



Chief Executive's Report to Elected Members  
on submissions received in relation to the  
**WESTMEATH COUNTY COUNCIL**  
**DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2021**

**DCS**

# Table of Contents

<b>1. Introduction &amp; Overview of the Chief Executive’s Report</b>	<b>1</b>
1.1 Introduction	1
1.2 Purpose & Content of the Report	2
1.3 Structure of the Report	2
1.4 The Draft Westmeath County Council Development Contribution Scheme 2021 Process to Date	2
1.5 Public Consultation	3
1.6 Next Steps in the Process	4
<b>2. Analysis of Submissions Received on the Draft Westmeath Development Contribution Scheme 2021</b>	<b>5</b>
2.1 List of Persons or Bodies who made Submissions; Summary of Issues Raised and Chief Executive Response	5
<b>3. Chief Executive’s Conclusion &amp; Overall Recommendation</b>	<b>10</b>
3.1 Conclusion	10
3.2 Chief Executive’s Recommendation	10
<b>Appendix 1: List of written submission by Name &amp; Reference No</b>	<b>11</b>
<b>Appendix 2: Press Advertisement</b>	<b>12</b>

Note: This Report is submitted to the Elected Members for consideration.

# 1 Introduction & Overview of the Chief Executive's Report

## 1.1 Introduction

Development contribution schemes are a central instrument in the funding of essential physical and social infrastructure that support the implementation of development plans of local authorities.

Section 48 subsection (1) of the Planning & Development Act 2000 (as amended), provides for planning authorities when granting a planning permission, 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. In this regard the Planning Authority is required to set out the basis for the determination of contributions in a Development Contribution Scheme.

The current Development Contribution Scheme for the County was adopted in 2013, and there is an obligation on the Council under the Planning & Development Act 2000 (as amended), to carry out a periodic review. This process has been undertaken and a Draft Scheme prepared.

Many changes have taken place since the adoption of the current scheme including the dissolution of Athlone Town Council and the establishment of Irish Water. In addition, there has been a change in emphasis within the transportation functional area, with increased emphasis on cycling and walking, as well as on flood prevention and surface water drainage. Also, the Council has increased its involvement in community and economic development.

The Draft Scheme was designed to achieve a balance between the costs of the services provided across the County, the need to facilitate job creation through targeted support for specific development types and the need to support capital expenditure in the following categories of development:

### **General Recreational, Community Facilities and Amenities**

Expenditure on general recreational, sporting, community facilities and amenities including the provision and improvement of libraries, fire and emergency response facilities, economic development and the associated acquisition of land.

### **Transport and Drainage Infrastructure**

Expenditure on Transport and Drainage Infrastructure includes for the provision, refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, public lighting, bus corridors, bus lanes, other infrastructure to facilitate public transport, cycle and pedestrian facilities, traffic calming measures and smarter travel projects not covered by National Transport Authority grants; refurbishment, upgrading, enlargement or replacement of surface water drainage infrastructure and facilities, flood relief schemes and broadband, the associated acquisition of land and ancillary matters including investment in infrastructure that would provide an economic, social and/or community benefit to a locality.

The development contributions proposed represent an increase on those adopted in 2013. This increase is largely accounted for by construction inflation. The charges proposed are considered reasonable and are in line with those charged in neighbouring local authorities. It is critically important to the development of the County that the Council is in a position to invest in enabling infrastructure, which is essential to quality of life, employment and economic development. Notwithstanding any contributions raised from the scheme, the Council will continue to maximise government expenditure in the county, but it should be noted that many such funding streams require a local contribution, which can and does, in many instances, come from development contributions.

It should be noted that as part of this review, it is proposed that the Supplementary Development Contribution Scheme for the Robinstown and Clonmore Link Roads will be discontinued.

## **1.2 Purpose & Content of the Report**

The purpose of the Chief Executive's Report is to inform on the outcome of the consultation process on the Draft Westmeath County Council Development Contribution Scheme 2021, set out the Chief Executive's response to the issues raised in the submissions, and to make recommendations, as appropriate. The report forms part of the statutory procedure for preparing a contribution scheme as set out in Section 48 (6) of the Planning & Development Act 2000 (as amended).

