#### CAVAN COUNTY COUNCIL

#### Comhairle Chontae an Chabháin



#### DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2017

#### Section 48, Planning & Development Acts 2000-2015

#### PROGRAMME OF INVESTMENT IN INFRASTRUCTURE AND FACILITIES

**1.0 INTRODUCTION**

Section 48 of the Planning and Development Acts 2000-2015 (hereafter referred to as “the Act”) enables a planning authority, when granting a planning permission under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that it is intended will be provided, by or on behalf of a local authority. The Act requires that the basis for the determination of a contribution shall be set out in a Development Contribution Scheme. There are 3 types of development contributions

1. **General Development Contribution** – the payment of a contribution in respect of public infrastructure and facilities benefiting development in an area of the planning authority and that is provided or that it is intended to provide by or on behalf of the local authority. This is attached upon the granting of planning permission.
2. **Special Development Contribution** – the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.
3. **Supplementary Development Contribution** – the planning authority may, when granting permission under Section 34 include conditions requiring the payment of a contribution in respect of any public infrastructure service or project that is specified in the scheme as a ‘Supplementary Development Contribution Scheme’.

**1.1 DEFINITIONS**

The Act gives the following meaning to public infrastructure and facilities:

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 spaces, sewers, wastewater and water treatment facilities, service connections, watermains and flood relief work,

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, wastewater and water treatment facilities, service connections or watermains,

f) The provision of high capacity telecommunications infrastructure, such as broadband,

g) The provision of school sites, and

h) Any matters ancillary to paragraphs (a) to (g).

Note that following the establishment of Irish Water, Planning Authorities are no longer to seek development contributions in respect of water and waste water facilities.

1.2 REVIEW OF PREVIOUS SCHEME

The preparation of this scheme was informed by a review of the current Development Contribution Scheme 2013.

€2,099,097 was generated from financial contributions between 2013-2015. Residential development is the main contributor accounting for €1,382,173, with industrial/commercial accounting for €598,540. Both the residential and industrial/commercial sectors account for

94% of total contributions received.

The following chart indicates expenditure in Cavan the development contributions over the period 2013-2015.

**Figure 1 – Expenditure of Development Contribution Income in Cavan from 2013-2015**

**An example of recent projects enabled by development contributions:**

Ballyconnell Relief Road Killykeen Forest Park

Kingscourt Footpaths Bawnboy Workhouse

Breakey Orange Hall Dowra Multi Purpose Facility

Cootehill Footbridge Virginia Playground

Drumalee Bowling Green Ramor Watersports Club Marina

Blacklion Market House Refurbishment Ballyjamesduff WW1 Trench

Ballinagh Flemings Folly Refurbishment Road Projects

Virginia Show Centre Community Capital Grants

**2.0 ESTIMATING THE NATURE AND SCOPE OF FUTURE DEVELOPMENT**

The current uncertainty in residential, commercial and industrial projects results in a level of unpredictability in forecasting development trends over the scheme period.

**2.1 RESIDENTIAL FORECASTS**

The Core Strategy of the Cavan County Development Plan 2014-2020 and Cavan Town and Environs Development Plan 2014-2020 projects the number of housing units to be constructed in the county over the period of the plans as 3770 units (2513 units for 4 years (2017 to 2020)). However it is considered more practical to base the forecast growth by using the residential commencement data available to the planning authority. There were 489 residential commencements in the County between January 2010 and end of 2015. Forecast growth for this scheme period is 960 unitsas per Table 1, Appendix 1.

**2.2 COMMERCIAL/INDUSTRIAL FORECASTS**

An analysis of the commercial and industrial floor areas of Commencement Notices received in the county from January 2010 until December 2015 (Table 2, Appendix 1) show an accurate prediction of 10,000m2 per annum was included in the 2013 Development Contribution Scheme. It is predicted that this trend will continue. It is estimated that 10,000m2 of commercial and industrial floor space will be commenced each year of the scheme.

**2.3 ALLOCATION OF CONTRIBUTIONS**

The projects to benefit from contributions are set out in Appendix 2. The list derives from projects listed in the current Cavan County/Town Development Plans in addition to projects identified by Cavan County Council. There will be an ongoing review of the infrastructure and facilities which can be funded during the life of the Scheme, based on the levels of income received from development contributions collected and funding costs which apply. Projects may be substituted where appropriate ensuring that the scheme is flexible and dynamic to changing needs and opportunities.

