

Kerry County Council

Development Contributions Scheme 2017

Adopted July 25th 2017



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Executive Summary

In 2013 the Department of Environment, Community and Local Government published Development Contribution Guidelines for Planning Authorities. The overarching purpose of these guidelines is to provide non-statutory guidance on the drawing up of development contribution schemes to reflect the radical economic changes that have impacted across all sectors since guidance last issued in 2007 and to provide for a greater level of consistency in schemes on a national basis.

The key aim of the Guidelines is to support economic development. A development contribution scheme can facilitate job creation through targeted support for specific development types. The inclusion of such supports in this Scheme reflects the economic policies that are contained in the Kerry County Development Plan 2015-2021 and the County Kerry Local Economic and Community Plan 2016-2021. This Scheme is also supportive of development that will revitalise our towns and villages by not levying development that re-uses existing buildings.

Previously there were four Development Contribution Schemes in operation in the County following amalgamation of the Local Authorities in 2014. It was therefore necessary to adopt a revised scheme for the entire county that is prepared in accordance with the Guidelines. This Development Contribution Scheme has followed these Guidelines and the methodology contained within.

The amount of Development Contributions to be levied on new development is summarised as follows:

Total	
Residential	€1,500 + €20.00 per m ² > 125m ²
Commercial	€18.00 per m ²
Office	€12.00 per m ²
Industrial	€12.00 per m ²

Other forms of development are also subject to Development Contributions, the charges for these being outlined in the document. In addition to the general development contributions, a Hub Town Development Contribution shall also be applied to development in Tralee and Killarney.

This Development Contribution Scheme comes into operation following the adoption of the scheme (July 25th 2017) for the entire administrative area of Kerry County Council, and the terms of the scheme shall be applied to all decisions to grant planning permission made on or after that date, irrespective of when the planning application was submitted. The Urban Regeneration and Housing Act 2015 provides that where a new development contribution scheme is adopted by a Planning Authority to provide for reduced development contribution levies compared to those which were in place under the previous development contribution scheme, the reduced development contributions under the newly adopted scheme shall have retrospective effect for existing planning permissions that have not commenced development.

1. Introduction

Section 48 of the Planning & Development Act 2000 (as amended) 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 is intended to 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.

Function of the Development Contribution Scheme

The Planning and Development Act 2000 significantly revised the Development Contribution system in order to increase its flexibility and the range of infrastructure that can be funded by this mechanism. The Act provides for three types of development contributions (General, Special & Supplementary) that may be attached as conditions to a planning permission.

Circular Letter PL 1/2013 issued by the Department of Environment, Community and Local Government published Development Contribution Guidelines for Planning Authorities. The overarching purpose of these guidelines is to provide non-statutory guidance on the drawing up of development contribution schemes to reflect the radical economic changes that have impacted across all sectors since guidance last issued in 2007 (Circular Letter PD 5/2007) and to provide for a greater level of consistency in schemes on a national basis.

The guidance now issued focuses on General Development Contribution Schemes and Special Development Contribution Schemes. The guidelines require Planning Authorities to include the following in their development contribution schemes:

- Reduced rates of development contributions or waivers for development in town centres to support town centre development.
- Reduced rates for temporary permissions.
- Waivers in the case of change-of-use permissions, where it does not lead to the need for new or upgraded infrastructure or services.

- Waivers or reduced rates of development contributions for businesses grant-aided by Industrial Development Agency, Enterprise Ireland or local authority/state supported agency.
- Provision to charge only net additional development in the case of redevelopment projects.
- Waivers for broadband infrastructure.
- Waivers in respect of works on protected structures.
- Reductions for sustainable energy development.

Kerry County Council is required to ensure that its development contribution scheme appropriately promotes the development of areas prioritised in its core strategies.

The preparation of a revised Scheme should entail the following steps:

- Review the previous contribution scheme. Appendix B contains a breakdown of the amount of development contributions received from 2011 to 2016.
- Estimate the nature and scope of future development. This includes the infrastructure projects and any development project as outlined in the County Development Plan and adopted Local Area Plans (LAPs).
- Determine future infrastructure costs. These costs also include land acquisition.
- Allocate costs to anticipated development.
- Identify appropriate waivers and reductions.
- Review of draft scheme.
- Public consultation and adoption of scheme.

This scheme is based on the costs and expenditure for future infrastructure projects. Future infrastructure projects with associated costs relate to two main categories: A) Roads & Transport Infrastructure and B) Community & Amenity Infrastructure. These are listed in Appendix A.

Kerry County Council also currently has two Supplementary Development Contributions Schemes in place (An Daingean Relief Road & Tralee Ring Roads Project). The need for these infrastructure projects still exists and the cost of providing the remaining infrastructure shall be incorporated into this Scheme now being prepared. The adoption of this Development Contribution Scheme (DCS) shall therefore replace both of these Supplementary Development Contributions Schemes.

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 Kerry County Council. 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.