Pursuant to Section 48 (4) of the Planning and Development Act 2000 (as amended), notice of the preparation of the Draft Westmeath County Council Development Contribution Scheme 2021 was given on 12 October 2021. Submissions or observations with regard to the proposed Scheme were invited for a period of not less than six weeks from 12 October to 26 November 2021 inclusive.

Pursuant to Section 48 (6) of the Act, this Chief Executive's Report provides details of submissions and observations received in relation to the proposed Development Contribution Scheme as follows:

- Lists the persons or bodies who made submissions or observations during the prescribed public consultation period
- Summarises the submissions or observations made by persons or bodies during the prescribed public consultation period
- Gives the response of the Chief Executive to the issues raised, taking account of the proper planning and sustainable development of the area.

## **1.3 Structure of the Report**

Section One of the report consists of an outline of the structure of the report, sets out the Draft Development Contribution Scheme process to date, together with the next steps in making the Development Contribution Scheme. Details of the consultation undertaken in relation to the Draft Scheme which resulted in two no. submissions during the statutory public consultation stage is also set out.

Section Two includes an analysis of the submissions received in relation to the proposed Development Contribution Scheme followed by the Chief Executive's response and recommendations in response to the issues raised.

Section Three outlines the Chief Executive's Recommendation.

## **1.4 The Draft Westmeath County Council Development Contribution Scheme 2021 Process to Date**

The Draft Westmeath County Council Development Contribution Scheme 2021 was prepared in accordance with Section 48 (2) and (3) of the Planning & Development Act 2000 (as amended) which specifies that a Development Contribution 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.
- facilitate the phased payment of contributions and may require the giving of security to ensure payment of contributions.

Furthermore, regard was given to the following guidance in relation to the drafting of the Development Contribution Scheme:

- Development Contribution Guidelines for Planning Authorities 2013
- Circular Letter: PL.18 / 2013 – provides for reduced/waiver contribution for non-commercial renewable energy
- Circular Letter: PL 03/2018 – Telecommunication structures – provides for waivers in Development Contribution Schemes in respect of both mobile phone and broadband infrastructure

## **1.5 Public Consultation**

Consultation on the Draft Westmeath Development Contribution Scheme 2021 was carried out for a period in excess of six weeks from 12 October to 26 November 2021 inclusive. The key elements of the consultation programme are set out below:

Notices of the Draft Contribution Scheme were published in both the Westmeath Examiner and Westmeath Independent on 12 October 2021. The notices included information on how to make a submission on the Proposed Scheme together with information on its display.

The Draft Westmeath Development Contribution Scheme 2021 was put on public display in Áras an Chontae, Mullingar and Athlone Civic Centre.

The Westmeath County Council website included details of the consultation on the Proposed Development Contribution Scheme including information on how to make a submission by post or via the online Consultation Portal.

The Draft Contribution Scheme was presented to members of the Planning and Transportation SPC on 24 September 2021 and issued to both the Local Enterprise Office and Mullingar and Athlone Chambers of Commerce.

Pursuant to Section 48(5) of the Planning & Development Act 2000 (as amended) the Draft Contribution Scheme issued to the Minister for Housing, Planning & Local Government.

Notice of the Proposed Scheme and updates were issued via Westmeath County Council's social media platforms.

2 submissions were received on the Draft Westmeath Development Contribution Scheme during the consultation period. No response was received from the Minister during this timeframe. A list of all the

persons/bodies that made submissions or observations during the prescribed consultation period is provided in Appendix 1.

## **1.6 Next Steps in the Process**

This Chief Executive's Report on submissions or observations received in relation to the Draft Westmeath Development Contribution Scheme 2021 is hereby submitted to the Members of the Planning Authority for consideration at the December Council meeting.