The Council will apportion monies over the lifetime of the scheme as identified in Table 1. It is considered that these prescribed ratios are appropriate representing a realistic estimate of the costs of providing the necessary infrastructure to support developments.

**Table 1: Classes of public infrastructure, costs attributable and allocation of contribution**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Costs included in Scheme | E.B.D.D.\*  % | Contributions  Allocated | % Contributions Allocated \*\* |
| Roads, Infrastructure and Facilities | 26,000,000 | 80% | 5,200,000 | 87% |
| Surface Water | 600,000 | 85% | 90,000 | 1.5% |
| Recreation, Parks and Open Space, Community Facilities, Town and Village Renewal | 1,900,000 | 63% | 703,000 | 11.5% |
| Total costs included in Scheme | 28,500,000 |  | 5,993,000 | 100% |

\*E.B.D.D. Existing Benefit Development Discount

\*\* Allocation as per previous scheme

**2.4 PROJECTED TOTAL COMBINED INCOME FROM RESIDENTIAL AND COMMERCIAL/INDUSTRIAL**

Table 2 below outlines the projected potential income from the scheme over its lifetime – January 2017 to December 2020.

**Table 2 – Estimated Total Income based upon commercial/industrial and residential commencements**

|  |  |  |
| --- | --- | --- |
| **Land Use** | **No. of Units /Floor Area** | **Residential Rate/Commercial Rate** |
| Residential | 960 units | 960x240m2\*x€23 = €5,299,200 |
| Commercial/Industrial | 40,000 m2 | 40,000m2 x €25 = €1,000,000 |
| **Total predicted income from commercial/industrial and residential €6,299,200** | | |

\*the average size of a permitted dwelling in Cavan 2013-2015

**3.0 LEVEL OF CONTRIBUTION, EXEMPTIONS AND REDUCTIONS**

Under the Scheme, the contribution to be paid (except where an exemption or reduction applies) in respect of the different classes of public infrastructure and facilities is as follows:

|  |  |
| --- | --- |
| **Class of Development** | **Contribution** |
| Dwelling house | €23 per square metre (subject to minimum payment of €5000) |
| Extension of a dwelling house  Domestic Garages | €23 per square metre over 40 square metre  €11.50 per square metre over 25m2 |
| Agriculture Structures | €3.60 per square metre (in excess of 800m² of the aggregate area of farm complex) |
| Commercial/Industrial | €25 per square metre |
| (a) use of uncultivated land or semi-natural areas for intensive agriculture purposes  (b) afforestation  (c) replacement of broad-leaf high forest by conifer species  (d) peat extraction | €1000 per hectare or part thereof |
| 1. winning and working of minerals, including quarrying 2. the deposit of refuse or waste | €12,000 per hectare or part thereof  €50,000 per hectare or part thereof  (In addition to buildings which are charged at commercial rates) |
| 1. the keeping or placing of any tents, campervans, caravans or other structures, for the purpose of caravanning or camping or the sale of goods. 2. The parking or open storage of motor vehicles or other objects or substances. | €1,200 per hectare or part thereof |
| The use of land as a golf course or a pitch and putt course. | €1,100 per hectare |
| Renewable Energy Development such as Windfarm Development and Solar Farms. | €2,000 per 0.1 MW |
| Hospitals and Schools | €13 m2 |
| Masts | €10,000 per mast |

**Note 1:**

The floor area of proposed development shall be calculated as the gross floor area. This means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions) and including mezzanine floors.

**Note 2:**

Retention permissions shall be charged at 1.5 times the applicable rate of the development contribution. No exemptions or reductions are applicable for retention permissions, other than developments considered to be exempt development as per the Planning and Development Regulations 2001-2015. For example, a retention application for a 60m2 single storey domestic extension to the rear of a residential property, the applicant may avail of the 40 m2 exemption listed under Section 4(1)(b) below.

**Note 3:**

All development contributions shall be index linked from 1st January each year following the date of implementation of the Scheme in line with adjustments in the Wholesale Price Index for Building and Construction published by the Central Statistics Office. The rate of Development Contribution to be applied is the rate applicable on the year of commencement of development.

**Note 4:**

Contributions to be rounded up/down to the nearest €10.

Car Parking Shortfall:

Where a shortfall in carparking arises a contribution of €2,500 per space calculated in accordance with the Cavan County/Town Development Plans 2014-2020, or its replacement, shall be levied in the following towns:

Bailieborough, Ballyconnell, Ballyjamesduff, Belturbet, Cavan Town, Cootehill, Killeshandra, Kingscourt & Virginia.

