



South Tipperary County Council Development Contribution Scheme 2011 - 2015

Adopted 7th February 2011



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1.0 Introduction

Section 48 of the Planning and Development Acts 2000 to 2010 (hereafter referred to as "the Act") enables the Planning Authority when granting planning permission under Section 34 of the Act, to include conditions requiring the payment of a financial 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 the Local Authority, regardless of other sources of funding for the infrastructure and facilities. Subsection (3) of Section 48 specifies that a scheme shall:

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

2.0 Preparation of the Scheme

Following pre-draft consultation with the Elected Members and other relevant stakeholders a Draft Development Contribution Scheme (DDCS) was prepared and placed on public display from the on the 8th November 2010. Written submissions were invited until Tuesday the 21st December. During the public consultation period the Council undertook a number of pro-active measures to raise awareness of the DDCS 2011 and to encourage participation in the preparation process, namely,

- Notice of the DDCS was published in South Tipp Today and the Nationalist on the 3rd and 4th November respectively
- Radio adverts were also aired on Tipp FM on the 8th and 29th November 2010
- All relevant stakeholders were notified in writing
- Notice was also published on www.southtippcoco.ie

During this public consultation period 12 submissions were received. A Manager's Report addressing each of the issues raised during this consultation period was prepared and circulated to the Elected Members in January 2011.

The making of a Development Contribution Scheme (DCS) is a reserved function of the Elected Members of the Council under Section 48(8) of the Act and this DCS was adopted on the 7th February 2011. The period of this General DCS is from 1st March 2011 to 28th February 2015 inclusive unless amended, extended or replaced with a new scheme by the Members of South Tipperary County Council (STCC).

2.1 Area of Scheme

This scheme applies to the administrative area of STCC including the Environs of Clonmel, Tipperary Town and Cashel. Development contributions on developments within the towns of Clonmel, Tipperary, Carrick on Suir and Cashel will be levied in accordance with the Section 48 DCS adopted by the individual town and borough councils.

3.0 Rationale for Development Contributions

When new development occurs it impacts on the capacity of existing infrastructure networks. Such development places a greater demand on the services provided by STCC. It is considered equitable that developers contribute to the financial burden associated with the provision of enhanced infrastructure networks facilitating new development. However, the DCS ensures that the cost of infrastructural improvements does not fall disproportionately on new development and takes account of benefit to existing development.

4.0 Function of the Development Contribution Scheme

Development proposals granted under Part 3 of the Act may include conditions relating to the proper planning and sustainable development of the area. They may also include conditions requiring the payment of financial contributions towards the provision or upgrade of infrastructural services facilitating the development. The DCS provides the statutory basis enabling a Planning Authority to impose such conditions.

5.0 Types of Development Contributions

The Act provides for three types of Development Contributions that may be attached as conditions to grants of planning permission:

- (i) General Development Contributions
- (ii) Special Development Contributions
- (iii) Supplementary Development Contributions

5.1 General Development Contributions

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

The types of public infrastructure and facilities that can be funded by the Development Contribution Scheme are:

- (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, 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, waste water 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)

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

This General DCS shall come into operation on 1st March 2011 and will be applied to all decisions to grant planning permission made on or after that date, irrespective of when the planning application was submitted, on land administered by STCC.

No appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with this Scheme. However, an appeal may be brought to the Board where an applicant for permission under Section 34 of the Planning and Development Acts 2000 - 2010, considers that the terms of the Scheme have not been properly applied in respect of any condition laid down by the Planning Authority.

5.2 Special Development Contributions

A Planning Authority may, in addition to the terms of a General DCS, 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 the Local Authority in respect of public infrastructure and facilities which directly benefit the proposed development. The Planning Authority must specify in a planning condition attached to the grant of permission, the particular works carried out, or proposed to be carried out, to which the contribution relates. Under Section 48(12) of the Act, where the works in question are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment), have commenced but have not been completed within 7 years of the date of payment or final instalment, or where the local authority decides not to proceed with the proposed works, the contribution shall be refunded together with any interest that may have been accrued. In accordance with the provisions of the Act, each Planning Authority decides if a Special Development Contribution is required and the level of the contribution, having regard to the actual costs incurred in relation to the particular works carried out, or the estimated cost in the case of works proposed to be carried out.