The Kerry County Development Plan 2015-2021 contains policies that will allow the County to reach its potential and maximise its contribution to the economy of the South West Region. This Development Contributions Scheme complements these policies by facilitating economic development and job creation with reduced development contributions for developments that contribute in a positive manner to the economy of the county, thereby supporting the goals of the Kerry County Development Plan 2015-2021.

The revitalisation of our town centres and the re-use of vacant buildings are key to the improvement of these areas for both residents and visitors to our county. In order to aid re-development within town centres careful consideration has been given to development contributions charged on this type of development.

Economic development is also supported in the County Kerry Local Economic and Community Plan 2016-2021. Goals of this plan include supporting economic development and job creation. These goals are being supported by this DCS with reductions available for development on lands zoned for economic development.

Development contribution schemes can facilitate job creation through targeted support for specific development types. The Development Contributions Guidelines for Planning Authorities 2013 demonstrate a strong link to the Government's Jobs Strategy in terms of the types of projects that should be supported through reduced rates and waivers, and the treatment of enterprises being supported by the IDA/Enterprise Ireland/Shannon Development/Údarás na Gaeltachta.

2. Basis for Determination of the Development Contribution Scheme

The recommended methodology as set out in the Development Contributions Guidelines for Planning Authorities 2013 has been followed in the preparation of this scheme. The following methodology was used as the basis for determining the development contribution scheme:

1. An estimation of all development potential over the period of the Kerry County Development Plan 2015-2021, both residential and non-residential, has been made in the next section, *Estimating Residential & Commercial Development for the Scheme*.
2. Costings for transport, community, and amenity projects have been prepared by the relevant Council Directorates (projects outlined in Appendix A). The projects listed are infrastructure which have been identified in relevant objectives of the Kerry County Development Plan 2015-2021, Tralee/Killarney/Listowel Town Development Plans 2009-2015, Functional Area Local Area Plans, or include infrastructure that is

essential to realising the objectives of the Development Plan. The projects listed in Appendix A are necessary for future development, but due to costs or other reasons, some may not be achievable under the proposed DCS. Other projects, therefore may be substituted where applicable. Whilst new or improved services also benefit existing developments, new developments only, shall be levied.

3. Allocation of costs to anticipated development is done in a later section, *Development Contribution Charges*.

The projects listed in Appendix A, will benefit both existing and proposed development. Given the existence of a much larger proportion of existing development compared to development proposed over the lifetime of the scheme, it is reasonable to apportion a higher percentage of the capital cost to existing development.

The apportionment of costs between existing and proposed development is in the order of 60% and 40% respectively. This forms the basis on which development contributions will be calculated.

3. Estimating Residential & Non-Residential Development for the Scheme

The calculation of development contributions is based on an estimate of development for the 6 year duration of the scheme that will take place in the county. The estimated floor area of residential and non-residential development for Kerry is outlined below.

The estimated figure for non-residential development is based on the Kerry percentage of the average level of non-residential development that has taken place in the South West region (Cork & Kerry) in the past 5 years. Kerry's percentage of the regional projection has been based on population share. This figure also includes agricultural development.

Both figures include headroom to cater for increased growth in the county over the duration of the scheme. It is reasonable to include provision for growth as the policies of Kerry County Development Plan 2015-2021 prioritise the economic, social and community development of the County.

Residential

The projected population increase as set out in the Kerry County Development Plan 2015-2021 is 8,108 people. This equates to 3,118 housing units (520 units per annum).

The estimated level of residential development from 2015 to 2021 is 506,742m² which is based on the average size of dwellings permitted in Kerry between 2001 and 2015.

Non-Residential

The estimated level of non-residential development for the period of the scheme is 449,229m².

4. Development Contribution Charges

This DCS is based on the costs and expenditure for future infrastructure projects. Future infrastructure costs fall into one of two main categories:

1. Roads & Transport Infrastructure, e.g. road projects, public lighting, flood relief work.
2. Community & Amenity Infrastructure, e.g. cycle & walk ways, sport facilities, arts/heritage, libraries, burial grounds, school facilities.

As there are different projects associated with each of the two categories, a separate development contribution shall apply based on capital costs.

Infrastructure costs associated with the projects listed in Appendix A for each category are:

- Roads & Transport Infrastructure
 - €13,570,000
- Community & Amenity Infrastructure
 - €15,450,000

Of these total infrastructure costs 40% are being apportioned to proposed development. This means that the intention of this scheme is to raise €5,428,000 for Roads & Transport Infrastructure projects and €6,180,000 for Community & Amenity Infrastructure projects.

