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## Supplementary Development Contribution Scheme

### Kells "Backlands" N3 – N52 Urban Collector / Distributor Road Link and Newrath Stream Culvert Replacement Scheme

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**Meath County Council**  
Adopted 7<sup>th</sup> December  
2009



**Kells Town Council**  
Adopted 16<sup>th</sup> November  
2009

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## 1 INTRODUCTION

In accordance with the provisions of Section 49 of the Planning and Development Acts 2000 - 2009, Meath County Council and Kells Town Council have made a 'Supplementary Development Contribution Scheme' (SDCS) to assist in the provision of the Kells "Backlands" N3 – N52 Urban Collector / Distributor Road Link and to provide the Newrath Stream Culvert Replacement Scheme. This infrastructure is necessary to facilitate the development of zoned lands in the Kells "Backlands" Local Area Plan (LAP) 2006. It is an objective of the Kells "Backlands" LAP to make provision for the preparation of this SDCS.

Section 49 of the Planning and Development Acts, 2000-2009, 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. 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 may be carried out by any other person pursuant to an agreement with the Local Authority. The project or service must be of benefit to the development to which the planning permission relates.

The SDCS determines the amount and the manner of payment of the contribution and specifies the area or areas within the functional area of the Planning Authority to which it relates. It also details the particular public infrastructure project or service to which it relates. A SDCS can provide for different contributions to be made in respect of different classes or descriptions of development. The SDCS outlines 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.

## 2 DEFINITIONS

Section 49(7) of the Planning and Development Acts 2000 – 2009 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.

## 3 THE PROJECTS

The Scheme covers two infrastructural projects:

- (i) the N3 – N52 Urban Collector / Distributor Road Link, and;
- (ii) the Newrath Stream Culvert Replacement Scheme.

Both of these projects are required to facilitate the development of zoned lands identified in the Kells "Backlands" Local Area Plan (2006) which was readopted into the Kells Development Plan (2007).

The road project consists of the provision of a new Urban Collector / Distributor Road Link which will link the existing N3 Dublin / Cavan National Primary Road with the N52 Mullinagar / Dundalk National Secondary Road. The Urban Collector / Distributor Road will connect the N3 opposite from the entrance to Headfort Golf Club onto a new signalised junction at Farrell Street / Bective Street / Bective Square and also onto a new signalised junction at Bective Street adjoining Kells Stores. A series of secondary streets developed off the proposed N3 – N52 Urban Collector / Distributor Road Link will provide for internal circulation and distribution within the wider "Backlands" area. The Kells "Backlands" LAP states that the provision of the N3 – N52 Urban Collector / Distributor Road Link will be necessary to facilitate internal development and will be development led. The Phasing Arrangement contained in the Kells "Backlands" LAP indicates that the initial phase of development (Phase 1A) would include the provision of the urban collector / distributor road.

The Scheme also consists of the provision of a 1,500 mm replacement surface water culvert of the existing Newrath Stream. The Kells Stormwater Drainage Study was prepared by Carl Bro Consulting Engineers on behalf of Meath Local Authorities in February 2006 pursuant to a specific objective (KS 5) contained in the 2001 Kells Development Plan. The objective sought the preparation of a comprehensive environmental study, incorporating a flood detail / relief study of the area of potential development, within the vicinity of Kells Town Centre in advance of any development taking place. The resulting Kells Stormwater Drainage Study assessed various options with regard to flood relief and recommended Option 3A as the preferred option. This option requires, inter alia, the construction of a new 1,500 mm diameter culvert along the swimming pool access road, across the green area of the school grounds, crossing the N3 road west of the Kells Visitor Centre and through the green area of the Headfort Housing Estate. The Phasing Arrangement contained in the Kells "Backlands" LAP indicates that the initial phase of development (Phase 1A) would include all necessary surface water drainage infrastructure in accordance with the requirements of the Kells Stormwater Drainage Study.