**4.0 EXEMPTIONS AND REDUCTIONS**

**4.1 The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:**

(a) Change of use to residential or any new build residential development in town core zonings as per the adopted Development Plans for the County and Cavan Town.

(b) The first 40m2 of extensions to a residential development and first 25m2 of domestic garages. Subsequent extensions or garage applications over exemption limit will be charged.

(c) Development in receipt of a Housing Adaption Grant for People with a Disability or similar will be exempted – only for the portion of the development that relates to the needs of the person in question.

(d) Social housing units, including those which are provided in accordance with an agreement made under Part V of the Act or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council.

(e) Not for profit community run facilities and Charitable Organisations as defined in Valuation Act, 2001.

(f) Development for social, recreational or religious purposes not used for profit or gain.

(g) Development to be used as a workshop, training facility, hostel or other accommodation specifically for persons with disabilities and not to be used for profit or gain.

(h) Works to Protected Structures where such works substantially contribute to the restoration or protection of the protected structure i.e. waiver would not apply, for example, to works for the purposes of adding an extension to a protected structure

(i) Ancillary surface car parking as part of a planning application.

(j) Broadband Infrastructure (Masts and Antennas).

(k) For developments that are for change of use permissions, where change of use does not lead to the need for new or upgraded infrastructure/services or significant intensification of demand placed on existing infrastructure. Additional floor space will be charged.

(l) For any agricultural developments that result in no increase in overall production and are made in order to comply with National or EU Directive.

(m) Renewable energy development which is not supplying electricity to the national grid or for export.

**4.2 The following categories of development will be liable for a reduced rate of development contributions under the Scheme:**

(a) In the case of applications for businesses grant aided or supported by IDA/Enterprise Ireland as well as developments that would progress the Governments Jobs Initiative a 20% reduction on the applicable rate of development contribution.

(b) In the case of applications for redevelopment projects (residential, commercial/industrial and agricultural), the Scheme will charge only the net additional development e.g. a redevelopment totalling 200m2 of which 150m2 is replacing existing development, contribution will be levied only on additional 50m2. In developments where demolition is involved, such demolition must be necessary to facilitate the proposed development for the exemption to apply. In the instance of replacement dwellings, evidence of payment of Property Tax for the proceeding year shall be submitted.

(c) Where development contributions under a Section 48 Scheme were paid in respect of the former use, the contribution payable on the new proposal will be net of the quantum of the development previously paid for. The Development Contribution Scheme does not provide for any rebate or refund in this regard. Agents/applicants should provide evidence of prior payment at application stage in order to expedite assessment and avail of this provision.

(d) Temporary permissions shall be liable for development contributions at the following rates:

* 33% of normal rate for permissions of up to 3 years
* 50% of normal rate for permissions up to 5 years
* 66% of normal rate for permissions up to 10 years

In cases where a subsequent full planning permission is granted for the same development the contribution payable on the new proposal will be net of the amount already paid.

**NOTE: Exemptions and reductions shall not apply to permissions for retention of development.**

##### **4.3 Special Circumstances**

Where it is considered that the development contribution to be levied is unreasonably high, the Chief Executive may waive all or part of that contribution having regard to the nature of the development.

**5.0 DEVELOPMENT CONTRIBUTION SCHEME**

This Cavan County Council Development Contribution Scheme 2017-2020 (‘the Scheme’) is made under Section 48 of the Planning and Development Acts 2000-2015.

Under the Scheme, Cavan County Council will, when granting a planning permission under Section 34 of the Act, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the County and that is provided, or that it is intended will be provided, by or on behalf of Cavan County Council (regardless of other sources of funding for the infrastructure and facilities).

**5.1 PAYMENT OF CONTRIBUTION**

Conditions requiring payment of the contributions provided for in the Scheme will be imposed on all decisions to grant planning permissions made following the making of the Scheme by the Council. The operative date of the Scheme is 1st January 2017 – 31st December 2020.

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed by the Council.

The Council may facilitate the phased payment of contributions payable under the Scheme, and the Council may require the giving of security to ensure payment of contributions. Agreements shall be made with the Council prior to the commencement of work on site.