Development Contributions

	Roads & Transport	Community & Amenity (per m ² unless otherwise stated)	Total
Residential	€660 per unit	€840 per unit	€1,500 per unit
Residential per m ² over 125m ²	€8.80	€11.20	€20.00
Residential Extension per m ² over 40m ²	€5.28	€6.72	€12.00
Commercial Buildings (including extensions)	€9.30	€8.70	€18.00
Office Buildings (including extensions)	€6.20	€5.80	€12.00
Industrial Buildings (including extensions)	€6.20	€5.80	€12.00
Buildings for Agriculture (per m ² in excess of 250m ²)	€4.10	-	€4.10
Govt., Health & Education Buildings, and Other Buildings for Social Use ¹	€4.10	€3.90	€8.00
Renewable Energy Development	€3,000 per MW	€7,000 per MW	€10,000 per MW
Non-Renewable Energy Development	€6,000 per MW	€14,000 per MW	€20,000 per MW
Substations on the 110/220kv transmission network	€13.30 + €2,500 per m ² per ha	€6.70 + €2,500 per m ² per ha	€20.00 + €5,000 per m ² per ha
Transmission Lines / Utility Supply Lines	-	€1,000 per km	€1,000 per km
Telecommunication masts, antennae, dishes & other apparatus/equipment for communication	€5,000 per unit	€5,000 per unit	€10,000 per unit
Utilities	€500 per structure	€500 per structure	€1,000 per structure
Vehicle Display Area for Car Sales	20% of Commercial	20% of Commercial	20% of Commercial
Private Car Parks	50% of Commercial	50% of Commercial	50% of Commercial

¹As per Section 48 of the Planning & Development Act, the planning authority shall apply contributions to applications made under Section 34 of the Planning & Development Act

	Roads & Transport	Community & Amenity (per m ² unless otherwise stated)	Total
Quarries / Landfill	€0.19 per m ³	€0.10 per m ³	€0.29 per m ³
Caravan & Mobile Home Parks	€100 per pitch	€150 per pitch	€250 per pitch
Campsites / Glamping	€400 per 0.1 hectare	€600 per 0.1 hectare	€1,000 per 0.1 hectare
Advertising Signage	€9.30	€8.70	€18.00

- ~ Development Contributions also apply to other types of development, see *Other Areas the Scheme shall apply to* for further details
- ~ Development Contributions may be subject to reductions as outlined in Chapter 5
- ~ Higher Development Contributions are applied to retention applications, see Chapter 9 for further details
- ~ The rate for Quarries is to be calculated at consent stage and levied on the basis of the potential volume of material to be extracted.

Hub Towns & Listowel Historic Town

It is an objective of the Kerry County Development Plan 2015-2021 to “prioritise the sustainable development of the Linked Hub Towns of Tralee and Killarney...in line with National and Regional Policy”. This puts an increased demand on the delivery of supporting infrastructure in these towns. In order to assist in the delivery of this infrastructure and the enhancement of the public realm, the following Development Contributions shall apply in these towns (including their Environs).

Tralee & Killarney Levy	per m²
Residential	€12.00
Commercial	€32.00
Office	€10.00
Industrial	€18.00
Govt., Health & Education Buildings, and Other Buildings for Social Use	€8.00

These contributions are in addition to the standard development contributions.

A similar methodology has been used to determine these development contributions based on infrastructure costs. The infrastructure cost associated with projects for the Hub Towns is €13,565,000. These projects are included in the lists in Appendix A.

It is an objective of the Listowel Town Development Plan 2009-2015 to “protect the literary artistic and cultural heritage of Listowel and to promote it as a centre for culture throughout the country”. A Listowel Heritage & Community Led Regeneration Strategy outlines a number of projects that will contribute to this objective. In order to assist in the delivery of these projects, the following Development Contributions shall apply in Listowel.

Listowel Levy	per m²
Residential	-
Commercial	€8.00
Office	€8.00
Industrial	-
Govt., Health & Education Buildings, and Other Buildings for Social Use	-

These contributions are in addition to the standard development contributions.

Other Areas the Scheme shall apply to

Development Contributions shall also be charged on the following forms of development.

Agriculture

New farm buildings shall be subject to Development Contributions as they are a form of commercial development. A roads and transport contribution of €4.10 per m² shall apply to the floor area of any agricultural development in excess of 250m². Agricultural development in this instance excludes silos, yards, silage bases, and slurry pits/towers.

In relation to horticultural polytunnels, glasshouses and mushroom tunnels, the flat rate agricultural charge (€4.10 per m²) applies.

Garden Centres & Nurseries shall be subject to the development contribution charge for Commercial Development in respect of the covered floor area which is retail based. There is also a charge of €9.00 per 0.1ha (50% of commercial rate) for outdoor retail areas.

Development Contributions for Stables/Kennels shall only apply to kennels above 100m² and stables above 200m² in floor area. The agriculture rate shall apply, €4.10 per m². Charges shall apply, should the total of an extension or new building bring the total area of kennels/stables on the site to over 100/200m² respectively.

Development Contributions for intensive agricultural use, e.g. pig or poultry farms shall be a subject to the standard development contribution rate for industrial development.

Residential Extensions

Planning applications for extensions shall be subject to development contributions. Development contributions shall be charged on extensions which add more than 40m² (cumulatively) onto the original dwelling and they shall be charged at the basic rate of €12 per m².