Development in the "Backlands" area of Kells cannot take place without the urban collector / distributor road link and surface water culvert being provided. These are considered to constitute essential pieces of infrastructure that in the normal course of events would be provided by a developer or developers and included in a schedule of costs for a development. Meath Local Authorities are assisting in the provision of this infrastructure thereby underlining their commitment to the development of the "Backlands" area of Kells in accordance with the adopted Kells "Backlands" Local Area Plan. In undertaking to assist in the provision of the urban collector / distributor road link and in providing for the replacement surface water culvert and to affect any necessary Compulsory Purchase of lands required for the construction of the road or statutory wayleave for the construction of the surface water culvert respectively, Meath County Council & Kells Town Council are ensuring the required infrastructure is completed in tandem with development. This approach also avoids a situation where individual landowners could hold up the construction of the required infrastructure, as could be the case if it was constructed entirely by the private sector. In this context, the Scheme is an incentive to development and is a proactive measure to assist investment in this area of Kells.

It is important to state that this SDCS has been prepared and adopted on the basis that the "Backlands" N3 – N52 Urban Collector / Distributor Road Link will be advanced and delivered by individual landowners / developers with only the cost of constructing the Urban Collector / Distributor Road Link inclusive of necessary land acquisition apportioned between all developments that will benefit from the proposed road infrastructure. The individual sections of

the Urban Collector / Distributor Road Link shall be constructed by the applicant / developer, initially at the expense of the applicant / developer, to an agreed detailed design with the Planning Authorities. The Planning Authorities shall be consulted at all stages in the appointment & approval of the contractors to construct the road infrastructure works pertaining to the Urban Collector / Distributor Road Link. The agreed full and certified costs of the road infrastructure shall be agreed with the Planning Authorities and the agreed full and certified costs credited against the amount levied by condition pursuant to this SDCS.

In the preparation of costings for the Supplementary Contributions Scheme, the Planning Authorities were mindful of the inevitable need to acquire the existing property fronting onto existing streets to facilitate access to the "Backlands" themselves as part of the agreed N3 – N52 Urban Collector / Distributor Road Link infrastructure. However, the Planning Authorities will insist that individual developers (on town centre expansion, mixed residential / business use, residential and employment generating uses) will provide the land to provide the N3 – N52 Urban Collector / Distributor Road Link on a cost neutral basis to the Local Authorities and that no allowance be made in the Supplementary Development Contribution Scheme for the acquisition of such land. To this extent, the delivery of the road will be developed by individual developers to an agreed design prepared on their behalf with the cost of construction only apportioned between developers, save for the acquisition of lands located on Farrell Street and Bective Street respectively, on the N3 Road junction as land may be required to be acquired from Headfort Golf Club and the possible acquisition of lands zoned for G1 land use (to provide for necessary community, recreational and educational facilities).

#### **4 LAND APPLICABLE TO THE SECTION 49 SUPPLEMENTARY SCHEME**

The area to which both elements of this scheme applies has been determined by the Planning Authorities. It has been necessary to distinguish separately between the lands that will benefit from the N3 – N52 Urban Collector / Distributor Road Link from those that will benefit from the Newrath Stream Culvert Replacement Scheme in this regard. The area to which the scheme applies are shown on Map No's. 1 & 2 which are attached to this scheme. These maps show individual parcels of lands of each land use zoning objective which are included in, and subject to the provisions of, the SDCS.

The area to which the N3 – N52 Urban Collector / Distributor Road Link SDCS shall apply includes most of the development land identified in the Kells "Backlands" LAP. The Planning Authorities have estimated that the lands to the east of Bective Street & Farrell Street, south of Kenlis Place and to the south of Headfort Place and the existing N3 and which have the benefit of land use zoning objectives, are not yet developed and will directly benefit from the roads infrastructure in the area extends to 58.53 hectares. The Planning Authorities also consider that lands on the western side of Bective Street & Suffolk Street and to the south of Cannon Street & Climber Hall (known locally as the "Frontlands") will also benefit from the delivery of this road infrastructure, albeit at a reduced rate of benefit. The area of lands which are zoned and undeveloped which will benefit from the road infrastructure in the "Frontlands" extends to 16.21 hectares. The lands identified in the "Backlands" and "Frontlands" includes lands identified for A2 (To provide for new residential communities and to protect the amenities of existing residential areas), B2 (To provide for major new town centre activities in accordance with approved framework plan and subject to the provision of necessary physical infrastructure), C1 (To provide for and facilitate mixed residential business and business uses in existing mixed use central business areas) and E2 (To provide for light industrial and industrial office type employment in a high quality campus environment subject to the provision of necessary physical infrastructure in accordance with approved framework plans) land use zoning objectives. The area to which the scheme applies is shown on Map No. 1.