The Council, in accordance with statutory powers, may recover as a simple contract debt in a court of competent jurisdiction any contribution (including interest and legal costs) due to it under the terms of this scheme. Furthermore, the Council may instigate enforcement action under the Act 2000 in respect of unpaid development contributions and all associated costs and fees.

**5.2 APPEAL TO AN BORD PLEANALA**

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.

##### 5.3 REDUCED CONTRIBUTION

Where infrastructure is provided by a developer which benefits not only the developer but also the local authority and/or the wider community, the Chief Executive may apply a reduced contribution in such circumstances.

**5.4 AREA TO WHICH THE SCHEME APPLIES**

The Scheme shall apply to the entire administrative area of Cavan County Council.

**5.5 FORWARD PLANNING**

Cavan County Council is statutorily required to prepare Development Plans. These statutory plans may include objectives to facilitate the provision of infrastructure in the areas concerned, including infrastructure to be funded by development contributions. Given the role of such statutory land use plans in identifying the associated infrastructural requirements of the county and it’s towns, expenditure associated with Forward Planning may be part funded by development contributions in accordance with Section 48 (17)(h) of the Act.

##### 5.6 COMMENCEMENT

The Scheme shall come into effect on 1st January 2017 i.e. applications granted on or after 1st January 2017. The rates shall be fixed from January 1st 2017 until 31st December 2020 unless it is revised in this period. This scheme will also remain in force after these dates until a new scheme is adopted.

**APPENDIX 1**

**Table 1: Estimation of number of dwellings that will be commenced from 2017 to 2020**

|  |  |
| --- | --- |
| **Year** | **Estimate Number of Commencement Notices** |
| 2017 | 210 |
| 2018 | 230 |
| 2019 | 250 |
| 2020 | 270 |
| **Total** | **960** |

**Table 2 : Commercial and Retail Floor area commenced 2010-2015**

|  |  |
| --- | --- |
|  | 2010-2015 commenced in m2 |
| Commercial | 35,402m2 |
| Industrial | 7739m2 |
| Total Floor space Commenced | 43,141m2 |

**APPENDIX 2 –PROJECT LISTS (not in order of priority)**

Note: *There will be an ongoing review of the infrastructure and facilities which can be funded during the life of the Scheme, based on the levels of income received from development contributions collected and funding costs which apply. Projects may be substituted where appropriate ensuring that the scheme is flexible and dynamic to changing needs and opportunities.*

**Roads**

Tractamotors junction

Dublin Road roundabout to Tractamotors

Car Park Kingscourt

Car Park and access Bailieboro

College Street Junction Cavan

From Carrickane to Golf Links Road Footpath and Drainage

Cavan Town Urban Greenway

Cootehill Town Centre Relief Road

Cavan Southern Access (Moynehall to Swellan)

Northern Strategic Route (entire) – Cavan Town

Belturbet Noghan Access

Projects identified in Current Transport Studies

Cavan Dundalk Strategic Route

Cootehill Back street scheme

Virginia masterplans

Upgrade of Local road L-5049 between the N87 and the R205 in the Derryginny Area of the town Ballyconnell

Link roads in Ballyconnell

* N87 with Preaching House Lane
* Main Street with Preaching House Lane
* Rear access servicing road to rear of property front N87 (Swanlinbar Road)

Upgrade existing pedestrian linkages from river to town core in Belturbet

Footpath from Mullagh Town to Mullagh Lake and on to Mullagh Hill

Footpath –Moynalty road from Mullagh townn

New and improved pedestrian linkages in urban areas

Public footpaths and lights

Greenways/walkways/trails

Community facilities including recycling

Smarter travel initiatives

Car park improvements

**Recreational and Amenity Projects**

County Library facilities and services

New Virginia Library

Cavan County Museum

The development of Cavan Heritage Service in the County

The development of Cavan Arts Service in the County

Landscape improvement schemes

Public Realm Improvement Schemes

Town Hall Cavan Town

Improvements to amenity areas

Create riverside walks in conjunction with developments

Burial grounds

Sporting facilities

Match Funding for Approved Projects.

Local Economic and Community Plan Objectives

Cavan Burren enhancements (Visitor facilities and interpretation)

Castlesaunderson

Angling infrastructure

Community Facilities

Economic Development

Developments in Forest parks

Ulster Canal (within County Cavan)

Enhance the natural, built and cultural heritage infrastructure in the county

Match funding for LEADER projects

**Surface Water Projects**

Maintenance and improvement of surface water infrastructure in the County