A 100% exemption from all development contribution charges in relation to extensions to dwellings to facilitate the needs of persons in receipt of a disabled persons grant shall apply.

Non-Residential Extensions

An extension to a non-residential development is charged at the standard rates. Reductions as set out in Chapter 5 may be availed of should they apply.

Telecommunications

Masts and antennae, dish and other apparatus/equipment for communication purposes shall be charged at a rate of €10,000. This contribution shall be split 50/50 between the Roads & Transport and the Community & Amenity. If Development Contributions have been charged previously on a mast then they shall be exempt under this scheme from additional contributions.

Masts and antennae, dish and other apparatus/equipment for communication purposes which form part of the National Broadband Scheme (NBS) as defined by the Department of Communication, Energy and Natural Resources (DCENR) shall receive a 100% reduction in development contributions. A 100% reduction also applies to infrastructure provided in support of the Community Broadband Scheme.

Energy Infrastructure

Development contributions shall apply to energy developments (non-renewable) at a rate of €20,000 per MW (or part thereof). This contribution shall be split 30/70 between the Roads & Transport and Community & Amenity.

For commercial renewable energy projects development contributions of €10,000 per MW (or part thereof) shall apply. This contribution shall be split 30/70 between Roads & Transport and Community & Amenity.

New substations and extensions to existing substations on the 110/220kv transmission network shall be the subject of development contributions, payable at the infrastructure rate for industrial, and with development within the substation subject to a rate of €5,000 per hectare (split 50/50 between Roads & Transport and Community & Amenity).

Planning applications for transmission lines (overground & underground) other than applications for maintenance, refurbishment, and upgrading works shall be subject to a Community & Amenity contribution of €1,000 per kilometre.

Domestic forms of renewable energy (e.g. domestic wind turbines, solar panels, etc.) shall be exempt from Development Contributions.

Utilities

Development of utilities shall be subject to a development contribution. They are to be charged at a rate of €1,000 per structure.

Utility supply lines, e.g. water or gas lines, are subject to a Community & Amenity contribution of €1,000 per kilometre.

Car Sales & Private Car Parks

Vehicle display area spaces (for the purposes of sale) are to be charged at 20% of the rate for commercial buildings on a m² basis. Showrooms are charged at the standard commercial rate.

Private car parks for public use shall be subject of Development Contributions. They shall attract a contribution of 50% of the standard Roads & Transport and Community & Amenity rate for commercial buildings. They shall be calculated on the total area (m²) of the car-park. Locations of these car parks shall be designated in the Local Area Plans.

Quarries & Landfill

Quarry development that will produce in excess of 10,000 tonnes per annum shall be subject of Development Contributions. A Roads & Transport Contribution of €0.19 per m³ shall apply along with a €0.10 per m³ as a Community & Amenity Contribution.

The development of a landfill shall be subject of Development Contributions. A Roads & Transport Contribution of €0.19 per m³ shall apply along with a €0.10 per m³ as a Community & Amenity Contribution. Any buildings associated with a landfill shall be charged at the standard industrial rate. Buildings associated with waste recovery shall also be charged the standard rate for industrial buildings. This is to be calculated at consent stage and levied on the basis of the potential volume of material to be extracted.

Caravan Parks & Camping

Caravan Parks and Mobile Home/Campervan sites shall be subject of Development Contributions.

- Roads & Transport Contribution = €100 per pitch
- Community & Amenity Contribution = €150 per pitch

Camping and Glamping areas shall be subject of a charge of €1,000 per 0.1 hectare or part thereof with a 40/60 split between Roads & Transport and Community & Amenity.

Advertising Signage

Signs shall be subject to the standard commercial development contribution charge of €9.30 for Roads & Transport and €8.70 for Community & Amenity per m² of advertising area. This charge only applies when the main purpose of the planning application is for advertising.

Education

Development associated with Education (e.g. schools) shall be charged at the relevant rate for Govt., Health and Education Buildings.

Car Parking Contributions

A development is required to provide parking spaces in accordance with the County and Town Development Plans. Where there is a shortfall in the provision of car parking spaces as required in the Development Plan the Planning Authority may decide to impose a contribution as per Table 1 of this Scheme.

Parking shortfall is charged for the following settlements as set out in Table 1 below:

- Tralee
- Cahersiveen
- Dingle
- Killorglin
- Ballybunion
- Milltown
- Killarney
- Castleisland
- Kenmare
- Listowel
- Ballyheigue
- Sneem

Towns:	Tralee, Killarney, Dingle & Kenmare²
	€4,000 per space
Towns:	Cahersiveen, Castleisland, Killorglin, Listowel, Ballybunion, Ballyheigue, Milltown & Sneem
	€2,300 per space

Table 1: Charge per shortfall of space

Where a change of use is proposed which generates an additional need for car parking and there is a shortfall of spaces, a reduction shall be given as set out in Table 2:

Shortfall of Spaces	Reduction
<7	100%
7-12	50%
>12	0 %

Table 2: Change of Use Shortfall Reductions

For any parking contribution, where the applicant can prove dual usage or where peak times do not coincide, the number of spaces may be reduced depending on the circumstances

Where a proposed development consists of a mixture of uses, and the use of the shop, office, hotel, etc., due to varying hours of business, allows for the sharing of the proposed parking spaces, the planning authority shall allow for the calculation of the number of spaces to be provided based on the maximum number of spaces that is required at any given time throughout the day.