The area to which the Newrath Stream Culvert Replacement Scheme SDCS shall apply has been determined primarily by the catchment area included in the Kells Stormwater Drainage Study (2006) and is shown on Map No. 2. The Planning Authorities have estimated that the lands in the "Backlands" and the "Frontlands" and which have the benefit of land use zoning, are not yet developed and will benefit from the surface water infrastructure in the area extends to 51.45 hectares. This includes lands identified for A2 (To provide for new residential communities and to protect the amenities of existing residential areas), B2 (To provide for major new town centre activities in accordance with approved framework plan and subject to the provision of necessary physical infrastructure), C1 (To provide for and facilitate mixed residential business and business uses in existing mixed use central business areas) land use zoning objectives.

In both areas, all planning permissions granted by the respective Planning Authority will be subject to development levies applicable under this Section 49 Scheme as well as those payable under the general Section 48 Scheme. Neither the N3 – N52 Urban Collector / Distributor Road Link nor the Newrath Stream Culvert Replacement Scheme are pieces of infrastructure that are were identified under the adopted Section 48 Development Contributions Scheme (2010 - 2015).

## 5 BASIS FOR CALCULATION OF THE SCHEME

As outlined in the preceding section, the area to which the N3 – N52 Urban Collector / Distributor Road Link shall apply extends to 74.74 hectares, shown on Map No. 1 and the area to which the Newrath Stream Culvert Replacement Scheme shall apply extends to 51.45 hectares, shown on Map No. 2.

### 5.1 N3 – N52 Urban Collector / Distributor Road Link - Breakdown Costs

Item	Description	Construction	Land Acquisition	Cost
N3 - N52 Urban Collector / Distributor Link	1.5 km Link Road	€2,265,000	€200,000*	€2,465,000
Internal Roads within "Backlands" (Part of N3 – N52 Link)	0.95 km	€1,425,000	€0	€1,425,000
N3 Junction	45 m ICD Roundabout	€500,000	€100,000**	€600,000
Farrell Street / Bective Street / Bective Square Junction	Signalised Junction	€600,000	€3,000,000	€3,600,000
Bective Street Junction	Signalised Junction	€600,000	€1,500,000	€2,100,000
<b>Total Cost of Works</b>		<b>€5,390,000</b>	<b>€4,800,000</b>	<b>€10,190,000</b>

\*relates to the potential acquisition of lands zoned for G1 land use zoning objective extending to approximately 0.57 hectare. No other allowance is made in the scheme for the general acquisition of land through which the N3 - N52 Urban Collector / Distributor Link will be provided as the land shall be made available at cost neutral price to Meath Local Authorities.

\*\* relates to the possible acquisition of land at Headfort Golf Club to facilitate roundabout junction tie in with existing N3 National Primary Road.



The Planning Authorities have estimated that the lands in the “Backlands” namely to the east of Bective Street & Farrell Street, south of Kenlis Place and to the south of Headfort Place and the existing N3 which have the benefit of land use zoning, are not yet developed and will benefit from the roads infrastructure in the area extend to 58.53 hectares. The individual land use zoning objectives are comprised of the following :

**N3 – N52 Urban Collector / Distributor Road Link – Benefiting Lands in “The Backlands”**

<b>Land Use Zoning</b>	<b>Area in Hectares</b>
B1 : Town Centre Expansion	7.16
C1 : Mixed Residential / Business	3.48
A2 : New Residential Communities	19.25
E2 : Employment Uses	28.64
<b>Total Land Areas</b>	<b>58.53</b>

It was considered reasonable to seek to apportion the cost of the roads infrastructure evenly between commercial and residential land uses that will benefit from it’s development. Town centre expansion, mixed residential / business and residential land use zoning objectives were therefore factored as 1.0. In order to offer incentives to develop the significant area of land identified for E2 employment lands on the Navan Road (N3), it was agreed that a reduced factor of 0.5 shall be applied to these lands.

It is also considered that the lands on the western side of Bective Street & Suffolk Street and to the south of Cannon Street & Climber Hall (known locally as the “Frontlands”) which are similarly zoned for town centre expansion and mixed residential / business land use zoning objective would also benefit from the delivery of the roads contained in the “Backlands” albeit at a reduced rate of benefit, with a factor of 0.33 benefit agreed as reasonable.

