



TIPPERARY TOWN COUNCIL

DEVELOPMENT CONTRIBUTION SCHEME

FOR PERIOD
1ST MARCH 2009 TO 28TH FEBRUARY 2015
INCLUSIVE

Tipperary Town Council
Dan Breen House
Davis Street
Tipperary Town.

Development Contribution Scheme 2009-2015

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1.0 Legislative Background.

1.1 Introduction

The Planning and Development Acts 2000-2007 (hereinafter referred to as “the Acts”) provides for a Development Contribution Scheme (hereinafter referred to as “the Scheme”) whereby Planning Authorities may, on granting planning permission under Section 34 of the Acts, include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting the development in the area of the Planning Authority and that is provided, or intended to be provided, by or on behalf of the Local Authority, regardless of other sources of funding for the infrastructure and facilities.

Section 48 of the Acts sets out that the Scheme;

- Shall set out the basis for the determination of a contribution,
- Make provision for payment of different contributions in respect of different classes or descriptions of development,
- Shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are to be provided having regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination,
- May allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provision of the scheme.

This Scheme has been prepared in accordance with Section 48 of the Planning and Development Acts 2000-2007. The making of the Town Council Development Contribution Scheme is a reserved function of the Members of Tipperary Town Council as set out in Section 48(8) of the Acts.

2.0 Contribution Schemes

2.1 General Development Contribution Schemes

These contributions schemes apply in respect of public infrastructure and facilities provided by, or on behalf of, the Local Authority that benefit the development in the area. Under a general development contribution scheme, the Planning Authority does not need to show a direct connection between the development contribution paid and works done which facilitate the development. However, it will be important that the Planning Authority is satisfied that the basis for determining the contribution levels can be adequately justified and supported.

The types of public infrastructure and facilities that can be funded by this mechanism are:

- The acquisition of land,
- The provision of open spaces, recreational and community facilities and amenities and landscaping works,
- The provision of roads, car parks, car parking places, sewers, waste water and water treatment facilities, drains and watermains,
- The provision of bus corridors and lanes, bus interchanges facilities (car parks for those facilities), infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures,
- The refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, sewers, waste water and water facilities, drains or water mains and
- Any matters ancillary to the above.

Development contributions can only be levied as capital funding for public infrastructure and facilities and as such cannot be used to pay current costs.

In relation to water and wastewater infrastructure, Planning Authorities shall exclude costs recovered from developers in accordance with the Government Water Pricing Framework. However, pending the full recovery of capital and operational costs through Water Pricing, the levy on commercial/industrial developments for water, wastewater and surface water shall continue where provided.

The period of this General Development Contribution Scheme shall be from 1st March 2009 to 28th February 2015 inclusive unless amended, extended or replaced with a new scheme by the Members of Tipperary Town Council.

No appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with this Scheme¹. However, an appeal may be brought to the Board where an applicant for permission under Section 34 of the Acts considers that the terms of the Scheme have not been properly applied in respect of any condition laid down by the Planning Authority².

2.2 Special Contribution

A Special Contribution may be imposed on a development where exceptional costs not covered by the General Development Contribution Scheme are incurred by the Local Authority in the provision of a specific public infrastructure and facilities which benefit the proposed development. Any works not commenced within five years or completed within seven years of receipt of payment will result in the applicant being refunded, in full or part, the Special Contribution levy³.

2.3 Supplementary Development Contribution Scheme

¹ Section 48(10)(b) of the Planning and Development Acts

² Section 48(10)(c) of the Planning and Development Acts

³ Section 48(12) of the Planning and Development Acts

This scheme refers to the provision of a particular public infrastructure service or project which will directly benefit the development(s) concerned and is not covered by the General Development Contribution Scheme. This scheme may only be applied to a specified area within the functional area of the Planning Authority and the making of a Supplementary Development Contribution Scheme is a reserved function of the Members of the Local Authority⁴.

3.0 Overview of 2004-2009 Development Contribution Scheme

3.1 Introduction

The 2004-2009 Development Contribution Scheme was adopted by Tipperary Town Council on 23rd February 2004 pursuant to Section 48(8) of the Planning and Development Acts. The Scheme applied to conditions attached to Planning Permissions granted under Section 34 of the Acts for the period from 1st March 2004 to 28th February 2009 inclusive with amounts revised in accordance with increases in the Wholesale Price Index – Building and Construction Materials (reference WPAA201) as published by the Central Statistics Office.