² Increased demand and higher costs of provision in Dingle & Kenmare as opposed to other Regional Towns.

In other settlements with a development boundary (as included in the LAPs) where a shortfall of car parking arises, if the shortfall is less than 50% of the total number of spaces required for the development then no charge shall apply. If the shortfall is greater than 50% a charge of €2,300 shall apply per space with €6,600 being the maximum charge.

Regeneration

In order to promote desirable development of Regeneration Sites as highlighted in the LAPs the following shall apply to commercial/office/retail development:

- Where there is a shortfall of 1-5 car parking spaces the car parking contribution shall be reduced by 100%.
- Where there is a shortfall of 6-9 car parking spaces the car parking contribution shall be reduced by 50%.

Reductions shall not apply to piecemeal development on Regeneration Sites.

Derelict Sites

In order to promote desirable development of derelict sites as contained on the Derelict Site Register the following shall apply to all development within these sites:

- Where there is a shortfall of 1-5 car parking spaces the car parking contribution shall be reduced by 50%.

5. Reductions

The amount of reduction is listed in the table by development type:

		Reduction
Ref.	Town Centre	
R1	Brownfield Development in Hub Towns	33%
R2	Brownfield Development in Other Settlements	33%
R3	Infill/Frontage Development	50%
R4	Opportunity Sites	50%
	Retail Development	
R5	Town Centre Zoning	33%
R6	District Towns	33%
R7	Villages/Small Villages	33%
R8	Retail Warehousing	50%
	Industrial Development	
R9	IDA/EI/LEO/Údarás supported development	33%
R10	Expansion of Existing Industry	33%
R11	Industrial Zoning	33%
R12	Community Based Enterprise	40%

R13	Kerry Airport - Farranfore	33%
R14	Warehousing	60%
R15	Craft/Arts Based Enterprise	50%
	Miscellaneous	
R16	Development in ghost estates	50%
R17	Development in unfinished estates	33%
R18	Leisure Facilities	50%
R19	Architectural Conservation Areas	50%
R20	Replacement Structure (original destroyed by fire)	100%
	Passive Design	
R21	Passive House Certification	50%
R22	BER of A1/A2/A3	33%

Table 3: Reductions on Development Charges

Notes:

- R1** Applies to development on lands zoned Town Centre in the relevant Development Plans. Brownfield lands would also include derelict sites.
- R2** Applies to development on lands zoned in the relevant Development Plan and Local Area Plans. Brownfield lands would also include derelict sites.
- R3** Applies to development that enhances the streetscape of the Town Centre.
- R4** See list of sites in LAPs. Reduction shall not apply to piecemeal development.
- R5** Applies to retail development on lands zoned Town Centre in Hub & Regional Towns.
- R6** Applies to the first 150m² of retail development in District Towns.
- R7** Applies to the first 150m² of retail development in Villages/Small Villages.
- R8** Applies to development on lands zoned Retail Warehousing for sale of bulky goods.
- R13** Applies to aviation and transport/logistics related enterprises on appropriately zoned lands at Kerry Airport and in Farranfore.
- R14** Warehousing for the purposes of storage located within the development boundary of a settlement.
- R15** Applies to development in the Craft or Arts type enterprises.
- R16** Ghost estate must be on appropriate register (Kerry County Council/Department of Environment).
- R17** The completion of estates is seen as essential for the improvement of the existing residents of the estate. This reduction applies to applications to finish off estate developments.
- R18** e.g. Sports Centres, etc.
- R19** Proposed works must retain and enhance the architectural character of the area.
- R21** Shall be paid by way of a refund upon submission of a Passive House Certificate for completed dwelling.
- R22** Shall be paid by way of a refund upon submission of the appropriate Building Energy Rating Certificate for completed dwelling.

Neighbourhood Regeneration

A reduction of 75% shall apply to areas/streets that are identified in a Local Area Plan for regeneration. The Local Area Plan shall set out the criteria that such areas need to fulfil in order to benefit from this reduction.

Application of Development Contribution Reductions

A development may only avail of one reduction, whichever reduction is the greatest.

In exceptional circumstances the required development contribution may be reduced at the discretion of the Chief Executive where this, in their opinion, is warranted, having regard to Government policy in relation to specific classes of development, the particular economic, social or cultural benefits of the development or other exceptional circumstances.

6. Change of Use & Intensification of Use

Development contributions when applied to change of use applications in previous Schemes were reduced by 50%. In order to support the policies of Kerry County Council which promote development in our towns and villages, it is proposed to maintain this reduction for the redevelopment of vacant sites and change of use applications within the development boundary of settlements (as defined in the Local Area Plans).