**N3 – N52 Urban Collector / Distributor Road Link –Benefiting Lands in The “Frontlands”**

<b>Land Use Zoning</b>	<b>Area in Hectares</b>
B1 : Town Centre Expansion	6.72
C1 : Mixed Residential / Business	9.49
<b>Total Land Areas</b>	<b>16.21</b>

## 5.2 Newrath Stream Culvert Replacement Scheme Breakdown Costs

Item	Cost
Supply & Installation, including earthworks, manholes, re-lining of existing culvert, general contingency, etc.	€650,000
VAT @ 13.5%	€87,750
<b>Sub Total Construction</b>	<b>€737,750</b>
Overall Outturn Cost will include Consultants Fees associated with detailed design / tendering process, contract administration, Project supervision Design process, etc.	€73,775
Resident Engineer Project Supervision	€80,000
Site Investigations Contract	€50,000
Archaeological Investigations/ Monitoring	€100,000
<b>Sub Total Fees at al</b>	<b>€303,775</b>
<b>Total</b>	<b>€1,041,525</b>

The surface water culvert will be laid on public lands and or lands which have been taken in charge by the Local Authority. The Planning Authorities have estimated the cost of constructing the 1,500 mm diameter surface water culvert. The costings are qualified on the basis that the project will be subjected to competitive tendering following detailed design.

It is considered that the proposed Newrath Stream Surface Water Replacement Culvert will equally benefit the development of lands in both the "Backlands" and the "Frontlands".

### **Newrath Stream Culvert Replacement Scheme: Benefiting Lands in The "Backlands"**

Land Use Zoning	Area in Hectares
B1 : Town Centre Expansion	7.16
C1 : Mixed Residential / Business	3.48
A2 : New Residential Communities	19.25
<b>Total Land Areas</b>	<b>29.89</b>

### **Newrath Stream Culvert Replacement Scheme: Benefiting Lands in The "Frontlands"**

Land Use Zoning	Area in Hectares
B1 : Town Centre Expansion	6.72
C1 : Mixed Residential / Business	9.49
A2 Residential	5.35
<b>Total Land Areas</b>	<b>21.56</b>

## 6 LEVEL OF CONTRIBUTION

### 6.1 N3 – N52 Urban Collector / Distributor Road Link

On the basis of the preceding section and taking into consideration the development potential of lands in the area to which the scheme relates, the following levies will apply which will facilitate the recovery of 100% of the construction cost of the road proposal. In all instances, the rate per hectare shall apply to the gross application site area included in each development proposal.

#### Recommended Contribution Rates

Land Use Zoning	Land Area	Rate per Hectare	Weighting	Total
<b>"Backlands"</b>				
B1 : Town Centre Expansion	7.16	€205,402	1.0	€1,470,678
C1 : Mixed Residential / Business	3.48	€205,402	1.0	€714,799
A2 : New Residential Communities	19.25	€205,402	1.0	€3,953,989
E2 : Employment Uses	28.64	€205,402	0.5	€2,941,357
<b>"Frontlands"</b>				
B1 : Town Centre Expansion	6.72	€205,402	0.3333	€460,054
C1 : Mixed Residential / Business	9.49	€205,402	0.3333	€649,690
<b>Total</b>				<b>€10,190,567</b>

#### **"Backlands"**

B1 (Town Centre Expansion), C1 (Mixed Residential / Business) & A2 (New Residential Communities) €205,402 per hectare

E2 (Employment Uses) €102,701 per hectare

#### **"Frontlands"**

B1 (Town Centre Expansion) & C1 (Mixed Residential / Business) € 68,460 per hectare

## **6.2 Newrath Stream Culvert Replacement Scheme**

On the basis of the preceding section and taking into consideration the development potential of lands in the area to which the scheme relates, the following levies will apply which will facilitate the recovery of 100% of the cost of providing the culvert replacement scheme. In all instances, the rate per hectare shall apply to the gross application site area included in each development proposal.

It is considered that the proposed Newrath Surface Water Replacement Culvert will equally benefit the development of lands in the "Backlands" and the "Frontlands". The total lands benefiting from the proposed surface water culvert is 51.45 hectares which equates approximately to €20,250 per hectare (rounded up from €20,243.44).

### **"Backlands" & "Frontlands"**

B1 (Town Centre Expansion), C1 (Mixed Residential / Business) & A2 (New Residential Communities)

€20,250 per hectare.