3.2 Contributions Collected

A total of €33,000 has been collected through the general development contribution scheme between 1st March 2004 and 30th September 2008 as set out in Table 1 below.

Table 1

Contribution Type	Amount collected 01/03/04 – 30/9/08
Public Water Supply	120,000.00
Public Waste Water Drainage	181,000.00
Roads	274,000.00
Recreation and Community	178,000.00
Car Parking	180,000.00
Total	€33,000.00

The collection of the contributions has arisen from one of the nineteen development classes as set out in the Development Contribution Scheme which can be categorised into five different types of development. Table 2 below sets out the percentage contributed by development type.

Table 2

Development Type	Percentage Contributing to Total Collected
Commercial	37%
Industrial	10%
Agricultural	Nil
Residential	53%
Social and Public	Nil

⁴ Section 49 of the Planning and Development Acts.

Of the €933,000 collected to date, approximately €770,000 has been spent on capital infrastructure projects as set out on Table 3

TABLE 3

Benefiting Project	Contributions spent	Service Area
FOOTPATH & ROAD RESURFACING, BLIND STREET	117,000.00	ROADS
MAIN STREET	11,000.00	PARKING
CAR PARK DEVELOPMENT	18,000.00	PARKING
MARKET YARD CAR PARK	18,000.00	PARKING
POST OFFICE CAR PARK RE-DEVELOPMENT	150,000.00	PARKING
BANK PLACE CAR PARK RE-DEVELOPMENT	150,000.00	PARKING
UPGRADE & EXTENSION OF WATERMAIN, SCALLAGHEEN	23,000.00	WATER
BROADBAND	100,000.00	COMMUNITY
RIVER ARA AMENITY WORKS	49,000.00	COMMUNITY
SPORTS COMPLEX	9,000.00	COMMUNITY
REC & COMMUNITY AMENITY GRANT 2007	50,000.00	COMMUNITY
REC & COMMUNITY AMENITY GRANT 2008	75,000.00	COMMUNITY
TOTAL	770,000.00	

A further €442,000 has been committed to the projects set out in Table 4 below.

TABLE 4

Benefiting Project	Contributions spent	Service Area
PUBLIC LIGHTING IMPROVEMENT	50,000.00	ROADS
SCALLAGHEEN LANDSCAPING	18,000.00	ROADS
CARROWCLOUGH FOOTPATH PROGRAMME	36,000.00	ROADS
LINK ROAD COACH PARKING	28,000.00	PARKING
DAN BREEN HOUSE ROUNDABOUT IMPROVEMENT	250,000.00	ROADS
PLAYGROUND - CANON HAYES REC CENTRE	10,000.00	ROADS
PLAYGROUND - CANON HAYES REC CENTRE	20,000.00	PARKING
DUNNES STORES FOOTPATH	30,000.00	ROADS
TOTAL	442,000.00	

3.3 Contributions Outstanding

There is approximately €27,000 of development contributions outstanding. These charges relate to development that has commenced but have not yet paid the charges in full. The Planning Section are actively pursuing this as failure to pay the contribution charge equates to non-compliance with the conditions attached to a planning permission.

3.4 Conclusion

The 2004-2009 Development Contribution Scheme has therefore attracted €1.36 million.

4.0 Classes of Development

Development Contributions shall be paid in respect of the following different classes or descriptions of development. In addition, other proposals for development not specifically mentioned below will be dealt with on a case by case basis and charged at a rate which is deemed most appropriate. The basis for determination will be the rate for developments which are listed in the scheme and are deemed closest in nature to the proposed development.

Table 4

CLASS	DESCRIPTION	CATEGORY
Class 1	(a) The provision of a business premises including: <ul style="list-style-type: none"> • Any structure of other land which is normally used for the carrying on of any professional or commercial undertaking or any structure which is normally used for the provision therein of services to persons; • A hotel, restaurant or public house • Any structure of other land used for the purpose of, or in connection with, the functions of a state authority. (b) The provision of facilities for childminding (c) The provision of a day centre (d) The provision of any guest house or other premises providing overnight guest accommodation, club, boarding house or hostel (e) The provision of a shop or supermarket (f) The provision of a wholesale warehouse or repository (g) The provision of a school or college (h) The provision of a nursing home, hospital or health centre.	<i>Commercial</i>
Class 2	The provision of an industrial building or light industrial building.	<i>Industrial</i>
Class 3	The use of land for the winning and working of materials, including the extraction of sand, gravel and stone and ancillary structures	<i>Industrial</i>
Class 4	The use of land for the deposit of refuse or residual waste	<i>Industrial</i>
Class 5	The provision of buildings or other structures for the purpose of keeping horses	<i>Agriculture</i>
Class 6	The provision of buildings or other structures for the purpose of agriculture	<i>Agriculture</i>
Class 8	The provision of a dwelling	<i>Residential</i>
Class 9	The provision of an extension to an existing house or the conversion for use as part of the house of any garage, store, shed or other structure, where the gross floor area of the works, when measured	<i>Residential</i>