It is the policy of Kerry County Council to encourage and promote town centre living by facilitating proposals such as living over the shop and the redevelopment of brownfield sites. Development consisting of the conversion or renovation of upper floors of buildings into business/commercial or residential uses in areas zoned as Town Centre in Local Area Plans shall be exempt from the provisions of the Development Contributions Scheme.

Permission for a change of use in town centres where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure (i.e. additional car parking), they shall be exempt from Development Contributions.

All other change of use applications (including those where there is an increased demand for infrastructure/services) shall be subject to development contributions at the standard rate subject to a reduction of 50%.

For all applications, any net additional floor space (e.g. extensions) shall be charged at the standard rate of the proposed use.

7. Exemptions

Local Authority Development

Development Contributions are not payable in respect of Local Authority Development carried out under Section 179 of the Planning and Development Act 2000-2014.

Voluntary Organisations & Social Housing

The following are exempt from the application of the Development Contributions Scheme:

1. Community, Recreation and Amenity Facilities in relation to development by or on behalf of a voluntary organisation, and is not to be used mainly for profit or gain.
2. Developments provided for individuals who are in receipt of funding under the Housing Adaptation Grant Scheme in respect of new developments up to 150m². Developments above this size shall be subject to the normal charge for residential development.
3. 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.
4. Social housing units, including those which are provided in accordance with an agreement made under Part V of the Planning and Development Act 2000, as amended or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council.

Replacement Dwelling

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 shall be charged at the rate set out in the Schedule of Contributions.

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, shall 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 shall be taken into consideration.

8. Temporary Permissions

Reductions in development contributions in relation to development granted temporary planning permission are as follows:

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

The above reductions apply to first applications for temporary permission only. Any subsequent application for a temporary permission shall be subject to the full rate of contributions.

Further temporary permissions granted for the same development shall not be charged provided they are granted within 5 years from the expiry date of the original temporary grant of permission (a maximum of one such additional permission shall apply). In cases where a subsequent full planning permission is granted for the same development the contribution payable on the new proposal shall be net of the amount already paid.

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

9. Retention of Development

No reductions/exemptions shall apply in the case of an application for retention permission.

Applications for retention shall be charged a rate of 150% of the standard Roads & Transport Contribution and Community & Amenity Contribution. This follows what is suggested in the Guidelines.

The following exceptions shall also apply:

- Retention of change of use where the proposed use is a take-away shall be subject to a contribution of double the standard Community & Amenity rate.
- Retention of commercial/shop front elevational changes shall be subject to a Community & Amenity Contribution of €2,500.
- Retention of signage/advertisements shall be subject to a contribution of double the standard charge for signage/advertisements.
- Revised site boundaries retention applications shall be exempt from any contribution.

10. Duration of Scheme

This Development Contribution Scheme comes into operation on the adoption of the scheme (July 25th 2017) for the entire administrative area of Kerry County Council and the terms of the scheme shall be applied to all decisions to grant planning permission made on or after that date, irrespective of when the planning application was submitted. Should a change to the assumptions underpinning this scheme be of such magnitude that they materially affect this scheme, then the Council reserves the right to revise this scheme sooner than referred to above.

The above rate of contribution may be adjusted annually from the 1st January using the Wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office. No indexation shall be applied to this scheme.

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 requires the prior written agreement of the Council and may require the giving of security/bond to ensure payment.

The Urban Regeneration and Housing Act 2015 amended Section 48 of the Planning and Development Act to provide that where a new development contribution scheme is adopted by a planning authority to provide for reduced development contribution levies compared to those which were in place under the previous development contribution scheme, the reduced development contributions under the newly adopted scheme shall have retrospective effect for existing planning permissions that have not commenced development. Where there are unsold housing units in a development, the new lower development contribution scheme shall also apply to those unsold housing units. If such a scenario exists, where contributions payable under this new scheme would be less than those specified in the grant of planning permission either by the County Council or Town Council, the development that has not commenced or the unsold housing units, shall be subject to this new development contribution scheme.

Appendices

A. List of Projects to be funded by DCS

Public infrastructure and facilities³ that can be funded by this mechanism 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, wastewater and water treatment facilities, service connections, surface water mains and flood relief work.
- (d) The provision of bus corridors and lanes, bus interchange 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 surface water mains.
- (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).

The projects listed are infrastructure projects which have been identified in relevant objectives of the Development Plan or Local Area Plans or include infrastructure that is essential to realising the objectives of the Development Plan.

It should be noted that the Scheme is an indicative list of current demands for infrastructure from the various directorates and other projects may be substituted where appropriate, while staying within the overall approved budget and where they are identified in the Development Plan or Local Area Plans. Decisions relating to the implementation of the listed projects remain the responsibility of the relevant Directorates within the Council.