5.3 Supplementary Development Contributions

Under Section 49 of the Act, a Planning Authority may, when granting planning permission under Section 34 of the Act may in addition to applying the general development contribution scheme, 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 i.e. a Supplementary Development Contribution Scheme
- (b) Provided or carried out or proposed to be provided or carried out
 - By a planning authority
 - Where the provision of the infrastructure concerned is an objective in the development plan of a planning authority, or of a planning scheme of the Dublin Docklands Development Authority under Section 25 of the Dublin Docklands Development Act 1997, by a public authority, or, pursuant to an agreement entered into by a public authority with any other person, by that person, or
 - Pursuant to an agreement entered into by a local authority with any other person, by that person,
And
 - That will benefit the development to which the planning permission relates when carried out.

Projects that may be included in a Supplementary DCS include rail, light rail or other public transport infrastructure, including car parks and other ancillary development, the provision of particular new roads and the provision of particular new sewers, wastewater and water treatment facilities, service connections or watermains and ancillary infrastructure, new schools and ancillary infrastructure.

The amount and manner of payment of a Supplementary Development Contribution is determined in accordance with the Supplementary DCS. The scheme must specify the area to which it applies and also must specify the public infrastructure project or service on which the supplementary contributions are to be expended.

Notwithstanding section (3) and 48(10) of the Act the Board shall consider an appeal brought to it by an applicant for permission under Section 34 in relation to a condition requiring the payment of a contribution in respect of a public infrastructure service or project specified in a supplementary development contribution scheme, where the applicant considers that the service or project will not benefit the development to which the permission relates and section 48(13) shall apply to such an appeal.

6.0 Classes of Development

Development Contributions shall be paid in respect of the following different classes or descriptions of development. The basis for determination will be the rate for developments which are listed in the scheme and are deemed closest in nature to the proposed development.

CLASS	DESCRIPTION	CATEGORY
Class 1	(a) The provision of a business premises including: <ul style="list-style-type: none"> ▪ 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 or light industrial building.	Industrial
Class 3	The use of land for the winning and working of materials, including the extraction of sand, gravel and stone.	Industrial

Class 4	The use of land for the deposit of refuse or waste.	Industrial
Class 5	The provision of buildings or other structures for the purpose of the keeping of horses.	Agriculture
Class 6	The provision of buildings or other structures for the purpose of agriculture ¹ , where the gross floor area, when measured internally, exceeds 600 square meters	Agriculture
Class 7	The provision of a house in the open countryside in accordance with the policies of the County Development Plan.	Residential
Class 8	The provision of a house (a) within the environs of Clonmel, Tipperary Town or Cashel as set out in the relevant Development Plan (b) within the boundary of any Local Area Plan (LAP), District Service Centre, as set out in the County Development Plan and relevant LAP's (c) in a local service centre or settlement node as set out in the County Development Plan 2009	Residential
Class 9	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 10	(a) The use of uncultivated land or semi-natural areas for intensive agricultural purposes (b) Initial afforestation (c) The replacement of broad-leaf high forest by conifer species (d) Peat Extraction.	Agriculture
Class 11	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

¹ For the purposes of agricultural development (excluding stables) this contribution will be applied where the gross floor area, when measured internally, exceeds 600 square metres. Farm Improvement works necessitated as a result of E.U. Farm Environmental programmes/directives are not subject to development contributions.

Class 12	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 13	The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.	Commercial
Class 14	The provision of overhead transmission or distribution lines for conducting electricity or overhead telecommunication lines.	Social and Public
Class 15	The use of land as a golf course or a pitch and putt course.	Amenity
Class 16	The use of land as a burial ground.	Social and Public
Class 17	The provision of a wind farm development.	Social and Public
Class 18	The provision of a telecommunication mast.	Social and Public
Class 19	Development not coming within any other class.	Not applicable
Class 20	The provision of telecommunications antennae, dish and other apparatus/equipment for communication purposes.	Social and Public
Class 21	Horticulture Developments	Agriculture

7.0 Classes of Public Infrastructure & Facilities

Development Contribution Schemes provide funding for four general classes of public infrastructure or facilities, and their enabling costs.

Public Water Supply

Public Water Supply expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of water treatment facilities and water-mains, service connections, the associated acquisition of land and ancillary matters.

Public Waste Water Drainage Services

Expenditure on public waste water drainage systems will provide for the provision, refurbishment, upgrading, enlargement or replacement of sewers, wastewater treatment facilities and drains, service connections, flood relief works, the associated acquisition of land and ancillary matters.

