

Clare County Council Draft Development Contribution Scheme 2025-2029

under Section 48, Planning and Development Act, 2000 (as amended)



Comhairle Contae an Chláir
Clare County Council

Clare County Council

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CONTENTS

Background.....	3
Basis for the Determination of the Development Contribution Scheme	4
Development Contribution Charges	5
Implementation of the Scheme.....	12
Appeals to An Bord Pleanála	12
Adjustment of Contributions	12
Apportionment of Contributions	13
Special Contributions	13
Review of the Scheme.....	13
APPENDIX 1 – CAPITAL PROJECTS.....	14
APPENDIX 2 - CAPITAL COSTS AND PROJECTED DEVELOPMENT	15
APPENDIX 3 – SMALL VILLAGES.....	15

BACKGROUND

Clare County Council, in common with other local authorities throughout the state, is required to source considerable amounts of money annually to fund a variety of public infrastructure projects. Projects may include for example road construction and improvements, the provision of parking, community facilities, parks and recreational areas. These projects enable future development to proceed and provide amenities for our communities and visitors to the county. While some funding is available from external sources, any shortfall is required to be sourced elsewhere.

Section 48 of the Planning and Development Act 2000, as amended, enables the Planning Authority when granting a planning permission under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities). Planning Authorities are required to set out the basis for the determination of contributions in a Development Contribution Scheme.

Development Contribution Schemes provide funding for the following general classes of public infrastructure or facilities.

1. Transport

This includes the provision of roads, refurbishment, upgrading, enlargement or replacement of roads, car parks, provision of bus corridors and other infrastructure to facilitate public transport, pedestrian facilities, traffic calming measures and smarter travel projects not covered by National Transport Authority grants.

2. Amenities & Community Facilities

This includes the provision of open spaces, amenities, playgrounds, walkways and landscaping works and the provision of recreational & community facilities.

3. Climate Resilience

This includes the retrofitting of buildings to improve energy efficiency, the implementation of active travel initiatives, biodiversity projects that promote sustainable environments, flood relief and defence works, and the refurbishment, upgrading, enlargement or replacement of drains.

Subsections (2) & (3) of Section 48 of the Planning & Development Act 2000 (as amended) specifies that a scheme shall:

- Set out the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme;
- Make provision for payment of different contributions in respect of different classes or descriptions of development;
- Allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme;
- Indicate the contribution to be paid in respect of 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; and
- Facilitate the phased payment of contributions and may require the giving of security to ensure payment of contributions.

BASIS FOR THE DETERMINATION OF THE DEVELOPMENT CONTRIBUTION SCHEME

When preparing the Scheme, regard was had to the recommended methodology for the preparation of development contribution schemes as set out in the guidelines issued by the Department of the Environment, Community & Local Government in January 2013. The following sets out the methodology applied:

- (1) The projected capital programme which was prepared for the previous scheme (2017-2023) was reviewed having regard to the current position in relation to projects. A revised capital programme has been compiled. Details of projects and project categories are set out in Appendix 1 of this Scheme.
- (2) While new or improved services are necessary for new development, a benefit also accrues to existing development. An average discount of approximately 90% was applied to the total capital cost to reflect the benefit accruing to existing development. The costs attributable to new development, in the years to 2029, were then calculated and apportioned across the three classes of public infrastructure and facilities. Details of these costs for the period up to 2029 are included in Table A, Appendix 2 of this Scheme.
- (3) Projected figures for residential unit numbers and projected commercial development for the period 2025-2029 were estimated having regard to projections in the County Development Plan, residential planning applications on a countywide basis over the period, 2017-2024, CSO house completion rates for the years 2017-2024, commencement notices for the period 2017-2024, estimates of the amount of non-residential floor space per annum which the council is likely to grant over the next 4 years along with economic forecasts. Projected Figures are set out in Table B, Appendix 2 of this Scheme.
- (4) The development contributions payable per square metre of residential development and non-residential built development were determined upon consideration of a number of factors including:
 - Cost of projects;
 - Estimated anticipated development levels;
 - The level of existing contribution rates;
 - Consideration of current market conditions;
 - Other matters contained in *Development Contributions – Guidelines for Planning Authorities* (Department of the Environment, Community and Local Government, January, 2013).
- (5) In addition, it is projected that 70% of the attributable cost to new development will come from contributions for residential development and 30% of the cost attributable to new development should come from non-residential development. This has been determined taking into consideration past development trends, the need to promote sustainable economic development along with a consideration of the degree to which benefits accrue to both development types. The rural nature of the county and the degree to which the nature of public infrastructure investment is a greater benefit to residential rather than non-residential development has also been taken into consideration. This 70:30 apportionment was used in the calculation of development contributions amounts for residential units and non-residential built development.
- (6) Exemptions and reduced rates in the current scheme were reviewed and a number of new exemptions and reduced rates have been incorporated into the scheme having regard to the Guidelines issued by the Department of the Environment, Community and Local Government.

DEVELOPMENT CONTRIBUTION CHARGES

(A) RESIDENTIAL DEVELOPMENT

RESIDENTIAL UNIT	Rural Village* Rate per Unit (up to 200m ²)	Other than Rural Village Rate per Unit (up to 200m ²)	Rate per m ² greater than 200m ²
Transport	€1,400	€2,220	€8
Amenities & Community Facilities	€1,400	€2,220	€8
Climate Resilience	€700	€1,109	€4
TOTAL	€3,500	€5,549	€20

*To address rural decline and maintain vibrant rural communities, a separate category of contributions is applicable to residential developments in the County's rural villages. For the purpose of this scheme, rural villages are those 'Small Villages' as set out in the Settlement Hierarchy of the Clare County Development Plan 2023-2029. (See Appendix 3). Developments must be located within the settlement boundary of these to comply with the above definition.

Other Residential Development Charges	
Serviced Sites for Residential Units	75% of relevant rate (per residential unit)
Extension to an existing Residential Unit	€20 per m ² in excess of 200m ² (including both existing development and the extension or €20 per m ² of extension where existing unit is greater than 200m ²)
Private Domestic Garages & Garden Sheds	Exempt from contributions - including attached garages. However, if permission is subsequently sought or granted to convert these structures into habitable accommodation, such as a home office or a gym, then the appropriate levy is applicable where the combined floor area of the structure together with the dwelling house exceeds 200m ² .
Rate for Replacement Dwelling	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. Any additional floor area shall be charged on a pro-rata basis.
Rate for Replacement Dwelling under the Defective Concrete Block Scheme	The equivalent floor area of the house being replaced shall be exempt from development contributions. However, any additional floor area will be subject to the standard residential charges, where applicable. For example, if a proposed development totals 250m ² of which 150m ² is replacing existing development, the contribution will be levied only on the 50m ² that exceeds the 200m ² threshold.

(B) NON-RESIDENTIAL DEVELOPMENT

Non-Residential Built Development	Rate per m²
Transport	€8
Amenities & Community Facilities	€8
Climate Resilience	€4
TOTAL	€20

Other Non-Residential Development	
Open Development on all land	€25,000 per hectare
Quarrying/Extractive Industry	30c per m ³ to be extracted or €25,000 per hectare, of extraction area, whichever is the greater.
Waste Recovery Facility including the deposition of soil/stones on lands¹ <small>¹ Classification of a 'recovery facility' in Part 1 of the First Schedule of the Waste Management (Permit) Regulations SI No. 165, 1998</small>	€10,000 per hectare
Golf Courses, Pitch & Putt Courses, Sports Pitches, Horse Training Arenas, Racecourses The area of the course/pitch area	€500 per hectare Ancillary buildings will be charged at the relevant non-residential rate.