It is anticipated that Kerry County Council will seek loans/financing to fund the Development Contribution elements of these works and that the resultant loan/financing will be serviced by the Development Contribution Scheme.

Roads & Transport Infrastructure Projects

Tralee Northern Relief Road from Forge Cross to Ballybunion Road)
Access to Fenit Harbour from Clogherbrien
Tralee Inner Relief Road (Clash Cross-Ballymullen)
Killarney Inner Link Roads (incl. Deerpark to N22 & Muckcross Road to Ross Road)
Dingle Inner Relief Road (Phase 4-Spa Road to Goat Street)
Kenmare Inner Relief Road (Phase 2)
Port & Harbour Development
Car & Bus Parking (Killarney, Dingle, Ballybunion, Kenmare, Sneem & Portmagee
Climate Change / Flood Relief Works

³ Section 48 (17) of the Planning & Development Act 2000 (as amended)

Implementation of Traffic Management Plans
Town Centre Enhancement Works
Development of Laneways
Smarter Travel
Denny Site, Tralee
All weather coverings in Killarney and the Square (Tralee)

Community & Amenity Infrastructure Projects

Match Funding
South Kerry Greenway
Tralee to Fenit Greenway
North Kerry Greenway
Lough Leane Trail
Construction of lay-byes, viewing areas, connected loops and tourist information points on the Wild Atlantic Way
Upgrading of visitor facilities at seaside resorts
Walking & Cycling trails
Tourism Signage
Blue Ways
Pedestrian bridge at Cliff Road (Ballybunion)
Development of the Glounshearoon Viewing Area
Accessible fishing platforms on the River Flesk, Laune & Feale
Improvements to streetscapes, including for the undergrounding of overhead power lines in towns and villages, including Rathmore, Gneeveguilla, Tarbert, Portmagee & Waterville
Lakes
Playgrounds & Skate Parks
Ballyseedy - River Lee Amenity Trail
Big River Walk Tralee
Flesk Bridge to Ross Road Walkway
Listowel Heritage & Community Led Regeneration Strategy Projects
Cemetaries

B. Review of Previous Schemes

Currently there are four Development Contribution Schemes in operation in the County following amalgamation of the Local Authorities:

1. Kerry County Council Development Contribution Scheme was made by resolution of the Council on the 21st March 2011.
2. Tralee Town Council Development Contribution Scheme was made by resolution of the Town Council on the 8th May 2007.
3. Killarney Town Council Development Contribution Scheme was made by resolution of the Town Council on the 5th July 2010.
4. Listowel Town Council Development Contribution Scheme was made by resolution of the Town Council on the 13th June 2011.

It is therefore necessary to adopt a scheme for the entire county.

Kerry County Council currently has two Supplementary Development Contributions Schemes in place:

- An Daingean Relief Road and associated Coach Park, adopted 12th March 2007.
- Tralee Ring Roads Project, adopted 22nd March 2010 (The Scheme applies to the lands within the development boundary of The Tralee Environs Plan 2007 and the Tralee Town Development Plan 2009-2015).

This DCS is the first single scheme for the county with a review of the four existing schemes demonstrating a wide variance of charges for some classes of development. This Scheme has therefore aimed at harmonising the previously existing charges with adjustments to reflect the current costs of providing the capital works programmes set out in Appendix A. It will ensure that there is a coherent and consistent approach to development contribution charges across the County.

The level of DC received has changed over the years, with a dramatic spike during the Celtic Tiger years. DCs received in more recent years have returned to a lower amount, with 2011 and 2012 being similar to the period 1997-2001.

Development Contributions associated with water and wastewater infrastructure are determined and collected by Irish Water post January 1st 2014. Irish Water is responsible for the management of national water assets, maintenance of the water system, investment and planning, managing capital projects and customer care and billing. As well as responsibility for public water services, Irish Water will also be making capital and investment decisions regarding the country's water infrastructure on a national basis.

Development Contributions Received

Potential development contributions relate to those that have been attached as a condition to a grant of planning permission but the development has not yet commenced. The amounts associated with potential development

contributions are outlined in Table 4. These cover the period from 1st December 2011 to 16th November 2016.

Development Type	Amount
Roads	€2,526,696
Amenity	€1,497,076
Car Parking	€486,270
Supplementary Schemes ⁴	€762,526

Table 4: Potential Development Contributions⁵

When a commencement notice is received by the Planning Authority an invoice is then issued for development contributions. The amounts for those invoiced and receipts are shown in Table 5. This table shows the total amount collected broken down by category⁶.

Development Type	Invoiced	Receipts	Arrears	% Collected
Roads	€3,628,760.22	€3,199,927.17	€428,833.05	88%
Amenity	€2,886,771.40	€2,495,040.77	€391,730.63	86%
Car Parking	€763,443.93	€390,482.92	€372,961.01	51%
Supplementary Schemes ⁷	€375,541.18	€313,505.39	€62,035.79	83%

Table 5: Development Contributions Invoiced & Receipts⁸

Projects funded by Development Contributions

Numerous projects across the county have been funded by Development Contributions in recent years. The amount spent between 2009 and 2015 is given in Table 6.