Roads Infrastructure

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

General Recreational and Community Facilities and Amenities

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

8.0 Basis for determination of development contributions

In determining contribution levels, regard has been had to the objectives, strategies and work programmes of STCC. In particular, regard has been had to, among other sources, the South Tipperary County Development Plan 2009-2015, the Clonmel and Environs Development Plan 2008, The Tipperary Town and Environs Development Plan 2007, the Cashel Town and Environs Development Plan 2009, the Limerick Junction Local Area Plan (LAP) 2005, the Cahir LAP 2011, the Fethard LAP 2011, the Knocklofty LAP 2006, the Marfield LAP 2006, the Holycross LAP 2006, the South Tipperary County Strategy for Economic, Social & Cultural Development 2002 (and associated Review 2005), the Water Services Capital Projects Programme, the Roads Capital Projects Programme and the Community Facilities Scheme.

The following datasets informed the preparation of the scheme;

- Population projections for the county as set out in the Regional Planning Guidelines 2010.
- Residential planning applications granted and commencement notices received during the lifespan of the 2009-2011 Scheme.
- The amount of non-residential development commenced in the period between 2009-2011. There was a limited amount of non-residential development commenced during the lifespan of the current development contribution scheme.

The basis for the determination of a contribution in this DCS has taken into consideration;

- The amount of the actual estimated costs which are attributable from 2011 – 2015 for the provision of infrastructure and;
- The aggregated floor areas in square metres of probable development (2011 – 2015), in respect of residential and non-residential.
- Based on the likely amount of development to occur within the county from 2011-2015 this Scheme may generate in the region of €13.35m.

9.0 Calculation of Contribution

In determining the contributions in accordance with this scheme, regard has been given to the actual estimated cost of providing the classes of public infrastructure and facilities set out below.

9.1 Public Water Supply & Public Waste Water Drainage Services

If the level of growth predicted under this DCS occurs there will be approximately €3.3m in development contributions generated for public water supply projects and a further €2.8m generated for public waste water projects. The detailed capital works programme to be undertaken will be agreed at the relevant Strategic Policy Committee (SPC) meetings and will be in accordance with the Water Services Investment Programme and the Assessment of Needs.

9.2 Roads Infrastructure

The Scheme may generate in the region of €3.5m for Roads Infrastructure. The detailed capital works programme will be agreed at the relevant SPC meetings.

9.3 General Recreational and Community Facilities and Amenities

The number, type and location of community facilities to be assisted will depend on the amount of development contributions collected under the corresponding heading and on the priorities set by the Council, directly or by sub-committee as well as the number and type of applications received.

9.4 Car Parking Facilities

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

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

In order to promote desirable town centre development within the Secondary Service Centres, the District Service Centres, Local Service Centres and Settlement Nodes as identified under the County Development Plan the following will apply to commercial/office/retail development within the town/village centre land use zoning;

- Where a requirement for 1 - 2 car parking spaces is generated but car parking spaces cannot be provided on site the car parking contribution will be reduced by 50%
- Where a requirement for 3 - 4 (inclusive) car parking spaces is generated and cannot be provided on site the levied contribution will be reduced by 25%
- Where a development generates a requirement for 5 or more car parking spaces the full development contribution will be applied.

10.0 Exemptions and reductions

Voluntary Organisations

The required development contributions shall be reduced by 100% in the following cases where a fee has not been payable when making such an application, in accordance with Article 157 of the Planning and Development Regulations, 2001:

(1) when a planning application consists of or comprises development, which in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority –

(a) 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,

(b) is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or

(c) is ancillary to development referred to in paragraph (a) or (b);

(2) Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 and is not to be used mainly for profit or gain.

Local Authority Own Development

No development contributions shall be payable in respect of developments carried out by STCC pursuant to Section 179 of the Planning and Development Act 2000 – 2010.

Part V

Development Contributions payable in respect of that part of a residential development which is subject to the requirements of Part V of the Planning and Development Acts 2000-2010 in relation to the provision of social and affordable housing, shall be taken cognisance of in the formulation of an agreement between the developer and STCC pertaining to the said requirements.

Affordable Housing Scheme

The required development contributions shall be reduced by 100% for developments carried out pursuant to the Affordable Housing Scheme, as determined by the Minister for the Environment, Heritage and Local Government including residential units provided pursuant to the said Scheme or residential units erected on sites provided pursuant to the Low Cost Housing Sites Scheme as determined by the Minister. This reduction shall also apply to residential units provided in accordance with the South Tipperary Affordable Housing Scheme, for the allocation of houses in accordance with Part V of the Planning and Development Acts, 2000 – 2010.