Wind Turbines/Water Turbines	<p>€15,000 per MW Capacity.</p> <p>Any new buildings associated with the turbines will be charged at the relevant non-residential built development rate.</p> <p>Any overhead or underground distribution lines will be charged at the relevant rate.</p>
Solar Farms	<p>€10,000 per MW capacity</p> <p>Any new buildings associated with the solar farm will be charged at the relevant non-residential built</p> <p>Any overhead or underground distribution lines will be charged at the relevant rate.</p>
Renewable Energy Installations (other than wind/water turbines/solar farms)	<p>Standard non-Residential Built Development rate to be applied as follows:</p> <p>95% of the relevant rate for 1MW – 5MW</p> <p>90% of the relevant rate for 6MW – 10MW</p> <p>85% of the relevant from 10MW - 20MW</p> <p>75% of the relevant rate for greater than 20MW</p>
<p>Telecommunications Mast</p> <p><i>Relates to all free-standing telecommunications support structures, including those in place for Telephone, Radio, TV.</i></p> <p><i>(See exemption for Broadband – Section (D))</i></p>	<p>€20,000 per mast</p> <p>The contribution is a once off payment due in respect of each “mast”. Subsequent applications to extend the life of temporary permissions shall not be liable for this contribution unless the existing structure is to be materially altered. The co-location of additional antennae on an existing mast will not be considered to be a material alteration of the structure for the purposes of this scheme.</p> <p>Any new buildings associated with the masts and antennae will be charged at the relevant non-residential built development rate.</p>
Overhead and/or underground distribution lines for the distribution of electricity and/or telecommunications	<p>€10,000 per km</p>
Caravan Parks/Mobile Homes/Glamping Pods.	<p>Each caravan stand/mobile home unit/glamping pod will be considered to be 50m² and the relevant commercial rate will apply.</p> <p>Ancillary buildings will be charged at the relevant non-residential built development rate.</p>

Development of Commercial Car Park	<p>€500 per car parking space</p> <p>Ancillary buildings charged at the relevant non-residential built development rate.</p>
Advertising Structures	€40 per m ²
Al Fresco dining areas, roof terraces & smoking areas.	€15 per m ²
<p>Agricultural Buildings</p> <p>(i) Roofed Structures – hay barns, slatted sheds, other storage units not housing livestock (applicable only to developments of structures which are greater than 800m²)</p> <p>Where an extension to an existing structure is proposed which brings the area of the structure over 800m², the rate will be applicable to each sqm in excess of 800m²</p> <p><i>The following to be exempt from development contribution levies:</i></p> <p><i>Silage Pits/Slabs; open loose yards; feed aprons; assembly yards; slurry pits; underground tanks, roofed structures less than 800m²</i></p> <p>(ii) Glass Houses and poly tunnels associated with intensive horticultural development</p>	<p>€5 per m²</p> <p>€5 per m²</p>

(C) RATES APPLICABLE TO BOTH RESIDENTIAL & NON-RESIDENTIAL DEVELOPMENTS

(1) Car Parking

Contributions are payable in respect of car parking where the developer is unable to meet the requirements with regard to car parking as set out in the County Development Plan in force at the date of decision on an application for permission. The rate per space, where the car parking requirement cannot be met by direct provision, is as follows:

Contribution for Shortfall in Car Parking Spaces	€2,000
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(2) Change of Use

Contributions to be levied on a change of use development are calculated based on the difference between the existing use if it were new and the contributions arising from the proposed use (where greater).

(3) Temporary Permissions

Temporary Permission	Rate Applicable
Permissions up to 3years	33% of normal rate
Permissions up to 5 years	50% of normal rate
Permissions up to 10 years	66% of normal rate
Permissions of over 10 years	100% of normal rate

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

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.

(4) Redevelopment projects

In the case of a redevelopment project – that forms part of a single planning application - only net additional development will be subject to the applicable rate of contributions.