	internally exceeds 40 sq metres	
Class 10	(a) The use of uncultivated land or semi-natural areas for intensive agricultural purposes (b) The use of agricultural land for the landfilling of spoil and inert construction waste.	<i>Agriculture</i>
Class 11	The use of land for: (a) The keeping or placing of any tents, campervans, caravans or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods (b) The parking of motor vehicles (c) The open storage of motor vehicles or other objects or substances	<i>Commercial</i>
Class 12	The provision on, in, over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes	<i>Industrial</i>
Class 13	The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements	<i>Commercial</i>
Class 14	The provision of overhead transmission or distribution lines for conducting electricity or overhead telecommunication lines.	<i>Social and Public</i>
Class 15	The use of land as a golf course or a pitch and putt course.	<i>Amenity</i>
Class 16	(a) The use of land as a burial ground (b) The provision of a museum, public library, public hall, exhibition hall, social centre or community centre.	<i>Social and Public</i>
Class 17	The provision of a wind farm development	<i>Social and Public</i>
Class 18	The provision of a telecommunication mast	<i>Social and Public</i>
Class 19	The provision of telecommunication antennae	<i>Social and Public</i>

5.0 Basis for Determination of Contributions

5.1 Introduction

In determining contribution levels, regard has been had to the objectives, strategies and work programmes of Tipperary Town Council. In particular, regard has been had to, among other sources, the Draft South Tipperary County Development Plan 2009-2015, The Tipperary Town and Environs Development Plan 2007, the South Tipperary County Strategy for Economic, Social and Cultural Development 2002 (and associated Review 2005), the Water Services Capital Projects Programme, the Roads Capital Projects programme, the Community Facilities Schem, the Policy on the Provision and Management of Burial Grounds 2008-2012. (STTC),

- (1) Scallagheen Master Plan
- (2) Carrowclough Action Area Plan
- (3) Tipperary Hills 2 year Implementation Programme

(4) De Jong Report.

The projected level of capital investment which Tipperary Town Council will undertake, or support, between 2008 and 2015 in order to meet the net costs of the public infrastructure and facilities provided by, or on behalf of the local authority that benefit development in the Tipperary Town Council administrative area is set out below. The total amount to be funded from the Development Contribution Scheme between 2009-2015 is €2.3 million

Table 5

Area of Expenditure⁵	Amount to be funded from Development Contributions	Projected Development which will provide this funding
Public Water Supply	€600,000	Commercial - 18,000 Industrial – 10,000 Agricultural – 1,000 Residential – 20,000
Public Waste Water Drainage	€700,000	
Roads Infrastructure	€530,000	
Recreational & Community Facilities & Amenities through Grant Scheme	€470,000	
Car Parking Facilities	€1,500 per space	Charged in lieu of car parking spaces when development cannot provide sufficient car parking facilities as per the relevant Plan.

⁵ The sum levied is a contribution towards the cost of public infrastructure and facilities as set out in Section 48(17)(a)-(f) of the Acts

5.2 Public Water Supply

It is estimated that in the period 2009-2015, a total of €600,000⁶ will be the net cost to benefiting development for water supply capital projects. The anticipated benefiting projects in line with the Water Services Capital Programme 2009-2015 are as follows;

- Upgrading of Tipperary Town Water Supply

It is envisaged that the net expenditure of €600,000 on the above works will benefit new development in accordance with the following;

Commercial	30%
Industrial	14%
Agricultural	2%
Residential	54%

Accordingly it is proposed to apportion the estimated cost per class of development as follows:

Class	Calculation	Unit Cost
Residential	$\frac{600,000 \times 0.54}{20,000}$	€16.20 / m ²
Commercial	$\frac{600,000 \times 0.3}{18,000}$	€10.00 / m ²
Industrial	$\frac{600,000 \times 0.14}{10,000}$	€8.40 / m ²
Agriculture	$\frac{600,000 \times 0.02}{1,000}$	€12 / m ²

5.3 Public Waste Water Drainage Services

It is estimated that in the period 2009-2015, a total of €700,000⁷ will be the net cost to benefiting development for waste water capital projects. The anticipated benefiting projects in line with the Water Services Capital Programme are as follows;

- Upgrading of Tipperary Waste Water treatment Plant
- Miscellaneous Upgrading

⁶ The estimated net expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of water treatment facilities and watermains, the associated acquisition of land and ancillary matters.

⁷ The estimated net expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of sewers, wastewater treatment facilities and drains, the associated acquisition of land and ancillary matters.

It is projected that these works will benefit the following extent of new development:

Commercial	30%
Industrial	13%
Residential	55%
Agricultural	2%

Accordingly it is proposed to apportion the estimated cost per class of development as follows:

Class	Calculation	Unit Cost
Residential	$\frac{700,000 \times 0.55}{20,000}$	€19.25 / m ²
Commercial	$\frac{700,000 \times 0.30}{18,000}$	€11.67 / m ²
Industrial	$\frac{700,000 \times 0.13}{10,000}$	€9.10 / m ²
Agricultural	$\frac{700,000 \times 0.02}{1,000}$	€14.00 / m ²

5.4 Roads Infrastructure

It is anticipated that in the period of 2009-2015, a total of €730,000⁸ will be the net cost to benefiting development for road capital projects. The anticipated benefiting projects in line with the Roads Capital Programme are as follows;

1. O'Brien Street Roundabout
2. Roadway at Carrowclough
3. Monastery Road Junction
4. Kickham Place Pedestrianisation
5. Traffic Calming Projects
6. Footpaths and Pavements Projects
7. Public Lighting Projects
8. Street Furniture Projects
9. Undergrounding of Services Projects
10. Road Strengthening

It is projected that these works will benefit the following extent of new development:

⁸ The estimated net expenditure provides for the provision, refurbishment, upgrading, enlargement or replacement of roads, the provision of open spaces, landscaping works, bus corridors and lanes, bus interchange facilities, infrastructure to facilitate public transport, cycle and pedestrian facilities and traffic calming measures, the associated acquisition of land and ancillary matters.

Commercial	40%
Industrial	18%
Residential	40%
Agricultural	2%

Accordingly it is proposed to apportion the estimated cost per class of development as follows:

Class	Calculation	Unit Cost
Residential	$\frac{530,000 \times 40\%}{20,000}$	€10.60 / m ²
Commercial	$\frac{530,000 \times 40\%}{18,000}$	€11.78 / m ²
Industrial	$\frac{530,000 \times 18\%}{10,000}$	€9.54 / m ²
Agricultural	$\frac{530,000 \times 2\%}{1,000}$	€10.60 / m ²

5.5 General Recreational and Community Facilities and Amenities

It is estimated that in the period 2009-2015, a total of €470,000⁹ will be required to provide recreational and community facilities and amenities by or on behalf of Tipperary Town Council as follows:

1. River Ara Walkway
2. Tidy Town Improvement Programme
3. Extension to St. Michael's Cemetery.
4. The Community Facilities Scheme (see Appendix A).

This scheme assists communities in the provision of recreational and community facilities and landscaping works, the associated acquisition of land and ancillary matters.

It is envisaged that the types of facilities to be assisted would include those previously assisted:

- sporting facilities;
- children's playgrounds;
- facilities for youth and senior citizens;
- multi-functional community halls;
- community resource centres;
- arts and library facilities;
- parks and walks;
- heritage sites.

⁹ The estimated net expenditure provides for the provision of recreational and community facilities and amenities, the associated acquisition of land and ancillary matters.

The operation of the Scheme, including the selection of yearly priorities and the assessment of applications, shall be based upon the following priorities.