Industrial Development

In order to promote employment and enterprise development in the County a 30% reduction on Development Contributions will be applied where it is considered by the Planning Authority that the development is within the following use classes of the relevant land use zoning matrix;

- Industrial i.e. light, general, special etc
- Enterprise/Employment/Workshop
- Enterprise Centre, Enterprise Unit, Employment Centre

And the development occurs on lands zoned for Industrial, Light Industrial, General Industry or Light/Industry and Employment uses.

Replacement Dwelling House

In the case of a replacement house where it can be demonstrated that the structure is serviced and was last used as a dwelling, the equivalent floor area of the house that is being replaced shall be exempt from development contributions. The additional floor area of the replacement house minus the floor area of the house that is being replaced shall be charged at a pro rata basis. A planning application seeking planning permission for multiple residential units or an application seeking planning permission for a structure for uses other than residential shall not avail of this exemption.

Modification to a permitted development

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 on the date of issue of the decision to grant permission. Any development contributions paid under the parent permission will be taken into consideration.

Change of use

Development contributions payable in respect of an application for permission for change of 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. Where there is a net reduction in water usage this will also be taken into consideration. This Development Contribution Scheme does not provide for any rebate or refund in this regard.

Masts, Antennae, Dishes and other apparatus/equipment for communication purposes

Where development contributions have been paid for telecommunications apparatus on foot of a 5 year permission (as recommended by the DoEHLG Guidelines on Telecommunications 1996) contributions will not be payable on any subsequent applications for the same structure. Any new development i.e. additions/attachments etc. will be subject to development contributions. Where masts and antennae, dish and other apparatus/equipment for communication purposes form part of the National Broadband Scheme (NBS) as defined by the Department of Communication, Energy and Natural Resources (DCENR) they will not be subject to development contributions. Development Contributions will be waived for co-located antennae, dish and other apparatus/equipment for communication purposes.

Wind Turbines

One single wind turbine being provided within the curtilage of the dwelling which the turbine is supplying will be exempt from development contributions. This exemption is to apply to a single turbine per house which is for private use only and not for commercial use or gain.

Protected Structures

Restoration or refurbishment to a high architectural conservation standard to Protected Structures included on the Record of Protected Structures will be subject to a reduction of 50% in development contributions.

Notes: Where a particular development comes within the remit of more than one category of reduced contributions, only one such reduction may be applied. In this instance the Council shall apply the category where the greater percentage reduction applies.

11.0 Schedule of Contribution

Class of Infrastructure ² Class of Development	Public Supply Services	Water	Public Waste Water Drainage Services	Road Infrastructure	Recreational and Community Facilities and Amenities	Car Parking Facilities (per space)
Class 1 per sqm – Commercial	€15.27		€7.93	€12.82	€9.53	€4,000.00
Class 2 per sqm – Industrial	€14.53		€7.93	€6.40	€16.70	€4,000.00
Class 3 per 0.1 ha – Industrial (Quarries)				€2,200.00	€150.00	
Class 4 per 0.1 ha – Industrial (deposit of refuse or waste)				€2,200.00	€150.00	
Class 5 per sqm – Keeping of horses	€13.57			€6.40		
Class 6 per sqm – Agriculture ³	€13.57			€6.40		
Class 7 per sqm – Residential (open countryside)	€8.67			€16.66	€14.14	
Class 8 per sqm – Residential (town or village as per CDP)	€8.67		€22.90	€16.66	€14.14	€4,000.00
Class 9 per sqm – Residential extension	€8.67		€22.90	€16.66	€14.14	
Class 10 per 0.1 ha – Intensive Agriculture				€64.03		
Class 11 per 0.1 ha – Commercial, tents, motor vehicles etc	€152.68		€79.26	€128.20	€95.41	
Class 12 per sqm – Industrial				€6.40		
Class 13 per sqm – Commercial, advertisement structures				€1.27	€5.00	
Class 14 per metre – Overhead transmission/distribution lines				€0.64		
Class 15 per 0.1 ha – Amenity, Golf/Pitch & Putt Course				€6.40		
Class 16 per 0.1 ha – Burial Ground				€640.65		
Class 17 per turbine				€4,000.00	€3,000.00	
Class 18 per mast				€2,199.76	€15,000.00	
Class 19 per sqm – Development not coming within any other class	€15.26		€7.93	€12.81	€9.53	€4,000.00
Class 20 per antennae, dish and other apparatus/equipment for communication purposes				€500.00	€2,000.00	
Class 21 ⁴ per sq m Polytunnels etc ≥ 101 sqm ≤ 500 sqm Polytunnels etc ≥ 501 sqm Sheds & stores etc	€2.50 €5.00 €13.57			€2.50 €5.00 €6.40		

² Contribution for Public Water Supply and Public Waste Water Drainage Services only applies where these services are being availed of.