(5) Retention Applications

All Retention Permissions shall be charged at 1.5 times the applicable rate of the development contribution. Exemptions and reductions shall not apply to permissions for retention of development.

Note 1: The floor area of a proposed built development shall be calculated in the same way as the area is calculated to determine the appropriate fee as defined in the Planning and Development Regulations 2001 (as amended). In particular, the gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding areas provided for the parking of vehicles by persons occupying or using the building. External delivery areas incidental to the primary purposes of the building shall not be subject to a development contribution charge.

Note 2: The extent of any open non-residential development shall be calculated as the gross operational area determined by the external dimensions of the permitted operational areas.

Note 3: Other applications not covered above will be dealt with on a case-by-case basis. Any developments not specifically referred to in the Scheme will be charged at a rate which is deemed by the Planning Authority as the most appropriate. The basis for determination will be the rate for developments which are listed in the Scheme & are deemed closest in nature to the proposed development.

(D) REDUCTIONS & EXEMPTIONS

Section 48(3) (c) of the Act allows for a reduction in contributions or no contribution in certain circumstances under the terms of the Scheme. The following categories of development will be exempted from the requirement to pay development contributions, or will be required to pay a reduced contribution as outlined in the following Tables

Table 1: Reductions*

Category	Reduction
(1) In defined town/village cores, as set out in the relevant local area plan or county development plan, non-residential developments that support town centre development. <i>Reductions shall not apply to betting shops, amusement arcades, mobile phone shops, take-aways, unwanted jewellery (Cash for Gold), clothes (Cash for Clothes) shops, or vapes shops.</i>	33%
(2) Opportunity/Transformational Sites as identified in the County Development Plan or other Local Area Plan	20%
(3) New businesses grant-aided or supported by IDA/Enterprise Ireland/LEO that support employment growth	20%
(4) Expansions to existing manufacturing or industrial facilities.	20%
(5) Development within an architectural conservation area (ACA) that the Council considers retains and enhances the architectural character of the area	50%
(6) Developments resulting in the restoration of derelict properties that are on the Derelict Sites Register.	50%
(7) Renewable energy projects For renewable energy projects that generate electricity this will only apply to those that do not supply electricity to the National Grid.	33%
(8) Single rural houses All decisions to grant permission will be levied in accordance with the terms of the current scheme, however a subsequent reduction will be applied subject to the following: (i) The proposed development is located outside of settlement boundaries and residential clusters & (ii) The contributions have been charged under the 2025-2029 Scheme & (iii) The contributions are being paid in one lump sum payment & (iv) The contributions are being paid prior to commencement of development. Note: Retention permissions shall not avail of this discount.	25%
(9) Change of Use from commercial unit to residential unit	50%

* Where the works generate a requirement for off-site parking not provided for within the site, the full rate for such shortfall in car parking (as set out in the Development Plan) should be applied i.e. Reductions do not apply to parking.

