



To: Cathaoirleach & Elected Members

Re.: Draft Development Contribution Scheme 2016-2017

Approval of Kilkenny County Council was received at the April 2016 monthly meeting to advertise the Draft Development Contribution Scheme. A copy of the draft scheme was sent to the Department, each adjoining Local Authority and the Chairperson of the LCDC.

The scheme needed to be amended to include a change for all types of renewable energy.

The draft scheme was advertised on the 27th April, 2016 in the Kilkenny People and was published on the Council's website. Copies of the draft scheme were available for public inspection in County Hall, all Municipal District offices and all Library Branches.

The draft scheme was also published on the 'Consult' portal public website.

Submissions/observations could be made up to 1st June, 2016.

The following responses/submissions were received:-

1. 20/4/2016 – Laois County Council – no comment/observation made
2. 10/5/2016 – Department of Environment, Community & Local Government – number of queries raised and reply issued on the 16th May, 2016.
3. 30/5/2016 – Irish Wind Energy Association – submission
4. 31/5/2016 – Christopher O'Keeffe – submission
5. 31/5/2016 – Christopher O'Keeffe – submission
6. 1/6/2016 – Christopher O'Keeffe – submission


Appendix 1 sets out the correspondence referred to at No.1-6, summary of submissions and the Chief Executive's recommendations. Copy of all correspondence received is attached.

The duration of the scheme will apply to the end of 2017 and will continue past the end of 2017 until such time as a new scheme is adopted.

I have reviewed the submissions and do not recommend any amendment to the draft scheme as published.

In accordance with Section 48 of the Planning and Development Acts 2000-2015, I recommend to the members that the Draft Development Contribution Scheme be approved.

Signed:


Colette Byrne
Chief Executive

Date: 14th June, 2016

Reponses received following publication of Draft Development Contribution Scheme – Appendix 1

Date	Name	Summary of submissions	Chief Executive Recommendation
1. 20/04/2016	Laois Co. Co.	No comment	Noted
2. 10/05/2016	Department	No. of queries raised, reply issued 16/05/16	Noted
3. 30/05/2016	Irish Wind Energy Association	<p>-Welcome proposed exemption for capacity under 0.1MW</p> <p>-Proposed contribution of €10,000 per MW is significant and unjustified</p> <p>Re instate charge per turbine of €5,000</p> <p>-Renewable energy sector is the sole sector being targeted for increase.</p> <p>-No options for reduced charges to promote uptake of renewable energy technologies.</p> <p>-“Ring Fence” the contribution for use in the local communities hosting the wind farms</p>	<p>-Noted</p> <p>-It is considered that the charge of €10,000 is not unreasonable as it comparable to other Local Authorities in the region. €5,000 charge per turbine was in place since 2007.</p> <p>-The existing scheme was adopted in 2015 and did not include any charge for solar farms. Therefore there is a need to address this omission.</p> <p>-Exemption provided for renewable energy developments less than 0.1MW. Grant schemes are also available under SEAL. To encourage renewable energy technologies.</p> <p>-Contributions received are used in accordance with Sec 48 of the Planning & Development Act. To fund the Council’s capital programme.</p>
4. 31/05/2016	Christopher O’Keeffe	Kilkenny County Council should favour the development of renewable energy sources. The Draft Development Contribution Scheme 2016-2017 to be modified to a charge of €20,000 per MW	Kilkenny County Council through its development Plan policies promotes the development of renewable energy sources. The proposed charge of €10,000 is considered reasonable and is comparable to other local authorities in the region.
5. 31/05/2016	Christopher O’Keeffe	Assign contribution based on <u>Renewable Energy Directive (2009/28/EC)</u> .	Development contribution can only be applied to public infrastructure & facilities in accordance with section 48 of the Planning & Development Act
6. 01/06/2016	Christopher O’Keeffe	Contribution should be calculated after the identification and allocation of environmental costs: (input/outflow analysis, flow cost accounting, activity based costing and lifecycle costing).	Identification of environmental impacts is assessed during the planning process. Development contribution is calculated in accordance with the adopted scheme and used in accordance with Sec 48 of the Planning & Development Act.