³ For the purposes of agricultural development only (excluding stables) this contribution will be applied where the gross floor area, when measured internally, exceeds 600 sq m. Farm improvement works necessitated as a result of E.U. Farm Environmental programmes/directives are not subject to development contributions.

⁴ (1) Horticulture polytunnels, glasshouses and mushroom tunnels under or equal to 100 sq m are exempt from the development contribution. Development in this class greater than or equal to 101 sq m but less than or equal to 500 sq m will be charged €5 per sq m. Development in this class above 500 sq m will be charged at a rate of €10 per sq m, this reduction will be applied on a cumulative basis.

(2) As regards sheds, stores and other structures used in the enterprise the first 300 sq m of development applied for in any calendar year shall be exempt from development contributions with the rate of €19.97 per sq. m. applying thereafter.

12.0 Implementation of Scheme

This Development Contribution Scheme shall come into operation on 1st March 2011 and will be applied to all decisions to grant planning permission made on or after that date, irrespective of when the planning application was submitted, on land administered by STCC.

It shall also apply to any order by An Bord Pleanála on or after that date where it is a condition of the order that the amount of a development contribution is to be determined by the Planning Authority. STCC may, in addition to the terms of this scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by this scheme are incurred in respect of public infrastructure and facilities which benefit the proposed development.

STCC may, in addition to the terms of this scheme require the payment of a supplementary contribution in accordance with a Supplementary DCS if made by the Planning Authority.

Contributions shall be payable immediately upon the commencement of development. In cases where a development is being carried out in phases and such phases have been identified as part of the planning permission, or where the applicant has reached agreement with the Council regarding the payment of the contribution in phases, the contribution may be paid in associated instalments at the commencement of each phase or at agreed times where construction phases were not identified during the planning process. The phased payment of the contribution payable will require the prior written agreement of the Council and may require the giving of security/bond to ensure payment.

This DCS shall apply until 28th February 2015 inclusive unless it is otherwise modified, extended or replaced.

Appendix A: Recreation & Community Scheme

Purpose of Scheme

This Scheme is intended to assist communities in the provision of recreational and community facilities and amenities and landscaping works, the acquisition of land for that purpose and any matters ancillary to same (as per Section 48, 17 (a) and (b), Planning and Development Acts 2000-2010), the funding for these works is to be funded from Development Contributions levied and generated for recreational, community and amenity purposes.

History of Scheme

Since 2003 the Council has distributed some €8.7m in over 280 capital works grants to community facilities across the county. The number of those projects applying has risen steadily as the community has become more aware of the Scheme.

