

WICKLOW COUNTY COUNCIL



**SECTION 49 OF THE PLANNING AND DEVELOPMENT ACT, 2000 –
SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME**

For

**THE CONSTRUCTION OF THE WICKLOW PORT ACCESS AND TOWN RELIEF
ROAD (WPATRR)**

Adopted by Wicklow County Council at its meeting on the 14th November 2005.

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PREAMBLE

1. Section 49 of the Planning and Development Act, 2000 enables a Planning Authority when granting planning permission pursuant to Section 34 of the Act to attach a condition to a planning permission requiring payment of a financial contribution in respect of any public infrastructure service or project hereafter referred to as a **“Supplementary Development Contribution Scheme” (SDCS)**.
2. Subsection 1 of section 49 specifies that the project or service shall be specified in a SDCS made by the Planning Authority. The making of such a SDCS is a reserved function of the elected members. The project or service shall be provided either by the Planning Authority or pursuant to an agreement with the Local Authority or may be carried out by any other person. In addition the project or service shall benefit the development to which the planning permission relates, when carried out.
3. The supplementary development contribution scheme shall determine the amount and the manner of payment of the contribution. The SDCS shall specify the area or areas within the functional area of the planning authority to which it relates and the particular public infrastructure project or service to which it relates. More than one SDCS may be made in respect of a particular area. The SDCS may provide for different contributions to be made in respect of different classes or descriptions of development.
4. The SDCS is required to state the basis on which the contributions have been determined and the estimated cost of providing the project or service. There is provision within the legislation for the phasing of payments and the payment of reduced or no contributions.
5. A planning authority may enter into an agreement with any person in relation to the carrying out or the provision of a public infrastructure project or service as may be appropriate. Such an agreement may make provision for any or all of the following:
 - (a) The manner in which the service or project is to be provided or carried out including provision and maintenance of any infrastructure and operation of any service or facility.
 - (b) Arrangements regarding financing of the project or service and the manner in which contributions paid or owed to the planning authority pursuant to a planning condition relating to an SDCS may be applied in respect of that project or service.

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- (c) Entry into such further agreements as may be necessary with any other person regarding the financing and provision of such service or carrying out such service.
 - (d) The entry into force, duration and monitoring of the agreement; including the resolution of disputes.
6. Amendments can be brought to the level of contribution if the actual cost of provision of the project is less than estimated. The making of such an amendment to the scheme is a reserved function of the Planning Authority.

DEFINITIONS

7. Section 49(7) of the Planning and Development Act, 2000 defines a public infrastructure project or service to mean:
- a) The provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development,
 - b) The provision of particular new roads,
 - c) The provision of particular new sewers, wastewater and water treatment facilities, drains or water mains and ancillary infrastructure.

THE PROJECT

8. The particular road infrastructural project is the construction of the Wicklow Port Access and Town Relief Road (WPATRR) and associated structures and services. This project consists of two new sections of roadway – the Port Access Road (1.6km in length) and the Town Relief Road (3.0km in length) and which is defined in the Alignment Map (Drawing No: SK – 059 P1). Both roads start from the R750 Rathnew Road, the Port Access Road heading eastwards towards the Murragh, and the Town Relief Road heading southwards.
9. The estimated Net capital cost required for the construction of this roads project is €8 million.

AREA TO WHICH THIS SCHEME SHALL APPLY

10. The scheme shall apply within the environs of Wicklow Town as defined in the Wicklow Environs Local Area Plan adopted by Wicklow County Council in October 2001, which has a catchment area of approximately 625ha that is

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potentially available for development. The area is identified on the Scheme Map (Map No. 1 of the Wicklow Environs Local Area Plan) attached to this document.

11. There are a number of areas that will benefit directly from the scheme. These areas are located within the environs of Wicklow Town and are subject of different land use zoning objectives. Each of these areas can be developed in a sustainable manner in accordance with sustainable development principles, Residential Density Guidelines and County Development Plan policies.

The SDCS shall apply to all planning permissions granted for development within this area as and from the date of adoption of this scheme by the Planning Authority.