## **7 EXEMPTIONS**

It is recommended that the following categories of development be exempt from the requirement to pay contributions under this Section 49 Scheme:

1. Where the planning application relates to a development which in the opinion of the Planning Authority is to be carried out by or on behalf of a voluntary organisation and which in the opinion of the Planning Authority:
  - is designed or intended for social, recreational, educational (aside from private schools) or religious purposes by the inhabitants of a locality or by people of a particular group or religious denomination and is not to be used mainly for profit or gain;
  - is designed or intended to be used as a work-shop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or;
  - is ancillary to development referred to above.
2. 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 Planning Authority.
3. House extensions and single replacement dwellings.
4. Family flats where the occupant has a genuine need to reside in the dwelling and is part of the family of the main house.
5. Large scale recreational developments (e.g. golf courses, sports pitches, tennis complexes, etc), but excluding buildings and ancillary facilities.

6. Development of childcare facilities by voluntary / not for profit childcare providers.
7. Local Authority or community owned local enterprise units / centres.

## **8 MANNER OF PAYMENT**

The Supplementary Development Contribution will be attached as conditions of planning permission at the above rates with separate conditions pertaining to the N3 – N52 Urban Collector / Distributor Road Link and Newrath Stream Culvert Replacement Scheme respectively. Such contributions will be attached to all planning permissions issued within the respective scheme areas as defined.

The levy under this SDCS shall be payable at the commencement of development or in a phased manner to be agreed with the Planning Authority and at the rate pertaining to the particular year in which implementation of the planning permission is commenced.

## **9 DURATION OF SCHEME**

This SDCS took effect upon the formal adoption of this scheme by Meath County Council on December 7<sup>th</sup> 2009 and Kells Town Council on 16<sup>th</sup> November 2009. The duration of the SDCS shall be for a period of 15 years for each Planning Authority from the date of adoption unless and until some other period of time shall be substituted for that period by order of both Meath County Council and Kells Town 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 15 years, then proposals for the early termination of the Scheme will be submitted to the elected members of Meath County Council and Kells Town Council.

## **10 MONITORING AND REVIEW**

This SDCS shall be updated each year during the life of the scheme. The rates of contribution payable shall be revised annually in line with the Wholesale Price Indices – Building and Construction - Capital Goods) published by the Central Statistics Office. For the avoidance of doubt, development contributions demanded as conditions of a grant of planning permission shall be index linked as above and the outstanding balance shall be reviewed and amended annually in accordance with the Index.

## **11 APPEALS TO AN BORD PLEANÁLA**

The Act 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 Supplementary 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 attaching such a condition.