Year	No. of Applications
2003	22
2004	40
2005	63
2006	75
2007	54
2008	87

Table 1: No. of applicants 2003-2008

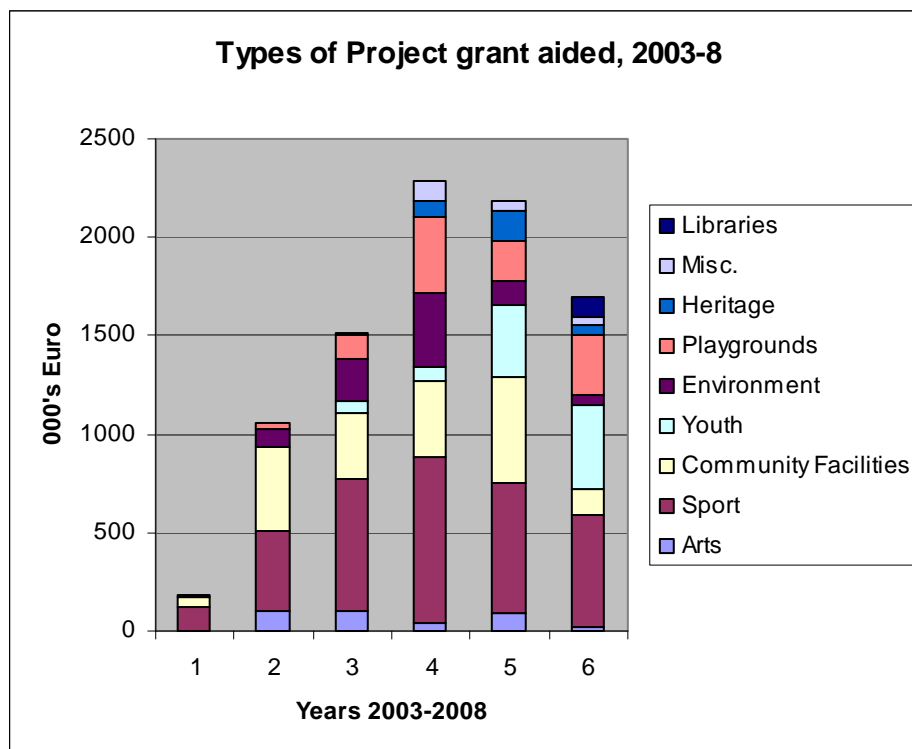


Figure 1: Total Expenditure by type from 2003-2008

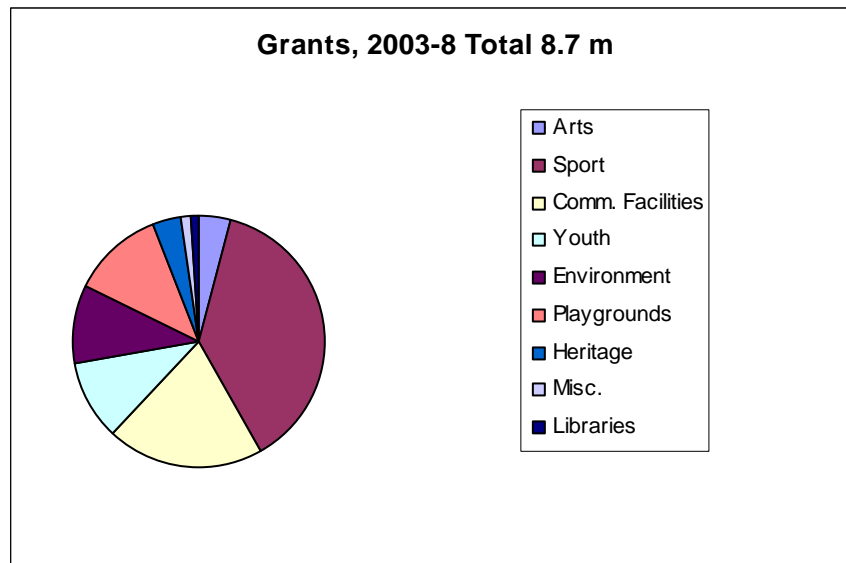


Figure 2: Grants allocated 2003-2008

Grants have previously been given on three levels:

- Major Grant of up to €100,000 for area projects having an impact/importance in an electoral area and large playgrounds.
- Community Grant of up to €40,000 for projects having an impact/importance to a community.
- Local Grant of between €10,000 and €20,000 for smaller sport/local projects.

Recent History of Scheme:

There was no call for applications for funding under the Scheme in 2009 and 2010 due to the changing economic situation. Receipts of development charges had dropped substantially. Provision had to be made for the funding of pre-existing grants and for applications received but as yet undecided. There may be a call for applications in 2012 if sufficient funds are received but it is more than likely that each call will see a very restricted range of priorities set and a corresponding and necessary lower level of funding that in the years 2003 - 2008.

Basis for Determination

The Scheme 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.

Definition of Community Facilities

The range, type and locations of community facilities to be assisted will be defined by;

- The range of facilities assisted in the previous schemes
- The Local Agenda 21 Wheel of the County Development Board County Strategy 2002 which provides for a range of desired community facilities at village, small town and county town levels.
- Research, plans and strategies of this Council including the South Tipperary County Development Plan 2009-2015
- Research, plans and strategies already provided or to be provided by the Council or other bodies and endorsed by the County Development Board or its sub-groups

- The Audit of Community, Sports and Arts Facilities in the county in 2008 published by the Co. Tipperary Information Service in March 2009 and the priorities identified therein.
- Plans and strategies agreed at national level
- Plans for towns and villages as per Local Area Plans
- Consultation, past and future, with county-wide bodies and representative groups
- Community needs as expressed by applications

Types of Facilities

It is envisaged that the types of facilities to be assisted would include those previously assisted:

- 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
- Community graveyards (where the Council is unable to fund same)

In all cases the types of works to be assisted must be the acquisition of land and/or capital works i.e. new or renovated structures or fixtures and closely associated costs.

Principles of the Scheme

The operation of the Scheme, including the selection of yearly priorities and the assessment of applications, shall be based upon the following priorities.