Not later than 6 weeks after receipt of the Chief Executive's Report the Members of the planning authority shall consider the Draft Scheme and this Chief Executive's Report and shall have regard to any recommendation made by the Minister. In accordance with section 48 (8) of the Planning and Development Act 2000 as amended, the Members shall make the scheme, unless they decide, by resolution, to vary or modify the scheme, otherwise than as recommended in the Chief Executive's report or otherwise decides not to make the scheme.

## 2. Analysis of Submissions Received on the Draft Westmeath Development Contribution Scheme 2021

### 2.1 List of Persons or Bodies who made Submissions; Summary of Issues Raised and Chief Executive Response

A total of two submissions were received during the public consultation phase. A summary of the submissions together with the Chief Executive's response and recommendation to same is provided below:

#### The Planning Partnership

Submission Ref. No: WM-C29-1

#### Summary of Issues Raised:

The Planning Partnership, on behalf of a range of stakeholders, clients, developers, landowners and residents, recognises the importance of the scheme in providing certainty to developers, which in turn will enhance Mullingar's reputation as a place to invest.

The omission of the *'Supplementary Development Contributions'* from the proposed scheme is welcomed and it is requested that details be provided of the contributions collated to date together with expenditure which it is submitted should be included in the Council's Annual Statement of Accounts and associated Auditors Report.

It is submitted that development being directed to infrastructure 'rich' locations should not be penalised and the local authority should seek to avail of other funding streams such as URDF.

Reference is made to the availability of LIHAF funding for Mullingar which it is submitted could be utilised to address pluvial issues associated with the Royal Canal and lands to the west of the town removing the need for developers to resolve these issues. It is also suggested that the waivers for development contributions should be extended to include areas outside IDA Business Parks, retail cores and settlement core area mapping. In this regard it is submitted that lower order settlements such as Clonmellon should not be incentivised for development particularly at the expense of Mullingar and Athlone.

The submission further requests that a more attractive incentivisation package for development based on sustainable travel patterns or incorporating climate changes considerations should be investigated.

It is requested that the key messages outlined in the *"Development Contributions – Guidelines for Planning Authorities"* (Section 2, *Supporting Economic Development*) should be embedded in the Draft Contribution Scheme.

Finally, the submission refers to the emphasis placed in the *"Development Contributions – Guidelines for Planning Authorities 2013"* on the need to consult widely on the Draft Scheme together with the need for transparency in the drawing up of the scheme and in the application of the development contributions collected, in order to achieve support for same.

**Chief Executive's Response:**

The submission by the Planning Partnership is acknowledged and welcomed.

In terms of contributions collected to date, it should be noted that Section 3 of the Draft Scheme sets out the quantum of development contributions collected between 2014-2020 together with a comprehensive list of projects which were enabled by same. Further, revenue generated by the Development Contribution Scheme is also cited in the Annual Report with details of all projects funded by the Development Contribution Scheme.

It should be noted that the Draft Development Contribution Scheme has been prepared in line with the Development Contribution Guidelines 2013; Circular Letter: PL.18 / 2013 regarding commercial renewable energy; Circular Letter: PL 03/2018 regarding Telecommunication structures. In this regard, the scheme is not designed for the purpose of solely generating income; rather, the scheme seeks to strike a balance between the funding of public infrastructure and the need to encourage economic activity and promote sustainable development patterns. The scheme is intended to facilitate job creation through targeted support for specific development types and enterprises being supported. Ultimately the scheme has been designed to offset only a portion of the costs of public infrastructure and facilities.

Commentary in relation to development being directed to areas with existing infrastructure is noted and in this regard it should be recognised that the scheme provides for a range of incentives in the areas of Town Centre Regeneration, together with incentives aimed at supporting economic development. It should also be noted that the scheme is a county wide scheme which is aimed at supporting a range of county wide initiatives to support all of Westmeath. In line with Government policy on Town Centre First, compact growth, together with the Westmeath County Development Plan Core Strategy and associated Development Contribution Scheme Guidance, it is considered that the incentives proposed under the Draft Scheme are appropriated and should not be revised in this instance.

