

**OFFALY COUNTY COUNCIL**

**SUPPLEMENTARY DEVELOPMENT CONTRIBUTION**

**SCHEME FOR**

**CLARA SEWERAGE SCHEME UPGRADE**

**PLANNING & DEVELOPMENT ACTS 2000 – 2006**



Offaly County Council  
Áras an Chontae  
Charleville Road  
Tullamore  
Co. Offaly

**SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME FOR  
CLARA SEWERAGE SCHEME UPGRADE**

**1. Introduction:**

This Supplementary Development Contribution Scheme is in addition to the general scheme and provides for specific contributions for Clara Sewerage Scheme Upgrade.

Section 49 of the Planning and Development Acts 2000-2006 enables Planning Authorities, to include conditions requiring the payment of a contribution in respect of public infrastructure services or projects.

Clara is strategically located within the Midland Gateway triangle identified in the National Spatial Strategy and is the 4<sup>th</sup> largest town in County Offaly. It is anticipated therefore that the town will be a focus for growth and development into the future.

**2. Supplementary Development Contribution Scheme**

**2.1 Scheme Details**

Supplementary Development Contribution Schemes enable Planning Authorities, when granting permission, to 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.

"Public infrastructure service or project" 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.

**2.2 Area of Application of Scheme**

The scheme as proposed is for the expansion of the wastewater treatment facility at Clara and comprises of any development within the catchment of the existing collection network.

**2.3 Basis for Determination of Contributions**

The Act provides that:

- (i) The scheme must state the basis for determining the contributions to be paid in respect of the public infrastructure service or project

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(ii) The planning authority shall have regard to the actual estimated cost of providing the public infrastructure service or project. The determination may not include any benefit that accrues in respect of existing development.

(iii) The scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances.

The basis for determining the contributions to be paid in respect of Clara Sewerage Scheme Upgrade is calculated having regard to the estimated required cost recovery to Offaly County Council under the Water Services Pricing Policy.

**2.4 Level of Contributions**

**2.4.1 - Level of Contribution**

The wastewater treatment plant at Clara is being extended by 4,500PE to 9,000PE, an increase of 4,500PE (population equivalent) and this is being part funded by the Department of Environment Heritage and Local Government under an Serviced Land Initiative Scheme. The estimated cost of the upgrade is €4.75m and the Offaly County Council contribution will be €2.85m. This will have to be funded by a supplementary development levy. The levy per residential unit will be €1,900 and €633.33 per population equivalent in respect of commercial/industrial and other developments. The supplementary contribution is calculated as follows:

The load imposed on Wastewater Treatment Plant is measured in units of Population Equivalent. One PE is effectively one person, and all developments can be assessed in terms of the PE loading they will impose on the plant. Industrial processes, Commercial units, etc can also be assessed in terms of PE by assessing the BOD load they generate using the formula:

1PE = 60grammes of BOD

As the funding to be raised for the 4500PE expansion is €2,850,000 the charge on developments per PE is calculated as:

$\frac{€2,850,000}{4,500} = €633.33$  per PE

4,500

The census gives an average of 3 persons per household in Offaly. Therefore the levy per house unit should be €633.33 x 3 = €1,900

All other developments can be assessed for PE equivalent, and charged at €633 per PE.

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**2.4.2 - Conversion of Residential Units**

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

Where an existing residential unit is extended or converted to create an additional residential unit e.g. an apartment or flat, the appropriate rate of contribution will be payable in respect of each additional residential unit erected.

**2.4.3 - Change of Use from Residential to Commercial**

The charges as appropriate shall apply in the case of a change of use from residential to commercial use.

**2.4.4 - Extensions**

Subject to 2.4.2 above a development contribution will not be required in the case of extensions to residential units unless a connection to public water mains or sewerage is required. In such cases only the relevant contributions appropriate to the service provided will be required.

A development contribution will be required in the case of extensions to industrial/commercial development. The appropriate rate of contribution will be payable in respect of the population equivalent increased sewerage load.

**2.4.5 - Mixed Development**

In the case of a mixed development, the contribution payable will be based on the sum of charges applicable to each development type within the overall development.

**2.5 Payment of Contributions**

**2.5.1 Payment/Collection of Contributions**

Offaly County Council will apply conditions requiring payment of the contributions provided for in the scheme on all decisions to grant permissions with the exception of the exemptions listed at 2.5.4 below. Contributions will be payable in accordance with the terms of the condition set out in the planning permission. If the contribution is not paid in accordance with the condition, then an amount to include interest, at a rate to be determined, in respect of the period the payment was withheld, will be payable. Any amount owed may be recovered through the courts as a simple contract debt or by use of the enforcement provisions under the Planning & Development Acts 2000 -2006.

**2.5.2 Indexation of Contributions**

The rates of contribution will be adjusted on the 1<sup>st</sup> January each year based on changes to the wholesale Price Index for Building and Construction published by the Central Statistics Office.

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**2.5.3 Phasing of Payments**

The contributions shall be payable prior to commencement of development or as otherwise agreed by the Planning Authority. Contributions shall be payable at the index adjusted rate relevant to the year in which the development authorised by planning permission is commenced. The Planning Authority may facilitate the phased payment of contributions and may require the giving of security to ensure payment of contributions.

**2.5.4 Exemptions & Reductions**

The Planning Authority may allow for full or partial exemptions from payment at its discretion:

**(a) Voluntary Organisations**

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 – (100% Reduction).

**(b) Workshop/Training Facility**

Development which is designed or intended to be used as a workshop, training facility, Drug Free Rehabilitation Centre, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain – (100% reduction)

**(c) Housing Adaptation grant Scheme:**

In the case of the Housing Adaptation Grant Scheme for People with a Disability that where a grant is paid by Offaly County Council a 100% reduction will apply.

**(d) Architectural Development**

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

**(e) Social housing units, including those which are provided in accordance with an agreement made under Part V of the Planning & Development Act (as amended by the Planning & Development (Amendment) Act, 2002) or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council, or provided by the HSE – (100% exemption).**

**(f) Change of uses within classes**

- a) Changes of use between the uses described in Class 1, 2 and 3 of the Planning and Development Regulations (Schedule 2, Part 4, Article 10) shall be exempted from the development contribution scheme when the use being changed to is also within these classes.

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- b) Change of use from any one use in any one Class to another use within another Class would be subject to the provision of the Development Contribution Scheme. In cases where there is existing development on site, the existing PE will be offset against the PE of any proposed development.
- c) Ordinarily, changes of use from one use to another use contained within the one Class is considered Exempted Development as per Part 4 of the Regulations and therefore no Development Contribution applies as no application needs to be made. Where an application is made however, an exemption should be given in respect of the development contribution scheme.

**(g) Derelict Sites**

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

- (h)** Development ancillary to development referred to in paragraphs (a) to (e) above incl.

**2.6 Ring-Fencing of Income**

Money accruing to the Council under the Scheme must be accounted for in separate accounts and can only be applied as capital for upgrade to Clara sewerage scheme.

**2.7 Appeals to An Bord Pleanála**

Conditions requiring a contribution to be paid in accordance with a Supplementary Development Contribution Scheme may not be appealed to An Bord Pleanála. However an appeal may be brought where an applicant for permission considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the Planning Authority.

**2.8 Duration of Scheme**

The Scheme shall run until 2016 or until 4,500PE increase is utilised.