- Sustainability
- Public Access
- Social Inclusion
- Prevention of duplication
- Support for multi-use and shared projects
- Support for multi-source funding package projects⁵
- Creation of tiers of community facilities (from small local to single very large county level)
- Support for community development bodies and their well-founded projects with cross-community support
- Support for projects with strong cross-community backing and a sound financial basis
- Agreed yearly priorities arising from reviews (including the prioritisation of certain project types, the closing of the Scheme to projects of certain types or to those who have received a certain number of grants)

Setting of Priorities

Priorities for the Scheme shall be proposed by the office of Director of Service for Planning and Community and Enterprise to be discussed and agreed by one or more Strategic Policy Committees, or a sub-committee thereof, as decided by the Council.

⁵ In particular capital projects supported by both the community and by the County Development Company on the understanding that both the Council and the CDC shall have sight of the original paid invoices, that the community shall make a substantial cash input (between 5% and 30% of the total budget) and that the total budget shall not be less than the grants from both public bodies plus the community's declared cash input.

Grant Location

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 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, which is a separate local authority (i.e. Carrick-on-Suir, Cashel and Tipperary Town Councils and Clonmel Borough Council), it is envisaged that funding may be provided to assist in the provision of these facilities

Finally funding may also be provided for projects in immediately adjoining locations in neighbouring counties, where a substantial number of users can be shown to be living in this county.

Level of funding

It is estimated that in the period 2011-2015 approximately €3m (€600,000 p.a.) will be required to continue the task of providing supporting community facilities within the context of the factors, principles, setting of priorities etc noted in this document. Grants will only be awarded in the context of available funds. Funding may be carried from year to year by STCC.

Sub-Appendix 1: Detailed Administrative Operation of Scheme

Terms and Conditions of Community Facilities Scheme

1. Funds will be provided on the basis of expressed need, where there is a genuine lack of such facility proposed, in accordance with the principles listed above.
2. STCC reserves the right to conduct, commission or review research on the social, economic and cultural needs of the county 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 or memorandum of association approved by STCC;
 - (c) Holds minuted annual general meetings and appointed officers and committee;
 - (d) is open to new members, without discrimination, from the area which the club or association serves; and
 - (e) has made financial, investment and other records (including all bank and other account details) available to STCC.
2. A club or association which does not fulfil all of the above conditions ((a) to (e)) may still apply but must have them fulfilled before a contract with the Council regarding a grant can be signed.
3. Applications for funding, if requested, shall be due after 1 January and no later than 4.30pm on 14th April (or the first working day after, if 14th April is not a working day) at location(s) to be advertised unless otherwise decided. Funding decisions shall be communicated to the applicants no later than 31 October unless otherwise decided.
4. 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.
5. 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 relevant Director of Services. Where the project is sited on land or in a building owned by a trust, the trust must confirm in writing that the building shall continue to be available to the general public on the same terms for at least ten years.
6. Grant-aided facilities shall not be alienated, assigned, sold or otherwise disposed of without the consent of the relevant local authority.
7. Applications for funding will normally only be accepted for capital works which have not yet taken place. Works can start after the application has been submitted (photographs of the site pre-works should be included) and/or a 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.
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, if the applicant ceases its activities

or if public access as provided for in the application is restricted or closed. However the amount of grant paid (and to be refunded as outlined above) shall be depreciated by 10% of the overall total each year until totally expended, for grants of less than €40,000 only. Grants of more than €40,000 shall continue to be liable to be refunded, in perpetuity.

9. 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 severe interest charges, for example, and income figures should be based on realistic user projections.
10. 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.
11. 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.
12. Applications will be retained for two years during which time the applicant can revise or add to it. Applications which are not sufficiently complete to be examined by the Assessment Committee may be disposed of two years after receipt.
13. If a project is found to have submitted false or fraudulent documentation or to be purposely misleading STCC in any way funding may be delayed or withdrawn and the project barred from any further grants
14. Administrative and other requirements may be revised or altered by the assessment committee.

Planning

1. Facilities aided under this Scheme shall comply with the provisions of the Planning and Development Acts 2000-2010, the Building Control Act 1990 and where appropriate, other relevant legislation.
2. To receive a grant payment, projects must confirm that the works done are in accordance with planning requirements by having the project's professional advisor certifying same.
3. Projects can however apply for a grant, pending receipt of planning permission or confirmation that planning is not required
4. Community and Enterprise staff will not give any undertaking or enter into discussions regarding planning issues connected with any project.

Financial

1. Funding will be provided only for capital projects with a minimum budget of €10,000.
2. Projects are expected to provide at least 30% of the project budget from their own resources⁶. No more than €5000 of this shall be voluntary labour. Original receipts for payments shall be produced.
3. Grant levels will be set by the Assessment Committee
4. 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.