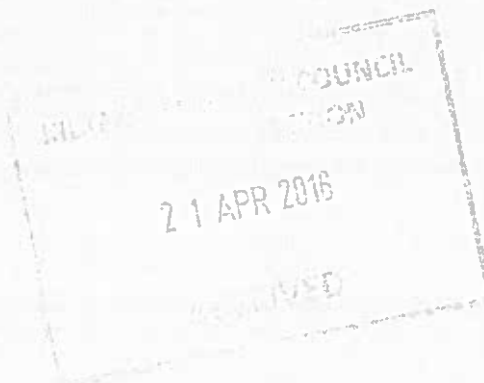
COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae
Laoise
Ras an Chontae
Bort Laoise
Chontae Laoise
32 EHP9

Laois County Council
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Ms. Anne Maria Walsh,
Senior Executive Officer,
Planning Department,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny.



20th April, 2016

**Re: Draft Development Contribution Scheme 2016-2017 – Section 48(4) of the
Planning & Development Act 2000 (as amended)**

A Chara,

I wish to acknowledge receipt of the above, which was received in the office on
today's date.

Is mise, le meas,

M
Pat Delaney,
Administrative Officer,
Planning Section



(This matter has been dealt with by Deirdre Hunt, who can be contacted on
057/8664233)

Fáilte Romhat
ó a Dhéanamh
Gaeilge



Anne Maria Walsh

From: Anne Maria Walsh
Sent: 16 May 2016 11:36
To: 'Brendan Buggy - (DECLG)'
Subject: RE: Kilkenny Co Co - Draft Development Contribution Scheme 2016-2017

Brendan

Kilkenny County Council has advertised the draft Development Contribution Scheme in one newspaper circulating in the area. We have also included it on our website and consult.ie website.

We have sent a copy to all adjoining local authorities. I have now issued a copy to the LCDC.

I wish to advise that there is only one change to the draft on public display i.e. – change in the renewable energy development to include all types of renewable energy as we only had a charge for wind farms in the existing scheme. The proposed charge is in line with other charges in the South East. We did not review the entire scheme this time.

The existing scheme was adopted by members in April 2015 and incorporated reduced charges, additional exemptions/waivers, reduced contributions to encourage developments for job creation. We had regard to the guidelines published by the Department when we were preparing the existing scheme in 2014/2015. There was no double charging in our scheme. The same rates apply across the County and City now. See my responses below.

The proposed draft scheme on display will be revisited again in 2017.

Regards.

Anne Maria Walsh
Senior Executive Officer/Meetings Administrator
Planning Department
Kilkenny County Council
Contact Number: 056 7794158
e mail: annemaria.walsh@kilkennycoco.ie

From: Brendan Buggy - (DECLG) [mailto:Brendan.Buggy@environ.ie]
Sent: 10 May 2016 17:16
To: Anne Maria Walsh
Cc: Colm Downey - (DECLG)
Subject: Kilkenny Co Co - Draft Development Contribution Scheme 2016-2017

Anne Marie,

Thanks for the reply below in respect of the upcoming information seminar.

In the spirit of there being no such thing as a free lunch, and following my recent move from LG to Planning Section, I have been asked to take a look at the Development Contribution Schemes as they arrive.

When you get a chance could you check out the following and revert to be so we can close off file on this one. I have had a look through the draft Kilkenny scheme for 2016/2017 and I just need to confirm a few points as under the circulars and guidance that issued (attached) the following must be shown in the schemes:

The Planning and Development Acts 2000-2015 (the Act) require that a notice shall be published in one, or more, newspapers circulating the area:

- Stating that the scheme has been prepared / Giving details of the proposed contributions / Indicating period (not less than 6 weeks) & location where the scheme can be inspected / Stating that submissions/observations may be made, in writing, to the Planning Authority . Please confirm the compliance with the aforementioned as set out in Section 45(4)(a)-(d) of the Act. Advertised in the Kilkenny People.