12. In addition to the primary catchment area which is defined above in paragraph 10, and to which this supplementary development contribution scheme will apply, the project will provide additional service and associated resulting public and private benefit to the entire administrative area of the County by reason of the fact that this scheme will link into the existing public road system. However, and in accordance with the provisions of Section 48(3)(c) of the Act, any benefit which accrues to existing development shall not be included in the determination of any contribution pursuant to the supplementary development contribution scheme.

LEVEL OF CONTRIBUTION

13. The following developments will be exempt from the supplementary development contribution levy:

Development Type	Reduction/Increase
Social Housing	100% reduction all classes
Housing provided by Voluntary organisations or Co-Operative housing bodies as outlined in Article 157 (2) of the Planning & Development Regulations 2001	100% reduction all classes
Facilities provided by organisations which are considered exempt from planning fees as outlined in Article 157 (1) (a) – (c) of the Planning & Development Regulations 2001	100% reduction all classes
Crèche/Childcare facilities	50% reduction all classes

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The following levels of supplementary development levies are proposed

Residential: A contribution rate of €5,000 per dwelling unit.
Industrial/Commercial: A contribution rate of €35 per m².

14. The supplementary development contribution levy rates are considered reasonable given the benefits the Wicklow Port Access and Town Relief Roads will bring to the area as defined in paragraph 10. The WPATRR will improve the area's attractiveness and marketability for both residential and commercial developments and will result in significant added value to property and land.

MANNER OF PAYMENT

15. The supplementary development contribution will be attached as a Condition of Planning Permission at the above rates. Such contributions will be attached to all planning permissions issued within the scheme area as defined above at paragraph 10, following the adoption of the scheme by the Council. Levies on development, following the adoption of this scheme, cannot be subsequently appealed to An Board Pleanala unless the Applicant considers that the levies have not been properly applied.
16. The Planning Authority will collect the levies and make the monies collected available to the Transportation and Road Infrastructure Directorate of Wicklow County Council, within one month after receipt of payment; this is to facilitate the construction the WPATRR.
17. In the event of the construction of the Wicklow Port Access and Town Relief Roads not proceeding, contributions received on foot of the Scheme will be returned to the relevant parties, together with an appropriate element of interest. In this regard all monies collected will be retained by the Planning Authority pending the commencement of the Scheme.
18. The levy under this supplementary development contribution scheme shall be payable at the commencement of development at the rate pertaining to the particular year in which implementation of the planning permission is commenced.

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**DURATION OF THE SUPPLEMENTARY DEVELOPMENT CONTRIBUTION
SCHEME**

19. This supplementary development contribution scheme takes effect from the 14th November 2005. The duration of the SDCS shall be for a period of 10 years from that date unless and until some other period of time shall be substituted for that period by order of the Wicklow County Council.

The level of contributions received will be monitored on a regular basis, and if the anticipated contribution generated by the Scheme is realised earlier than 10 years, then proposals in this regard will be submitted to the elected members of Wicklow County Council.