- Sustainability
- Public Access
- Social Inclusion
- Prevention of duplication
- Support for multi-use and shared projects
- Support for multi-source funding package projects
- Creation of tiers of community facilities (from small local to single very large county level)
- Support for community development bodies and their well-founded projects with cross-community support
- Support for projects with strong cross-community backing and a sound financial basis

It is projected that these works will benefit the following extent of new development:

Commercial	18%
Industrial	15%
Residential	67%

Accordingly it is proposed to apportion the estimated cost per class of development as follows:

Class	Calculation	Unit Cost
Residential	$\frac{470,000 \times 0.67}{20,000}$	€15.75 / m ²
Commercial	$\frac{470,000 \times 0.18}{18,000}$	€4.70 / m ²
Industrial	$\frac{570,000 \times 0.15}{10,000}$	€7.05 / m ²

5.6 Car Parking Facilities

Where the developer is unable to meet the requirements relating to car parking, a development contribution, commensurate with the shortfall in spaces, shall be paid to the Planning Authority to facilitate the provision of car parking spaces elsewhere.

The contribution in lieu of car parking spaces is charged at a rate of €4,500 per space¹⁰.

¹⁰ The charge is the estimated net expenditure for the provision, refurbishment, upgrading, enlargement or replacement of car parks and car parking places, the associated acquisition of land and ancillary matters.

5.7 Exemptions/Reductions

A development contribution shall not apply in the following instances:

- Where development is carried out in accordance with Section 179 of the Planning and Development Acts¹¹.
- Where development is carried out in accordance with Article 157(1) and (2) of the Planning and Development Regulations 2001-2008¹².
- Where a development consists of the provision of housing and includes a condition providing for the developer to enter into an agreement under Section 96¹³ of the Planning and Development Acts, a development contribution shall not apply to the residential units provided for use by Tipperary Town Council under such an agreement.

The development contribution charge shall be reduced by 50% in the following instances:

- Where the development consists of restoration/refurbishment works adhering to the principles of conservation to structures included on the Record of Protected Structures,
or
- Where the development consists of restoration/refurbishment works to a structure included on the Derelict Sites Register,
or
- Where the development is being carried out by a person who is in receipt of a Housing Adaption Grant for People with a Disability for the subject development.

In the case of a proposed development for change of use, the development will attract development contributions where the proposed use results in an increase in service use only. In such instances, the developer will be charged for the increase in use only.

¹¹ Local Authority Development

¹² Development that is exempt from the payment of a planning application fee.

¹³ Provision of Social and Affordable Housing.

Schedule of Contributions

Class of Infrastructure Class of Development	Public Water Supply Services	Public Waste Water Drainage Services	Road Infrastructure	Recreational and Community Facilities and Amenities			Car Parking Facilities (See 6.6)
				Gen	BG	CA	
Class 1 per sqm	10.00	11.67	11.78	4.70			4,500.00
Class 2 per sqm	8.40	9.10	9.54	7.05			4,500.00
Class 3 per sqm	8.40	9.10	9.54	7.05			4,500.00
Class 4 per sqm	8.40	9.10	9.54	7.05			4,500.00
Class 5 per sqm	12.00	14.00	10.60				4,500.00
Class 6 per sqm	12.00	14.00	10.60				4,500.00
Class 7 per sqm							
Class 8 per sqm	16.20	19.25	10.60	15.75			4,500.00
Class 9 per sqm	16.20	19.25	10.60	15.75			4,500.00
Class 10 per 0.1 ha							
Class 11 per 0.1 ha	160.00	83.00	160.00	100.00			4,500.00
Class 12 per sqm			6.75				4,500.00
Class 13 per sqm			1.35				4,500.00
Class 14 per metre			1.00				4,500.00
Class 15 per 0.1 ha			6.75				4,500.00
Class 16 per 0.1 ha			675.00				4,500.00
Class 17 per turbine			5,000.00	1,750.00			4,500.00
Class 18 per mast			2,500.00	15,000.00			4,500.00
Class 19 per antennae			1,000.00	1,000			4,500.00

4.0 Implementation of Scheme

This Development Contribution Scheme shall come into operation on 1st March 2009 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, on land administered by Tipperary Town Council. It shall also apply to any order by An Bord Pleanala 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.

Tipperary Town Council may, in addition to the terms of this scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by this scheme are incurred in respect of public infrastructure and facilities which benefit the proposed development¹⁴.

Tipperary Town Council may, in addition to the terms of this scheme require the payment of a supplementary contribution in accordance with a Supplementary Development Contribution Scheme¹⁵ if made by the Planning Authority.