Under the circulars issued, the planning authorities are asked:

- did the Planning Authority determine the proportion of the capacity of the infrastructure & facilities provided that would benefit existing development and reduce the estimate of contribution accordingly? Not this time, existing scheme was adopted in April 2015
- be mindful of the policies adopted by other LA's in the immediate area? (It is likely that this in the main related to the relevant town/borough councils in the area, however since their abolition in 2014, you might confirm whether regard was given to the city/county councils in the immediate area to Kilkenny Co Co)

Taken into consideration when we drafted existing scheme in 2014/2015

- submit the draft scheme to the CDB for comment (in light of their dissolution, was the scheme submitted to the Local Community Development Committee ?) Sent on 11/5/2016

Does the scheme reflect the attached guidelines, including:

- reduced rates of development contributions or waivers for development in town centres to support town centre development ? KCC encourages development in town centres and we have provided for reduction for small enterprises/start up business – see page 7
- options for reduced charges in respect of renewable energy development to promote uptake of renewable energy technologies ? Exemptions allowed for less than 0.1 MW
- has the issue of 'double charging' been adequately dealt with in the scheme ? (I note at the bottom of page 2 of the scheme that the contribution levels agreed had regard to the local area plan – was double charging dealt with at that time?) There is no double charging- the same rates apply across the County and City .
- Does the scheme appropriately promote the development of areas prioritised in the LA's core strategy ? No specific mention in the scheme, however we promote development in all areas in accordance with all development plans

Kind regards,

Brendan Buggy
Room 1.71

Department of the Environment,
Community and Local Government,
Custom House
Dublin 1

Tel: 01-8882023

Breda Strappe

From: Brian Dawson [brian@iwea.com]
Sent: 30 May 2016 15:19
To: Planning - County Council
Cc: Brendan Heneghan
Subject: IWEA Submission to the Draft Development Contribution Scheme
Attachments: IWEA Kilkenny Co Co Draft Development Contribution Scheme 2016-2017 30052016 PDF.pdf

Dear Ms. Melia,

Please find attached a submission from the Irish Wind Energy Association (IWEA) in relation to the Kilkenny Draft Development Contribution Scheme 2016-2017.

IWEA has serious concerns in relation to this draft scheme, which singles out renewable energy as the sole area facing a change in Development Contributions, and doubles the contributions for wind and renewable energy from €5000 per MW to €10,000 per MW without justification.

It is important to note that this proposed amendment also follows on a significant increase to the previous scheme only a year before, meaning that the contribution for an average 3MW wind turbine in Co. Kilkenny, should this proposal be adopted, will have increased by 500% in just two years.

We thank you for your time and consideration on this important matter.

Yours sincerely,

Brian

Brian Dawson
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Irish Wind Energy Association
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Web: www.iwea.com



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Irish Wind Energy Association,
Sycamore House,
Millennium Park,
Osberstown,
Naas, Co. Kildare

Ms. Maria Melia,
Director of Services,
Planning Department,
County Hall,
John Street,
Kilkenny.

By email to planning@kilkennycoco.ie

30th May 2016

Re: Kilkenny Co Co Draft Development Contribution Scheme 2016-2017

Dear Ms. Melia,

The Irish Wind Energy Association ("IWEA") is Ireland's leading renewable energy representative body and as such has an active interest in the potential for sustainable energy. IWEA is committed to promoting the use of wind energy in Ireland and beyond as an economically viable and environmentally sound alternative to thermal or nuclear generation and promotes awareness and understanding of wind power as a primary renewable energy resource. IWEA members are involved in more than 85% of the wind farm capacity planning to build from now to 2020.