## **12 RING FENCING OF INCOME**

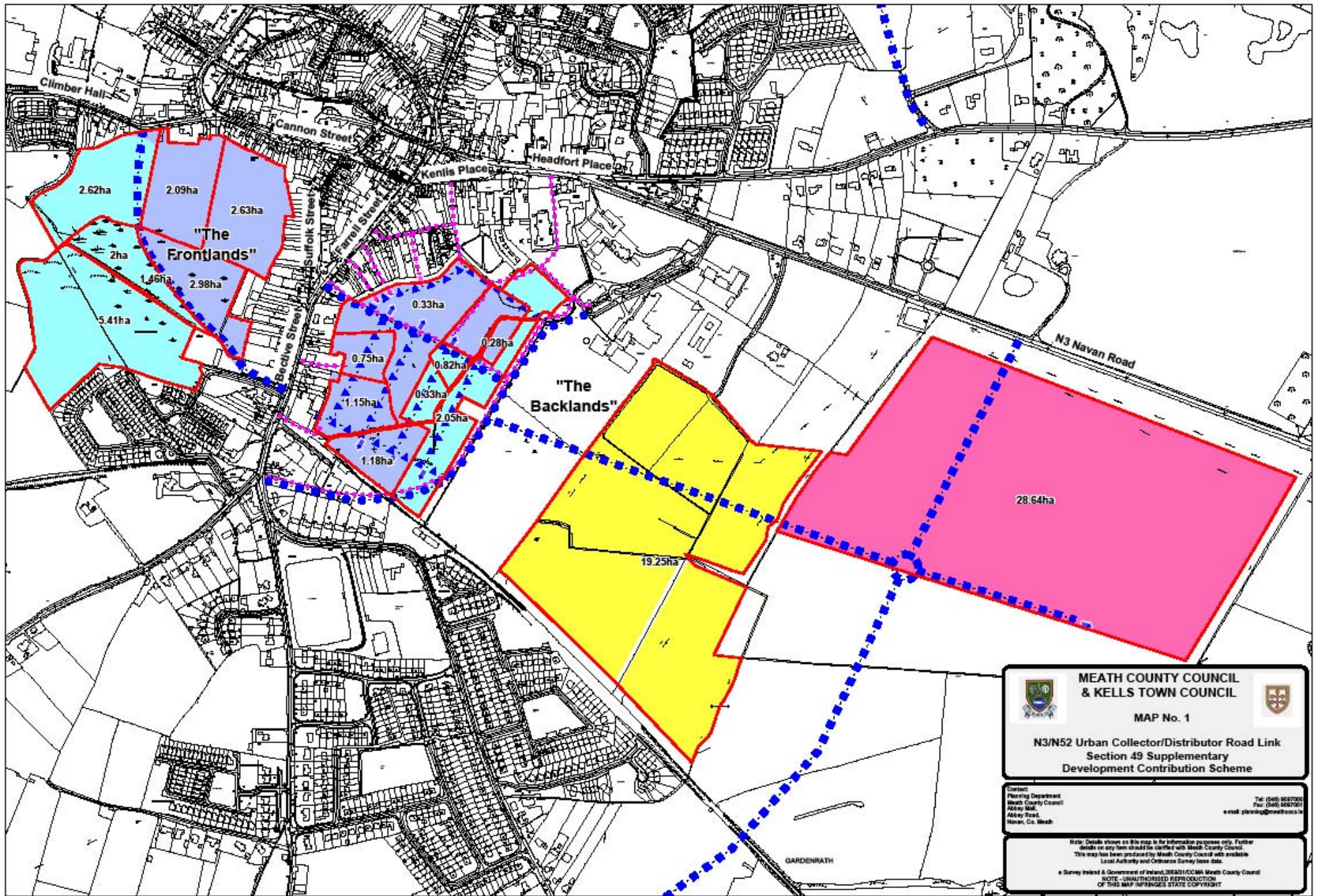
The Planning Authorities will collect the levies in accordance with the terms of the SDCS. Any monies collected by the Planning Authorities under the terms of this levy scheme will be retained by it and placed in a separate account which can only be applied as capital for the provision of the N3 – N52 Urban Collector / Distributor Road Link and Newrath Stream Culvert Replacement Scheme respectively.