The contribution rates payable will be adjusted annually, commencing on 1st January 2010 based on changes to the Wholesale Price Index - Buildings and Construction published by the Central Statistics Office. The base period, against which changes in the Wholesale Price Index – Buildings and Construction will be compared with will be February 2009.

Contributions shall be payable immediately upon the commencement of development and the contribution payable shall be based on the contribution rate at the time of payment (as adjusted) and not the contribution rate in existence at the time of the permission being granted.

In cases where a development is being carried out in phases and such phases have been identified as part of the planning permission, the contribution may be paid in associated instalments at the commencement of each phase. The phased payment of the contribution payable will require the prior written agreement of the Council and may require the giving of security/bond to ensure payment.

This Development Contribution Scheme shall apply until 28th February 2015 inclusive unless it is otherwise modified, extended or replaced.

¹⁴ In accordance with Section 48(2)(c) of the Planning and Development Acts.

¹⁵ In accordance with Section 49 of the Planning and Development Acts.

Appendix A – Community Facilities Scheme

Purpose of Scheme

This Scheme is intended to assist communities in the provision of recreational and community facilities and amenities and landscaping works, the acquisition of land for that purpose and any matters ancillary to same (as per Section 48, 17 (a) and (b), Planning and Development Act, 2000), the funding to come from Development Contributions under the ‘Community’ heading.

History of Scheme

Since 2003 the Council has distributed some €125,000 in grants to community facilities throughout the town

Types of Facilities

It is envisaged that the types of facilities to be assisted would include those previously assisted:

- sporting facilities;
- children’s playgrounds;
- facilities for youth and senior citizens;
- multi-functional community halls;
- community resource centres;
- arts and library facilities;
- parks and walks;
- heritage sites.

In all cases the types of works to be assisted must be the acquisition of land or be capital works i.e. new or renovated structures or fixtures.

Principles of the Scheme

The operation of the Scheme, including the selection of yearly priorities and the assessment of applications, shall be based upon the following priorities.

- Sustainability
- Public Access
- Social Inclusion
- Prevention of duplication
- Support for multi-use and shared projects
- Support for multi-source funding package projects
- Creation of tiers of community facilities (from small local to single very large county level)
- Support for community development bodies and their well-founded projects with cross-community support

- Support for projects with strong cross-community backing and a sound financial basis
- Agreed yearly priorities arising from reviews (including the closing of the Scheme to projects of certain types or to those who have received a certain number of grants)

funding may be provided for projects in immediately adjoining locations outside the town where a substantial number of users can be shown to be living in this town.

Terms and Conditions of Community Facilities Scheme

1. Funds will be provided on the basis of expressed need, where there is a genuine lack of such facility proposed, in accordance with the principles listed above.
2. Tipperary Town Council reserves the right to conduct, commission or review research on the social, economic and cultural needs of the county and, in particular, on the need for recreational and community facilities and amenities and to modify the Scheme and its administration, or not, accordingly.

Administrative

1. Applications must be from a legally constituted, not for profit, club or association which: –
 - a. is registered and in good standing with its national representative body, if any;
 - b. has a constitution or rules or memorandum of association approved by Tipperary Town Council;
 - c. holds minuted annual general meetings and appointed officers and committee;
 - d. is open to new members, without discrimination, from the area which the club or association serves; and
 - e. has made financial, investment and other records (including all bank and other account details) available to South Tipperary County Council.
2. A club or association which does not fulfil all of the above conditions ((a) to (e)) may still apply but must have them fulfilled before a contract with the Council regarding a grant can be signed.
3. Applications for funding shall be due after 1 January and no later than 4.30pm on 14th April (or the first working day after, if 14th April is not a working day) at locations(s) to be advertised unless otherwise decided. Funding decisions shall be communicated to the applicants no later than 31 October unless otherwise decided.