IWEA welcomes the opportunity to respond to the consultation on Kilkenny County Council's Draft Development Contribution Scheme 2016-2017. We also welcome the proposed continued exemption from development contributions provided for generators under 0.1 MW in capacity, IWEA has, however, strong concerns regarding the proposed development contributions that apply to renewable energy developments. The development contribution levels proposed of **€10,000 per MW** of installed capacity marks an unjustified and significant increase from the pre 2015 Kilkenny Development Contribution Scheme, which saw a payment of **€5,000 per turbine**.

This latest proposed increase comes directly on the back of a significant increase for wind energy only a year previously. IWEA submitted a response to the Kilkenny County Council Draft Development Contribution Scheme 2015-2017 dated 8th April 2015, in which we strongly outlined our concerns regarding the then proposed increase in development contribution rates from **€5,000 per turbine** to **€5,000 per MW**. IWEA remains strongly of the view that an increase of this scale, and this subsequent further huge increase is both unreasonable and damaging to the successful deployment of renewable energy.

This payment for commercial turbines would represent a significant increase for a 3MW turbine which under the proposed rates would amount to a €30,000 charge. This represents an unjustified and wholly excessive increase of 500% for a 3MW wind turbine from in less than two years for the exact same turbine. IWEA would call for this excessive development charge to be brought into line with the previous scheme of €5,000 per turbine.

Every new wind farm development provides a substantial contribution to the local and national economy through local direct investment, job creation, local authority rates, land rents and increased demand for local support services in construction, operation & maintenance, legal and accounting and project management. Wind farm developments also provide community benefits as set out in the *IWEA Best Practice Principles in Community Engagement & Community Commitment, 2013*¹. More wind on the system will also result in lower and more stable energy prices for consumers while helping us achieve our energy and emissions targets.

IWEA would furthermore ask why the renewable energy sector is the sole sector being targeted for increase within this revised Draft Development Contribution Scheme, and particularly coming on the back of a significant increase, also targeted at wind energy, only a year previously.

As outlined in the DoECLG Development Contributions Guidelines for Planning Authorities: *“Development contributions are not cash-cows: there is an important balance to be struck between the funding of public infrastructure and the need to encourage economic activity and promote sustainable development patterns. It is essential that development contribution schemes do not impede job creation or facilitate unsustainable development patterns.”*

The benefits to Kilkenny from the development of renewable energy are multiple including payment of local authority rates, employment opportunities, cheaper, clean indigenous energy, reduced national risk of penalties through failing to meet binding renewable electricity targets, national leadership in terms of energy strategy, improved air quality and environmental benefits.

IWEA strongly urges Kilkenny County Council to not increase the development contribution rates to €10,000 per MW, and instead encourage the development of renewable energy projects in the county in order to drive local economy and benefit communities by reinstating the previous level of Development Charge to €5,000 per turbine.

IWEA would also like to draw attention to the following requirement also contained within the Government Development Contribution Guidelines for Planning Authorities²: *“Planning authorities **are required** to include the following in their development contribution schemes: Options for reduced charges in respect of renewable energy development to promote uptake of renewable energy technologies.”*

In that context IWEA believe that the scale of increase in development contributions proposed for wind energy in Kilkenny is wholly excessive and without recognition of the requirements of

¹ <http://www.iwea.com/iweabestpracticeprinciplesinc>

² http://www.environ.ie/en/Publications/Development_and_Housing/Planning/FileDownload,32162,en.pdf

the current DoECLG guidance. This scale of increase, typically 500% for a 3MW turbine is proposed without regard to the existence of benefits from wind energy to the local Kilkenny economy supporting rates, jobs and local investment.

We would welcome the opportunity to meet with you to further discuss. We would also finally propose that wind turbine linked development contributions should be 'ring-fenced' for use directly in the local communities hosting the wind farm.