It should be noted that the operation of Government funded programs such as LIHAF and URDF lie outside the remit of the Development Contribution Scheme. Having regard to the nature of the application process associated with such schemes, certainty cannot be provided in terms of funding available. Indeed, it should be noted that many such funding streams require a local contribution, which can come from development contributions. However, the Council will always seek to maximise the benefit of all external funding opportunities for the county.

It is recognised that there has been a change in emphasis in project delivery requirements with increased emphasis on sustainable travel patterns, cycling and walking, as well as climate change considerations. In this regard, as indicated above, the scheme has been devised in line with Government policy on town centre first development, supporting compact growth and sustainable travel patterns with, for example, a reduced contribution, in support of town centre regeneration. Further, the scheme provides a waiver for small scale renewable energy developments. It is considered that the scheme will support future active travel and Climate Action initiatives across the county over its duration.

In terms of public consultation, it should be noted that extensive public consultation was carried out on the Draft Scheme. The scheme was placed on a dedicated 'Public Consultation Portal' and submissions were invited from the public and relevant stakeholders. The scheme was also advertised in both the Westmeath Examiner and in the Westmeath Independent and was placed on public display at Áras an Chontae Mullingar and at Athlone Civic Centre. Further, public consultation was promoted through the Council's social media platforms and notified to the Local Enterprise Office and Mullingar and Athlone Chambers of Commerce.

It is considered that the Scheme, as proposed, strikes a balance between the funding of public infrastructure and the need to encourage economic activity and promote sustainable development

patterns including the facilitation of job creation through targeted support for specific development types and enterprises. As such it is considered that the scheme is appropriate and in line with those charged in neighbouring local authorities. It is critically important to the development of the County that the Council is in a position to invest in enabling infrastructure, which is essential to quality of life, employment and economic development.

**Chief Executive Recommendation:**

Having regard to the above it is recommended that the Westmeath Development Contribution Scheme be made in line with the Draft Scheme as placed on public display.

**Mullingar Chamber of Commerce**

**Submission Ref. No: WM-C29-2**

**Summary of Issues Raised:**

Mullingar Chamber of Commerce has expressed support for the approach taken in the drafting of the Development Contribution Scheme.

It is submitted that a national comparison of the budgets and allocations under the scheme be provided and would welcome such a provision in terms of assessing the impact of development contributions as an attractor or detractor for investment decisions. It is also submitted that a detailed analysis of the previous scheme [quantum, allocation, recovery, shortfalls etc.] would better inform what changes are required to improve the delivery of its objectives and 'put in a context how this next scheme fits in economic terms and in terms of ambition for the LA during the forthcoming period'.

Support is outlined for proposals 'to facilitate the acquisition of land, provision of open spaces, recreational and community facilities and amenities, landscaping works, roads, car park, car parking places, surface water sewers, flood relief, ancillary infrastructure, bus corridors and lanes, bus interchange facilities, public transport infrastructure, cycle and pedestrian lanes, traffic calming measures, refurbishment, upgrading and enlargement of public roads, car parks, car parking spaces, surface water sewers, flood relief work and ancillary infrastructure, provision of high capacity infrastructure such as broadband, provision of school sites and any ancillary matters'.

It is submitted that the Chamber reluctantly supports the use of Special Development Contributions but encourages careful implementation of same going forward where a specific exceptional cost may need to be incurred to deliver development. Opposition to any further Supplementary Contribution Schemes is also expressed.

With regards the previous Development Contribution Scheme, concern is raised that an analysis of the cost of projects funded by the scheme is not provided, nor any shortfalls in funding identified. It is further stated that such analysis is required given that the new scheme is based on the metrics of the previous scheme. Support is expressed around the anticipated growth set out under the scheme however there is concern that the estimated quantum of commercial development anticipated over the lifetime of the Scheme (20,000 sq m) is too low and should be revised to 100,000 sq m.