	Amount
Roads	€11,301,716
Amenity	€1,120,388
Water & Sewerage	€6,275,076
Total	€18,697,180

Table 6: Projects funded from Development Contributions 2009-2015⁹

⁴ Tralee Ring Roads Project & An Daingean Relief Road and Associated Coach Park

⁵ Figures supplied by the Revenue and Finance Sections of Kerry County Council

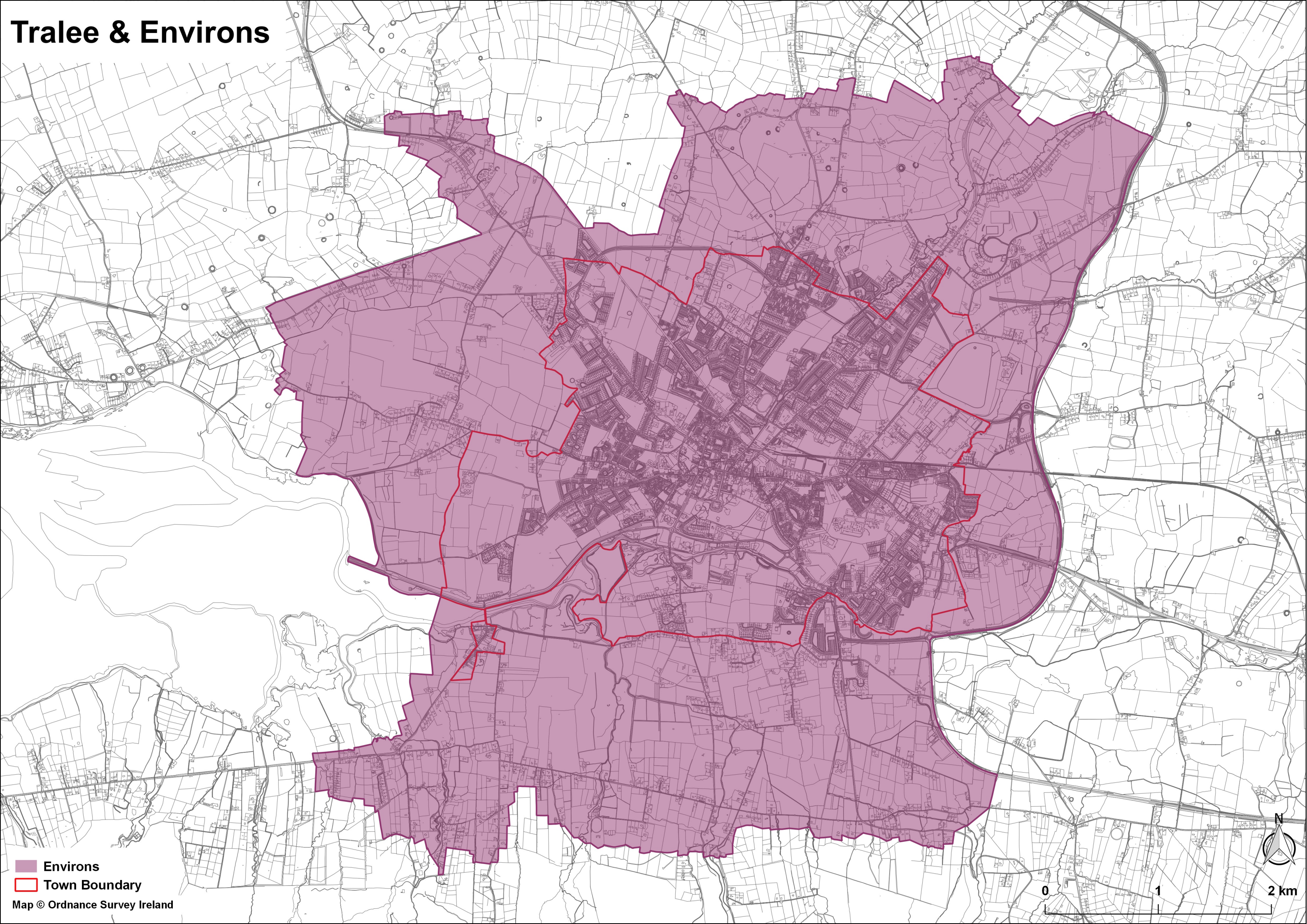
⁶ Supplementary Development Contributions received are not included in the totals

⁷ Tralee Ring Roads Project & An Daingean Relief Road and Associated Coach Park

⁸ Figures supplied by the Revenue and Finance Sections of Kerry County Council

⁹ Figures supplied by the Revenue and Finance Sections of Kerry County Council

C. Tralee Environs Map & Killarney Environs Map



Tralee & Environs

Environs
Town Boundary
Map © Ordnance Survey Ireland



Killarney & Environs

Environs
Town Boundary
Map © Ordnance Survey Ireland