⁶ But see footnote no. 5 for an exception to this rule where a lower community cash component may be accepted where the project is being jointly funded by the County Development Company.

5. Applications for projects of a multi-year funding nature are not excluded as the Council does wish to encourage the realistic phasing of projects to match available income to avoid high interest charges. However the awarding of grants is decided on a year by year basis, based on available funding and no commitment can be given for subsequent years.
6. Funding approved must be drawn down within two years of approval, or as otherwise agreed in writing with STCC.
7. 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.
8. Projects which are awarded grants do so on the basis that should they receive grants from other bodies, the grant may be reviewed and possibly reduced should it be clear that the funding is not required.
9. Grants will only be paid out for works done which were named in the application form and approved by the Assessment Committee or subsequently agreed.
10. The payment of a grant will be subject to the beneficiary providing the following;
 - o a current form C2 or Tax Clearance Certificate from the Revenue Commissioners and
 - o similar documentation from the main contractor or main supplier for the project (and other contractors/suppliers as requested)
 - o a summary of expenditure form (F8) certified by the project's professional advisor
 - o confirmation by the project's professional advisor that it is compliant with planning
 - o proof of satisfactory title to the land/building
 - o a signed contract under the Scheme
 - o three quotations or similar evidence of good procurement practices for the works
 - o proof of insurance for the project and the main contractor
 - o and documentation as requested relating to the status of the project group/association
11. The beneficiary must meet public procurement provisions as laid down by STCC. 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). Any tender for works estimated to cost more than €25,000 must be publically advertised (copy of advertisement to be supplied).
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.

Social Inclusion and Consultation

1. Social Inclusion is a principle of the scheme and applicants must undertake to include all people in the community and to have a positive discrimination policy towards the following groups of people: Older people, people with disabilities, women, youth and children, Travellers, Migrants, Refugees, and foreign nationals (different ethnic groups)

- as well as people from rural, Clar and RAPID areas. Applicants will therefore be requested to show how their project will make a positive contribution in this regard
2. Facilities being build or refurbished shall provide disability access to best available standards.
 3. The extent and nature of the consultation associated with the project shall be considered in the assessment process. There should be clear evidence of detailed consultation with the group(s) whom it is intended shall use the facility.

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.
2. 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, may result in the recovery of the grant.
3. STCC reserves the right to request promoters to send delegate(s) to relevant training for voluntary committees.
4. 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.
5. Where the beneficiary employs persons directly to work on the project, their pay shall be subject to income tax, returned to the Revenue Commissioners.
6. All work done should be in accordance with relevant legislation and regulations and the Council will not be responsible for any defects or liabilities.
7. All persons or companies engaged on the project by the promoter should be adequately insured and STCC will not be responsible for any damage or injury to anyone.
8. The assistance of STCC must be publicly acknowledged in a manner to be agreed with the Council. The Cathaoirleach and electoral area members of the Council and the Director of Community and Enterprise must be invited to any event connected to the works. A plaque will be provided by the Council for display at the project.
9. 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.
10. 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.
11. Applicants are strongly encouraged to liaise with relevant agencies (e.g. STCC, South Eastern Health Board, County Development Company, relevant Government Departments, other clubs/associations, etc.) to ensure that the project does not conflict with existing plans or strategies.
12. Applications from strong partnerships of several bodies or funded by a 'package' from several agencies will be encouraged.

Restrictions

1. Expenditure of the following types will not be grant-aided:-
 - o maintenance or day to day running costs;
 - o mobile assets; and
 - o feasibility studies for capital projects.
 - o More than €3,000 in professional fees
 - o Expenses of voluntary workers or officers of the project promoting body
2. No more than €5,000 or half of the 30% project promoter's financial input into the project, whichever is the lesser, shall be voluntary work in lieu of cash.

Disclaimers

1. Funding of the project by STCC 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 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 the Council's Management Team or as otherwise directed– and then presented to the members of the Council (at their next monthly meeting) for their information. Where this Scheme is also adopted by other local authorities (Clonmel Borough Council, Carrick-on-Suir Town Council, Cashel Town Council and Tipperary Town Council) within the county, applications to those local authorities may be evaluated by the office of the Director of Community and Enterprise, as requested by the relevant Town Clerk.
3. Further information is available from the Community and Enterprise Section, South Tipperary County Council, Áras an Chontae, Clonmel, Co. Tipperary, tel. 052-6134597.