With regards to the allocation of contributions provided for in the Draft Scheme in relation to commercial development, it is stated that this allocation should be increased from 60% to 75% for Transport and Drainage Infrastructure.

It is requested that an analysis of car parking provision in Mullingar is undertaken to include an assessment of parking before and after the 'Town Enhancement Works' together with an assessment of monies collected on the previous scheme and how many spaces were delivered.

In terms of exemptions and reductions cited in the scheme, Mullingar Chamber supports the 33% reduction in charges for development in IDA Business Parks however queries why this reduction is not afforded to private business park developments. It is further requested that the 50% reduction for Protected Structures should be extended to 100% to incentivise dilapidated protected structures in Mullingar. Similarly, it is considered that the 33% reduction in charges in core retail areas should be extended to 100% and should apply to entire town areas and that the town centre renewal exemptions should be applied to the entire town area and not solely the core and should be revised from 33% to 100%.

It is requested that commentary could be included in each planning grant as to 'how the particular contributions were arrived at in terms of the overall scheme and why various exemptions did not apply to any granted scheme, where they did not or where reduced levels were not applied in the interests of clarity and transparency'. Concern is also expressed that no appeal procedure on contributions exists other than an appeal to An Bord Pleanála in instances where the scheme is not properly applied.

**Response:**

The submission by the Mullingar Chamber of Commerce is acknowledged and welcomed.

It should be noted that the inherent differences between counties across the country, from urban to rural, coastal to inland, east to west etc. makes it very difficult to meaningfully compare schemes. The Draft Development Contribution Scheme has been prepared in line with the Development Contribution Guidelines 2013; Circular Letter: PL.18 / 2013; Circular Letter: PL 03/2018 and the provision of the Planning and Development Act 2000 (as amended) with adherence to the cost allocation methodology set out under the above Guidelines to ensure consistency of approach.

In terms of the previous scheme, it should be noted that Section 3 of the Draft Scheme states that between 2014-2020, €3,759,536 was generated from financial contributions, with commercial developments accounting for €2,114,248 followed by residential developments which generated €1,526,357. Furthermore, projects enabled by development contributions are also identified.

In terms of the application of reduced rates, it is considered that the Scheme sets out clearly the rationale for reductions together with how the reduced charges are to be calculated.

Commentary in relation to the use of Special Development Contributions and Supplementary Contribution Schemes is noted and in this regard it should be noted that there is no provision in the Draft Scheme for Supplementary Development Contributions. Special Development Contributions are only to be provided in accordance with the provision of section 48(2)(c) of the Planning and Development Act 2000 (as amended) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by the local authority in the provision of public infrastructure or facilities which benefit the proposed development. Any works will be specified by the condition. Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the Special Development Contribution.

Regarding projects funded by the scheme and associated metrics, it should be noted that revenue generated by the Development Contribution Scheme is cited in the Annual Report including details of projects funded by the Scheme. In terms of forecasts, for the purpose of estimating development quantum under the Scheme in areas such as residential and commercial development, it should be noted that such calculations are based on; the Westmeath County Development Plan 2021-2027 which projects population growth rates across 8 different tiers ranging from the large urban centres of Athlone and Mullingar, which are designated centres at a national and regional level, to rural towns and villages; the Westmeath Housing Strategy which establishes a total housing target for Westmeath of 4,983 units over the plan period 2021-2027; and the average floor area of commercial development provided over

the period 2014-2020, and as forecast for the forthcoming period. The projections form the basis of calculating contributions for the Development Contribution Scheme only. It should be noted that retail/commercial delivery on the ground falls outside the remit of this scheme and any future applications for such retail/commercial development will be assessed in line with the relevant County/Town/Urban Area Plan in place at the time of application having regard to the provisions of the Westmeath Retail Strategy, as appropriate.

Car parking provision will be considered as part of any future Mullingar Local Area Plan. It is considered that such analysis falls outside the remit of the Development Contribution Scheme.

