are to replace an existing facility, the application should include an explanation as to why the existing facility is not suitable or has not been viable.
4. Funding will not be paid out to any project which requires planning permission and for which full planning permission has not been granted though projects may be approved in principle, pending receipt of planning permission.
5. Subject to paragraph 7 below, funding up to 75% of the capital expenditure may be provided though it is likely that most grants will be substantially less. Projects that directly help combat social exclusion and marginalisation may be funded up to 90%.
6. Applicants are strongly encouraged to raise a portion of the funds required themselves and/or to seek matching funding from other agencies. Applicants will be required to satisfy the Council with regard to the source and amounts of funds sufficient to finish the project.
7. Funding will only be provided to the extent of available finance. Funding may be carried from year to year by Cashel Town Council.
8. Applications for multi-year funding are not excluded as the Council does wish to encourage the realistic phasing of projects to match available income to avoid crippling interest charges. However, the granting of funds in one year does not automatically presuppose funding in the following or later years.
9. Funding approved must be drawn down within one year of approval, or as otherwise agreed in writing with Cashel Town Council.
10. Appropriate evidence of financial need and proposals for matching resources must be produced. Efforts to form partnerships and source alternative/matching funding must be outlined. The level of grant payable may be determined by the level of other funds raised by the applicants and by the amount of funds committed by other agencies.
11. The payment of a grant will be subject to the beneficiary providing a current form C2 or Tax Clearance Certificate from the Revenue Commissioners.
12. All or any portion of a grant, which has been unpaid, may be withheld by the local authority or any portion of a grant paid may be recovered where any of the terms and conditions are not being complied with or where there is an

unapproved material change in the proposals for which the application was made.

13. Grant allocations may be reviewed or revoked at any time by the relevant local authority if progress on the development or refurbishment is not satisfactory.

Management of the Facility

1. The beneficiary shall agree to be responsible for any loss, damage or injury to person or persons or property arising out of the provision or use of the facility and shall indemnify the local authority against all claims howsoever arising to an amount to be set by the local authority.

Sustainability and Access

1. Funding will be provided on the understanding that it is for the provision of facilities to the general public, as submitted by and agreed with the promoters in the application. Any restriction of that agreed access, without the consent of the Council, might result in the recovery of the grant.
2. Cashel Town Council reserves the right to request promoters to send delegate(s) to relevant training for voluntary committees.
3. Promoters should provide the Council with a business plan dealing with running costs and maintenance costs. Where a project is not intended as economically self-sufficient, sources of funding for running costs and maintenance costs should be outlined.
4. Priority will be given to projects that combat social exclusion or marginalisation.

Works

1. Where the beneficiary employs persons directly to work on the project, their pay shall be subject to income tax, returned to the Revenue Commissioners. Work done and expenditure incurred will have to be certified by the promoter.
2. All work done should be in accordance with relevant legislation and regulations and the Council will not be responsible for any defects or liabilities.
3. All persons or companies engaged on the project by the promoter should be adequately insured and Cashel Town Council will not be responsible for any damage or injury to anyone.
4. The assistance of Cashel Town Council must be publicly acknowledged in a manner to be agreed with the Council.
5. Facilities aided under this Scheme shall comply with the provisions of the Planning and Development Acts, 2000-2002, the Building Control Act, 1990 and, where appropriate, other relevant legislation. Copies of any relevant documentation, permits, licence or authorisation may be requested by the Council.
6. Payments in respect of capital financial assistance will be made, in full or in part, on the basis of original invoices of expenditure vouched as paid or in such a manner as may be required by Cashel Town Council.

7. The beneficiary must meet public procurement provisions as laid down by Cashel Town Council. In particular any expenditure of over €1,270 must be backed by at least three quotations from public advertisement or letter addressed to known suppliers (sole suppliers excluded).

8. The beneficiary shall produce evidence of appropriate employer's liability insurance and public liability insurance to limits specified by the relevant local authority, which shall be fully indemnified. All grant-aided assets shall, where appropriate, be kept insured at all times against loss or damage by fire, storm or flooding. All compensation paid under such insurance shall be used to restore the property so damaged or lost and any shortfall shall be made good by the beneficiary. The interest of the relevant local authority shall be noted on all policies. The local authority shall be indemnified against all claims under all insurances relating to the project.