## **13 NON-PAYMENT OF A CONTRIBUTION DUE**

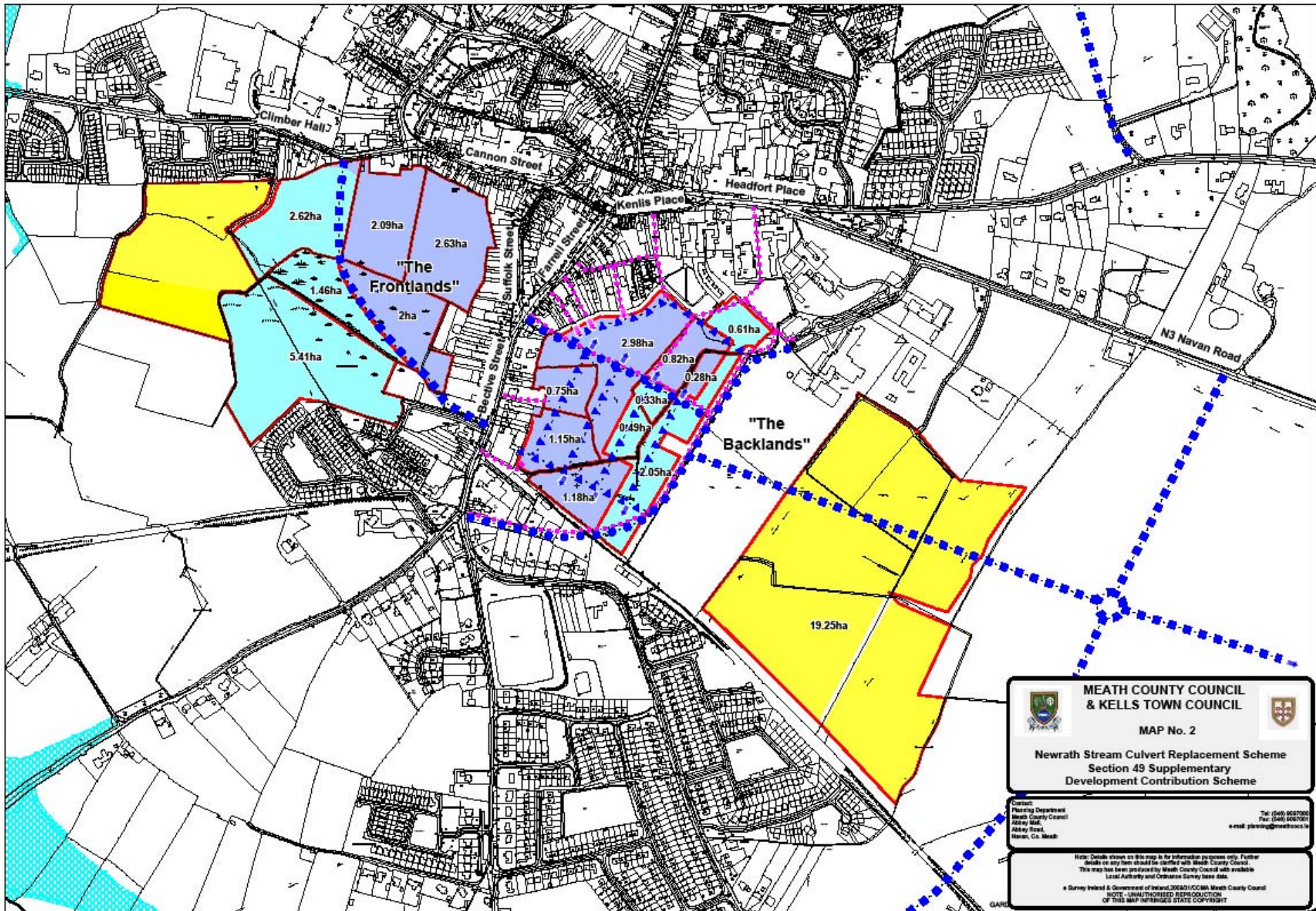
Where a Supplementary Development Contribution is not paid in accordance with the terms of a condition laid down by the Planning Authority (or An Bord Pleanála), either Planning Authority may recover any contribution due as a simple contract debt in a court of competent jurisdiction. The Planning Authorities reserve the right to initiate further enforcement action in respect of unpaid development contributions.



## **14 BRANDING/PUBLIC INFORMATION**

In the interests of transparency, either major infrastructure project funded by Supplementary Development Contributions collected pursuant to this Supplementary Development Contribution Scheme may include project signage along the public road for public information purposes, stating that the project has been part funded by levies on development in Kells.



 <b>MEATH COUNTY COUNCIL &amp; KELLS TOWN COUNCIL</b> 	
<b>MAP No. 1</b>	
<b>N3/N52 Urban Collector/Distributor Road Link Section 49 Supplementary Development Contribution Scheme</b>	
Contact: Planning Department Meath County Council Abbey Mill, Abbey Road, Navan, Co. Meath	Tel: (046) 8627000 Fax: (046) 8627001 email: <a href="mailto:planning@meathcc.ie">planning@meathcc.ie</a>
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 <b>MEATH COUNTY COUNCIL &amp; KELLS TOWN COUNCIL</b> 	
<b>MAP No. 2</b>	
<b>Newrath Stream Culvert Replacement Scheme Section 49 Supplementary Development Contribution Scheme</b>	
Contact: Planning Department Meath County Council Abbey Road, Navan, Co. Meath	Tel: (046) 907200 Fax: (046) 907301 e-mail: <a href="mailto:planning@meathcc.ie">planning@meathcc.ie</a>
<small>           Note: Details shown on this map is for information purposes only. Further details on any item should be clarified with Meath County Council.            This map has been produced by Meath County Council with available Local Authority and Ordnance Survey base data.            © Survey Ireland &amp; Government of Ireland, 2020/21/CCMA Meath County Council            NOTE - UNAUTHORISED REPRODUCTION            OF THIS MAP INFRINGES STATE COPYRIGHT         </small>	