In terms of incentives/reductions, it should be noted that the scheme has been developed in line with Government policy on town centre first development, supporting compact growth and sustainable travel patterns. Incentives were also devised having regard to the relevant Development Contribution Guidelines with the scheme seeking to strike a balance between the funding of public infrastructure and the need to encourage economic activity and promote sustainable development patterns. The scheme is intended to facilitate job creation through targeted incentives for specific development types and enterprises.

The application of the Development Contribution Scheme is detailed in all planning reports and may be appealed to An Bord Pleanála in isolation from the substantive decision on the planning application. This is provided for in Section 48 (10) of the Planning and Development Act 2000 (as amended).

It is considered that the Scheme, as proposed, strikes an appropriate balance between the funding of public infrastructure and the need to encourage economic activity and promote sustainable development patterns including the facilitation of job creation through targeted support for specific development types and enterprises. As such it is considered that the scheme is appropriate and is also in line with those in neighbouring local authorities. It is critically important to the development of the County that the Council can invest in enabling infrastructure, which is essential to quality of life, employment and economic development. Notwithstanding contributions raised from the scheme, the Council will continue to maximise government expenditure in the county, but it should be noted that many such funding streams require a local contribution, which can come from development contributions.

**Chief Executive Recommendation:**

Having regard to the above it is recommended that the Westmeath Development Contribution Scheme be made in line with the Draft Scheme as placed on public display.

### **3. Chief Executive's Conclusion & Overall Recommendation**

#### **3.1 Conclusion**

The statutory process set out in Section 48 (1– 7) of the Planning & Development Act 2000 (as amended) has been complied with in full. All the issues raised during the public consultation have been addressed to the satisfaction of the Planning Authority.

#### **3.2 Chief Executive's Recommendation**

I recommend that, having considered this report, that you proceed to make the Westmeath Development Contribution Scheme 2021.



---

**Pat Gallagher**

**17th December 2021**

**Chief Executive**

## Appendix 1: List of written submission by Name & Reference No

Ref No:	URL:	Name:
WM-C29-1	<a href="#">WM-C29-1</a>	The Planning Partnership, The Bank Building, 52 Oliver Plunkett Street, Mullingar
WM-C29-2	<a href="#">WM-C29-2</a>	Mullingar Chamber of Commerce



## **PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) NOTICE OF PREPARATION OF THE DRAFT DEVELOPMENT CONTRIBUTION SCHEME FOR WESTMEATH**

Notice is hereby given, pursuant to Section 48 of the Planning & Development Act 2000 (as amended), that Westmeath County Council has prepared a Draft Development Contribution Scheme for County Westmeath.

The Draft Scheme will be on public display and may be inspected from 12 October 2021 until 26 November 2021 inclusive (excluding public holidays) during normal opening hours at Áras an Chontae, Mount St, Mullingar and Athlone Civic Centre, Church St, Athlone.

The Draft Scheme may also be viewed on the Council's Public Consultation Portal <https://consult.westmeathcoco.ie/>

Submissions in relation to the Draft Scheme may be made in writing no later than 4.00pm on 26 November 2021. Submissions should be in **ONE** medium only i.e. online or hard copy.

Submissions/Observations may be made as follows:

- Online at <https://consult.westmeathcoco.ie/> or,
- In writing to: Administrative Officer, Forward Planning, Westmeath County Council, Áras an Chontae, Mount Street, Mullingar, Co. Westmeath, N91 FH4N

All observations or submissions received during the above time period will be taken into consideration before the making of the Westmeath Development Contribution Scheme 2021-2027.

The details including the names of those making submissions may be shared with relevant Council Departments involved in the making of the Development Contribution Scheme and will also form part of the statutory Chief Executive's Report to be presented to the full Council.

The personal information (data) collected during the consultation process (which may include the collection of sensitive personal data) is collected for the purpose of receiving and dealing with submissions and any data collected is subject to Westmeath County Council's privacy statement which can be found at <http://www.westmeathcoco.ie/en/ourservices/yourcouncil/privacy/privacynotice/>