Yours sincerely,

**Sent by email, without signature.*

Brian Dawson
Head of Communications,
Irish Wind Energy Association.

Phone: (045) 899341
Email: Brian@iwea.com



Consultation:
Draft Development Contribution
Scheme 2016-2017

Author: Christopher O'Keeffe
Date Created: 31.05.2016 - 9:45am
Status: Submitted

Submission:
favour the development of
renewable energy sources

Date Submitted:
31.05.2016 - 9:49am
Unique Reference Number:
CVQ-1591
No. of documents attached: 0
Boundaries Captured on Map: No

Cover Letter

Kilkenny County Council should favour the development of renewable energy sources.

Kilkenny County Development Plan 2014-2020

Chapter 6 Rural Development

Strategic Aim: To manage rural change and guide development to ensure vibrant and sustainable rural areas whilst conserving and sustainably managing our environment and heritage.

The Council recognises the need to manage rural change and to guide development and will work to:

Promote a broad concept of rural development and not one based solely on agriculture or other dominant natural resource and encourage the sustainable development of resources in such sectors as agriculture, tourism including agri-tourism, forestry, farm diversification, and renewable energy resources.

Chapter 10 Renewable Energy Strategy

Strategic Aim: To promote and facilitate all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change.

Observation

Chapter: Draft Development Contribution Scheme 2016-2017

Chapter topic: General

Title: Favour the development of renewable energy sources.

Current Status

Adopted Development Contribution Scheme 2015-2017 adopted 20th April 2015.

14	Wind Farm Developments > than 0.1 MW (< than 0.1MW is exempt)	Per MW € 5,000.00
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Draft Proposed Changes

Proposed Changes in Draft Development Contribution Scheme 2016-2017.

14	Renewable Energy Developments > than 0.1 MW (< than 0.1MW is exempt)	Per MW € 10,000.00
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My Submission

It is my submission that the Draft Development Contribution Scheme 2016-2017 be modified to read.

14	Non-renewable Energy Developments > than 0.1 MW (< than 0.1MW is exempt)	Per MW € 20,000.00
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Kilkenny County Council should favour the development of renewable energy sources.

Boundaries Captured on Map: No
Number of Documents Attached: 0



Consultation:
Draft Development Contribution
Scheme 2016-2017

Author: Christopher O'Keeffe
Date Created:
31.05.2016 - 11:56am
Status: Submitted

Submission:
Directive 2009/28/EC

Date Submitted:
31.05.2016 - 12:01pm
Unique Reference Number:
CVQ-1594
No. of documents attached: 0
Boundaries Captured on Map: No

Cover Letter

Renewable Energy Directive (2009/28/EC)

Observation

Chapter: Draft Development Contribution Scheme 2016-2017

Chapter topic: Areas to which scheme applies

Title: Renewable Energy Directive (2009/28/EC)

Assign contribution based on Renewable Energy Directive (2009/28/EC).

Boundaries Captured on Map: No
Number of Documents Attached: 0



Consultation:
Draft Development Contribution
Scheme 2016-2017

Author: Christopher O'Keeffe
Date Created:
01.06.2016 - 12:22pm
Status: Submitted

Submission:
Contribution Calculation

Date Submitted:
01.06.2016 - 12:29pm
Unique Reference Number:
CVQ-1597
No. of documents attached: 0
Boundaries Captured on Map: No

Cover Letter

Contribution should be calculated after the identification and allocation of environmental costs: (input/outflow analysis, flow cost accounting, activity based costing and lifecycle costing).

Observation

Chapter: Draft Development Contribution Scheme 2016-2017

Chapter topic: General

Title: identification and allocation of environmental costs

Contribution should be calculated after the identification and allocation of environmental costs: (input/outflow analysis, flow cost accounting, activity based costing and lifecycle costing).

Boundaries Captured on Map: No
Number of Documents Attached: 0