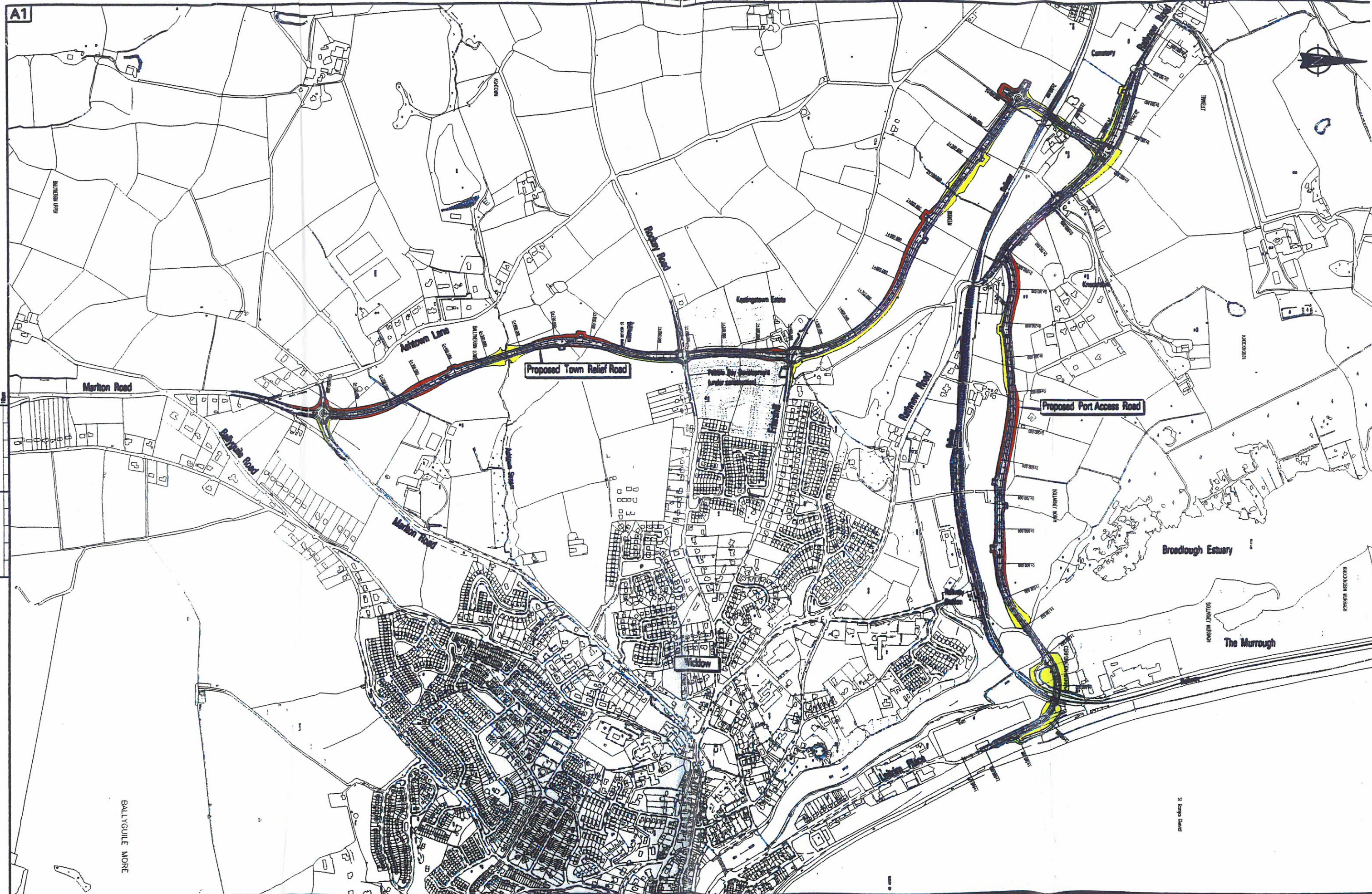
MONITORING AND REVIEW

20. This supplementary development contribution scheme provides a level of contribution that shall be updated each year during the life of the scheme in line with the Consumer Price Index published by the Central Statistics Office.

The supplementary development contribution scheme may be reviewed from time to time by the Planning Authority having regard to circumstances prevailing at that time. Where it is proposed to reduce the level of contributions payable this may be attained by an amendment to the existing scheme when agreed upon by the elected members. Any increase in contributions will require the adoption of a new or amended scheme by the Council of the County of Wicklow.

A1

Plan - Scale will differ as distortion can occur



Rev	Date	By	Description
P1	14/1/12	TD	PRELIMINARY

Key:

	Roadway		Extent of earthworks: cut
	Verge, cycle track, footpath		Extent of earthworks: fill