Table 2: Exemptions

Category	
(1)	<p>New aviation-related enterprises at Shannon Airport and adjoining lands. Aviation-related enterprise includes airport operational activities and uses complementary to the operation of the airport. Examples of which include (but are not restricted to)</p> <ul style="list-style-type: none"> - Aircraft maintenance/cargo handling facilities related to airport activities; - Extension to the terminal facility; - Cargo facilities associated with air-cargo and air-logistics; - Long-term aircraft maintenance, air-freight cargo handling facilities; - Hangar facilities; - Future runway/taxiway(s); - Residential flight school; - Global logistics centre for humanitarian aid; - Unmanned aerospace systems (UAS), centre for space collaboration; - Public transport facilities at the Airport to serve passengers; - Business park use within lands zoned as airport or enterprise primarily related to airport servicing, management and maintenance activities within the Airport owned lands adjoining Shannon Airport.
(2)	Development by or on behalf of an organisation that is not for profit and of a community nature. For the purposes of this scheme this does not include third level institutions and associated student accommodation, fee paying schools and hospitals and similar developments, e.g. nursing homes.
(3)	Developments for which a Housing Adaptation Grant is paid.
(4)	Development of social housing units, including those which are provided in accordance with an agreement made under Part V of the Planning & 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.
(5)	Development involving works to protected structures other than demolition. However, if there is a material change or extension to a protected structure, development charges will be levied in accordance with the appropriate rate. <i>Where the works generate a requirement for off-site parking not provided for within the site, the full rate for such shortfall in car parking (as set out in the Development Plan) should be applied.</i>
(6)	Development carried out in accordance with Section 179 of the Planning and Development Act 2000 (as amended) (i.e. Local Authority Development)
(7)	New Telecommunication Masts & Antennae that provide for Broadband.
(8)	Domestic Renewable Energy Development: This exemption applies to domestic renewable energy development located within the curtilage that is for private use only and not for commercial use or gain.
(9)	Development of burial grounds.
(10)	Ancillary car park which forms part of a non-residential development. <i>(where there is no charge to visiting members of the public)</i>
(11)	Silage Pits/Slabs; open loose yards; feed aprons; assembly yards; slurry pits; underground tanks; roofed structures less than 800m ²
(12)	Development proposals relating to product development from a non-previously developed category of raw material.

IMPLEMENTATION OF THE SCHEME

- (a) The scheme shall come into operation following the adoption of the Development Contribution Scheme 2025-2029 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.
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.
- (b) The contributions under the Scheme shall be payable immediately prior to development or as otherwise specified by the Council in any condition of a grant of planning permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced as set out below.
- (c) The Council may, at its discretion, facilitate the phased payment of contributions.
- (d) Clare County Council may charge interest in respect of outstanding development contributions. If the development contributions are not paid in accordance with the conditions of planning permission or phased payment agreement in writing with Clare County Council, then an amount to include interest at a rate to be determined in respect of the period the payment is withheld will be payable.
- (e) Where a Development Contribution is not paid in accordance with the terms of a condition laid down by the Council (or An Bord Pleanála), the Council may recover any contribution due as a simple contract debt in a court of competent jurisdiction. Clare County Council reserves the right to initiate further enforcement action in respect of unpaid contributions.

APPEALS TO AN BORD PLEANÁLA

Section 48(10) of the Planning and Development Act 2000 as amended, stipulates that no appeal shall lie to An Bord Pleanála in relation to a condition requiring a Development Contribution to be paid in accordance with a Development Contribution Scheme.

However, an appeal may be brought to the Board where the applicant for planning permission considers that the terms of the Scheme have not been properly applied by the Planning Authority in respect of any condition laid down by the Planning Authority.

ADJUSTMENT OF CONTRIBUTIONS

The rates of contribution will be updated annually from 1st January in accordance with the Wholesale Price Index – Building and Construction published by the Central Statistics Office.

APPORTIONMENT OF CONTRIBUTIONS

Monies received by way of development contributions collected under this Scheme will be ringfenced in accordance with the following table.

Public Infrastructure and Facilities	% of Contribution
Roads/Car Parking	40%
Amenities & Community Facilities	40%
Climate Resilience	20%
TOTAL	100%

SPECIAL CONTRIBUTIONS

In addition to the requirements of this scheme, Clare County Council may require the payment of a Special Contribution in respect of a particular development where specific costs are not covered by this Scheme or incurred in respect of public infrastructure and facilities which benefited the proposed development. Where payment of such a contribution is required, a planning condition shall be attached to specify the particular works carried out or proposed to be carried out by Clare County Council or any other local authority.

REVIEW OF THE SCHEME

The Scheme will be in place from 2025-2029 inclusive, unless otherwise replaced by a new Development Contribution Scheme. The Scheme will continue in place until such time as a new Scheme is devised. Should a change to the assumptions underpinning this Scheme be of such magnitude that they materially affect this Scheme, the Council reserves the right to devise a new Scheme sooner than referred to above.