4. Applications for funding must be submitted on the appropriate application form and all relevant and necessary supporting information must be included. Incomplete applications may be returned or delayed.
5. The beneficiary must produce appropriate satisfactory evidence of clear and valid title, or an agreement to acquire title, to the lands or buildings to be funded under the Scheme. Where title is leasehold the interest must be for a minimum of 10 years and such matters shall be taken into consideration by the local authority in deciding the amount of grant to be paid. Projects can be sited on Council-owned land provided written permission is given by the relevant Director of Services.
6. Grant-aided facilities shall not be alienated, assigned, sold or otherwise disposed of without the consent of the relevant local authority.
7. Applications for funding will normally only be accepted for capital works which have not yet taken place. Works can start after the application has been submitted (photographs of the site pre-works should be included) and/or a visit by staff from the Director of Community and Enterprise's office but it is to be clearly understood that acceptance of an application does not mean that a project will be funded.
8. Successful applicants must enter into a legal agreement conferring the right on the local authority at its absolute discretion to seek a refund of the grant paid, in whole or in part, where the facility is disposed of at any time, if the applicant ceases its activities or if public access as provided for in the application is restricted or closed. However the amount of grant paid (and to be refunded as outlined above) shall be depreciated by 10% of the overall total each year until totally expended.
9. Applicants are reminded to be very realistic regarding financial planning and sustainability. Consideration should be given to developing projects on a phased basis to avoid crippling interest charges, for example, and income figures should be based on realistic user projections.
10. Funding will be provided for capital works, i.e. new projects or the refurbishment of existing facilities. Where new projects are to replace an existing facility, the application should include an explanation as to why the existing facility is not suitable or has not been viable.
11. Where an application for funds is rejected, the applicant may return it asking for the decision to be reviewed and giving the reasons and/or information why the application should be reviewed.
12. Applications will be retained for two years during which time the applicant can revise or add to it. Applications which are not sufficiently complete to be examined by the Assessment Committee will be disposed of two years after receipt.
13. If a project is found to have submitted false or fraudulent documentation or to be purposely misleading Tipperary Town Council in any way funding may be delayed or withdrawn and the project barred from any further grants
14. Administrative and other requirements may be revised or altered by the assessment committee.

Planning

1. Facilities aided under this Scheme shall comply with the provisions of the Planning and Development Acts, 2000-2002, the Building Control Act, 1990 and, where appropriate, other relevant legislation.
2. To receive a grant payment, projects must confirm that the works done are in accordance with planning requirements. This can be done either by requesting Planning Section of the Council to confirm this to the Council or by having the project's professional advisor certifying same.
3. Projects can however apply for a grant, pending receipt of planning permission or confirmation that planning is not required
4. Tipperary Town Council will not give any undertaking or enter into discussions regarding planning issues connected with any project.

Financial

1. Funding will be provided only for capital projects with a minimum budget of €10,000.
2. Projects are expected to provide at least 30% of the project budget from their own resources. No more than €3000 of this shall be voluntary labour. Original receipts for payments shall be produced.
3. Grant levels will be set by the Assessment Committee
4. Applicants are strongly encouraged to raise a portion of the funds required themselves and/or to seek matching funding from other agencies. Applicants will be required to satisfy the Council with regard to the source and amounts of funds sufficient to finish the project.
5. Applications for projects of a multi-year funding nature are not excluded as the Council does wish to encourage the realistic phasing of projects to match available income to avoid crippling interest charges. However the awarding of grants is decided on a year by year basis, based on available funding and no commitment can be given for subsequent years.
6. Funding approved must be drawn down within two years of approval, or as otherwise agreed in writing with Tipperary Town Council.
7. Appropriate evidence of financial need and proposals for matching resources must be produced. Efforts to form partnerships and source alternative/matching funding must be outlined. The level of grant payable may be determined by the level of other funds raised by the applicants and by the amount of funds committed by other agencies.
8. Projects which are awarded grants do so on the basis that should they receive grants from other bodies, the grant may be reviewed and possibly reduced should it be clear that the funding is not required.
9. Grants will only be paid out for works done which were named in the application form and approved by the Assessment Committee or subsequently agreed.
10. The payment of a grant will be subject to the beneficiary providing

- a. a current form C2 or Tax Clearance Certificate from the Revenue Commissioners and
 - b. similar documentation from the main contractor for the project
 - c. a summary of expenditure form (F8) certified by the project's professional advisor
 - d. three quotations for the works
 - e. proof of insurance for the project and the main contractor
 - f. and documentation as requested relating to the status of the project group/association
11. The beneficiary must meet public procurement provisions as laid down by Tipperary Town Council. In particular any expenditure of over €1,270 must be backed by at least three quotations from public advertisement or letter addressed to known suppliers (sole suppliers excluded).
 12. All or any portion of a grant, which has been unpaid, may be withheld by the local authority or any portion of a grant paid may be recovered where any of the terms and conditions are not being complied with or where there is an unapproved material change in the proposals for which the application was made.
 13. Grant allocations may be reviewed or revoked at any time by the relevant local authority if progress on the development or refurbishment is not satisfactory.