General

1. The Council reserves the right to reject any application or to refer it back to the applicants for re-consideration, to refer it for discussion to other bodies or to publish details of it.
2. Applicants are strongly encouraged to liaise with all agencies (e.g. South Tipperary County Council, South Eastern Health Board, LEADER II (principally Tipperary LEADER Group and Barrow-Nore-Suir Rural Development Ltd.), relevant Government Departments, other clubs/associations, etc.) to ensure that the project does not conflict with existing plans or strategies.
3. Applications from strong partnerships of several bodies or funded by a 'package' from several agencies will be encouraged.

Restrictions

1. Funding will not be provided for:-
 - (1) maintenance or day to day running costs;
 - (2) mobile assets; and
 - (3) feasibility studies for capital projects.

Disclaimers

1. Funding of the project by Cashel Town Council does not imply that it is responsible for the maintenance or running of the facility, now or in the future.

Alia

1. A formal legal agreement will be signed between the beneficiary and the relevant local authority to reflect the terms and conditions of this Scheme prior to payment of a grant or any part thereof.
2. Applications shall be evaluated, in the light of the above requirements, by the office of the Director of Community and Enterprise and then approved by a committee composed of –
 - Mayor of the Council
 - Manager of Cashel Town Council

- Director of Community & Enterprise;
- Town Clerk
- Town Engineer

and then presented to the members of the Council (at their next monthly meeting).

Where this Scheme is also adopted by other local authorities (South Tipperary County Council, Clonmel Borough Council, , Cashel Town Council and Tipperary Town Council) within the county, applications to those local authorities shall be evaluated by the office of the Director of Community and Enterprise, in collaboration with the relevant Town Clerk. Where it can be shown that the users of an approved project are drawn from a County Council electoral area, as well as from the town council area, a recommendation may be made to the County Council regarding the provision of funding from the County Council Scheme to the project, in parallel with funding from Town Council.

3. Further information is available from the

- Town Clerk, Cashel Town Council, Civic Offices, Friar Street, Cashel, tel: 062-64711
- Community & Enterprise Section, South Tipperary County Council, Aras an Chontae, Clonmel, Co. Tipperary, tel: 052-34597

CASHEL TOWN COUNCIL
DEVELOPMENT CONTRIBUTION SCHEME 2004 - 2009
1/03/2008 - 28/02/2009

Notice is hereby given that pursuant to Section 48 of the Planning and Development Act 2000, Cashel Town Council being the Planning Authority for the Town of Cashel did on 26th February 2007 make a **Development Contribution Scheme. (increased by 5.3%)**

The Scheme, which becomes effective in respect of decisions made on Planning Applications as and from the 1st March 2004 states that development contributions shall be paid in respect of various classes of development as follows:

Classes of Development

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 Others Antennae
(i) Public Water Supply Services	€6.92 / m2	€4.39 / m2	Nil	€12.27/ m2	€12.27/ m2	€69.26per 0.1 hectare	Nil	Nil	Nil	Nil	Nil	Nil	€6.92/ m2
(ii) Public Waste Water Drainage Services	€10.22/ m2	€1.71/m2	Nil	€13.33 / m2	€13.33 / m2	€102.18 per 0.1 hectare	Nil	Nil	Nil	Nil	Nil	Nil	€10.22 / m2
(iii) Road Infrastructure	€18.59 / m2	€17.70/m2	€9.30/ m2	€18.74 / m2	€18.74 / m2	€185.88per 0.1 hectare	€8.85/ m2	€1.86/ m2	€0.88per metre length	€2.93 per 0.1 hectare	€29.37per 0.1 hectare	€770.22per mast	€18.59 / m2
(iv) Recreational & Community Facilities & Amenities	€3.53 / m2	€5.47 / m2	Nil	€18.17/ m2	€18.17 / m2	€5.28per 0.1 hectare	Nil	Nil	Nil	Nil	Nil	€5,466.87per mast	€3.53 / m2
(v) Car Parking Facilities	€4000 per space	€4000 per space	Nil	€4000 per space	€4000 per space	Nil	Nil	Nil	Nil	Nil	Nil	Nil	€4000 per space

Detailed descriptions of each of the above classes of development are contained in the Scheme.

A copy of the Scheme is available for inspection during the hours 9am – 5pm Monday to Friday (closed for lunch 1pm – 2pm), excluding Bank Holidays at the Planning Section, Civic Offices, Friar Street, Cashel. Copies may be purchased at a cost of €10.