Job Title
WICKLOW PORT ACCESS AND TOWN RELIEF ROUTE

Drawing Title
PLAN

Drawing Status
PRELIMINARY

ARUP

10 Wellington Road Suite 4
14 01-414020 For 01-4661189
Email: arup@arup.com

Scale: 1:5000

Checked: TD Approved: SPB Date: 02/12/12

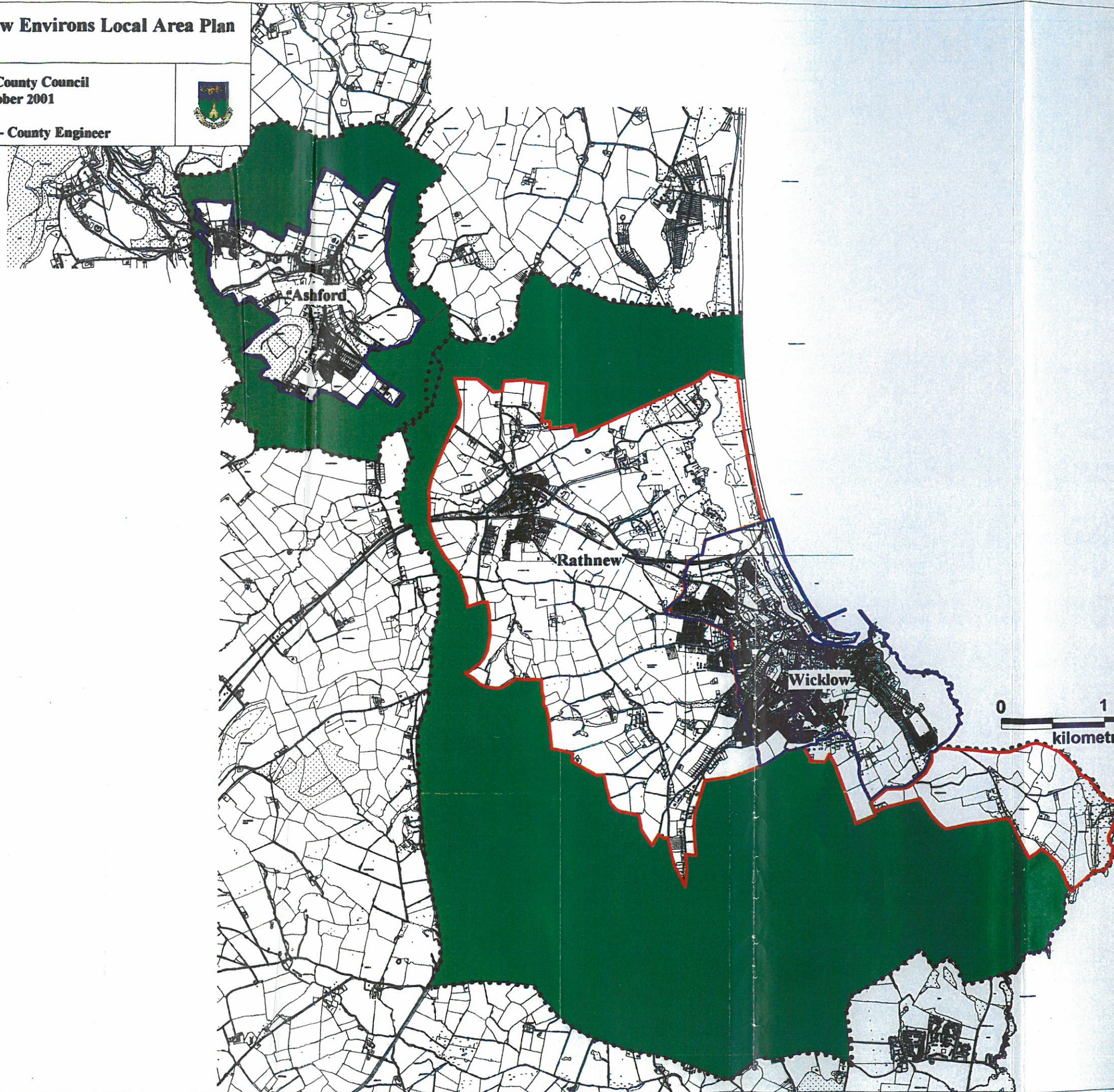
Job No: **D2949** Drawing No: **SK-059**

**Wicklow Environs Local Area Plan
Map 1**






Wicklow County Council
Date: October 2001



M. Looby - County Engineer



Legend

-  Wicklow Environs Local Area Plan Boundary
-  Ashford Development Boundary
-  Wicklow Development Zones Boundary (See Map 2)
-  Wicklow U.D.C. Boundary
-  Agricultural Land

This map has been produced by Wicklow County Council with available local Authority and Ordnance Survey base data.

NOTE UNAUTHORISED REPRODUCTION OF THIS MAP INFRINGES STATE COPYRIGHT.