Social Inclusion and Consultation

1. Social Inclusion is a principle of the Scheme. This means that applicants must undertake to include all people in the community and to have a positive discrimination policy towards the following groups of people: Older people, people with disabilities, women, youth and children, Travellers, Migrants, Refugees, and foreign nationals (different ethnic groups) as well as people from rural, Clar and RAPID areas. Applicants will therefore be requested to submit a Social Inclusion Statement to this effect and to show how their project will make a positive contribution in this regard
2. Facilities being build or refurbished shall provide disability access to best available standards. A sample of applications each year shall be subject to a disability audit by the Council and requirements with regard to disability access may be specified as part of the grant process requirements.
3. The extent and nature of the consultation associated with the project shall be considered in the assessment process. Ideally there should be clear evidence of detailed consultation with the group(s) whom it is intended shall use the facility.

Management of the Facility

1. The beneficiary shall agree to be responsible for any loss, damage or injury to person or persons or property arising out of the provision or use of the facility.
2. Funding will be provided on the understanding that it is for the provision of facilities to the general public, as submitted by and agreed with the promoters in the application. Any restriction of that agreed access, without the consent of the Council, may result in the recovery of the grant.

3. Tipperary Town Council reserves the right to request promoters to send delegate(s) to relevant training for voluntary committees.
4. Promoters should provide the Council with a business plan dealing with running costs and maintenance costs. Where a project is not intended as economically self-sufficient, sources of funding for running costs and maintenance costs should be outlined.
5. Where the beneficiary employs persons directly to work on the project, their pay shall be subject to income tax, returned to the Revenue Commissioners.
6. All work done should be in accordance with relevant legislation and regulations and the Council will not be responsible for any defects or liabilities.
7. All persons or companies engaged on the project by the promoter should be adequately insured and Tipperary Town Council will not be responsible for any damage or injury to anyone.
8. The assistance of Tipperary Town Council must be publicly acknowledged in a manner to be agreed with the Council. The Mayor and members of the Council and the Town Clerk must be invited to any event connected to the works. A plaque may be provided by the Council for display at the project and the cost of same may be deducted from the grant.
9. The beneficiary shall produce evidence of appropriate employer's liability insurance and public liability insurance to limits specified by the relevant local authority which shall be fully indemnified. All grant-aided assets shall, where appropriate, be kept insured at all times against loss or damage by fire, storm or flooding. All compensation paid under such insurance shall be used to restore the property so damaged or lost and any shortfall shall be made good by the beneficiary. The interest of the relevant local authority shall be noted on all policies. The local authority shall be indemnified against all claims under all insurances relating to the project.
10. The Council reserves the right to reject any application or to refer it back to the applicants for re-consideration, to refer it for discussion to other bodies or to publish details of it.
11. Applicants are strongly encouraged to liaise with all agencies (e.g. Tipperary Town Council, South Eastern Health Board, LEADER II (principally Tipperary LEADER Group and Barrow-Nore-Suir Rural Development Ltd.), relevant Government Departments, other clubs/associations, etc.) to ensure that the project does not conflict with existing plans or strategies.
12. Applications from strong partnerships of several bodies or funded by a 'package' from several agencies will be encouraged.

Restrictions

1. Funding will not be provided for:–
 - (1) maintenance or day to day running costs;
 - (2) mobile assets; and
 - (3) feasibility studies for capital projects.

- (4) More than €3,000 in professional fees
2. No more than €5,000 or half of the 30% project promoter's financial input into the project shall be voluntary work in lieu of cash.

Disclaimers

1. Funding of the project by Tipperary Town Council does not imply that it is responsible for the maintenance or running of the facility, now or in the future.

Alia

1. A formal legal agreement will be signed between the beneficiary and the local authority to reflect the terms and conditions of this Scheme prior to payment of a grant or any part thereof.
2. Applications shall be evaluated, in the light of the above requirements, by the Town Council and then approved by a committee composed of –
 - the Town Clerk;
 - the Town Engineer; and
 - other Members of the Council's management team as thought appropriateand then presented to the members of the Council (at their next monthly meeting) for their information
3. Further information is available from the Town Clerk, Tipperary Town Council, Dan Breen House, Tipperary Town, Tel No 062-80700, Fax No. 062 52670, email david.coleman@southtippcoco.ie