APPENDIX 1 – CAPITAL PROJECTS (not in order of priority)

The list of projects which may benefit from development contributions are set out below. There will be an ongoing review of the infrastructure and facilities which can be funded during the life of the Scheme, based on the levels of actual development contributions collected and funding costs which apply. Not all the projects listed may be progressed during the period 2025 – 2029. This project list is indicative only, priorities may change, and other projects may be added and funded over the course of the Scheme.

1. Amenities and Community Facilities

Library

Upgrade/refurbishment/extension to Libraries

Open spaces/Amenities

New Toilets and lifesaving facilities for lifeguards at beaches throughout the County

Provision, upgrade/refurbishment/extension of Parks, Playground and Sporting Facilities

Upgrade/refurbishment/extension to Swimming Pools

Extension of Walking Routes

Improvement to streetscape and amenity areas

Provision of open spaces, recreational and community facilities, amenities, landscaping works, broadband infrastructure and school sites.

Public realm improvements

Burial Grounds

Provision of burial grounds in the county

Upgrade/refurbishment/extension to Burial Grounds in the county

2. Transport

Proposed roads projects as set out in Table 11.3 of the Clare County Development Plan 2023-2029

Traffic Management

Traffic Calming in housing estates (countywide)

Footpaths

Provision of Public footpaths and lights

Extensions to and remediation of existing footpath infrastructure

General Improvement Schemes

Enhancement of projects funder under the TVR scheme

Car Parking

Upgrade/refurbishment/provision of Car Parks

3. Climate Resilience

Transportation Actions

Increase electric vehicle infrastructure across County Clare

Deliver active travel projects in towns and villages across the county

Advance the delivery of the Greenways/ Walkways/Trails

New and improved pedestrian linkages in urban areas

Development of on and off-road cycling facilities

Undertake bridge repair programme to safeguard against climate impacts.

Retrofitting of buildings to improve energy efficiency

Flooding Remediation Schemes

River and coastal flood relief works across the county including those projects associated with CFRAMS and emergency works.

Sea Wall Protection

APPENDIX 2 - CAPITAL COSTS AND PROJECTED DEVELOPMENT

TABLE A: COSTS INCLUDED IN SCHEME

Summary of Capital Projects to be funded from the Development Contribution Scheme 2025-2029			
CLASS OF INFRASTRUCTURE AND FACILITIES	ESTIMATED FUNDING DEFECIT OF CAPITAL COST OF PROJECTS	COST TO DEVELOPMENT CONTRIBUTION SCHEME	CONTRIBUTION RQT AS % OF THE ESTIMATED COST
Transport (incl Parking)	€81.8m	€8m	40%
Amenities & Community Facilities	€78.9m	€8m	40%
Climate Resilience	€40.6m	€4m	20%
TOTAL	€201.3m	€20m	100%

TABLE B - PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development (in the years to 2029):

Residential	Commercial/ Industrial
3,500	110,000m ²

APPENDIX 3 - SMALL VILLAGES

Small Villages (as set out in the County Development Plan Settlement Hierarchy)

Barefield, Bridgetown, Broadford, Carrigaholt, Cooraclare, Doora, Doolin, Kilmaley, Kilmurry, Labasheeda, Lissycasey, Ballinruan, Ballyea, Ballynacally, Bellharbour, Bodyke, Boston, Caher, Carron, Clooney, Connolly, Cranny, Creegh, Cross, Doonaha, Fanore, Flagmount, Inch, Kilbaha, Kilbane, Killanena, Kilmurry McMahon, Kilnaboy, Kilnamona, Kilshanny, Knock, Knockerra, Moy, Moyasta, O'Callaghans Mills, Ogonelloe, Querrin, Ruan, Spanish Point, Toonagh, Tubber.