

# TERMS AND DETAILED CONDITIONS OF THE COMMERCIAL VACANCY INCENTIVE SCHEME May 2021

1. **Qualifying Business/Use** means a retail business or office-based business or service which has not been open for trade in the functional area within the period of 2 years prior to the commencement of trade in the Qualifying Premises, and is carried on in a Qualifying Premises, the use of which is, consistent with the requirements of the Development Plan for the functional area and in compliance with:
  - i. any planning permission relating to the Qualifying Premises in question.
  - ii. is in the area covered by the scheme
2. **Qualifying Premises** means a property in respect of which:
  - a. a rate has been made or may be made; and
  - b. which has been vacant and available for sale or letting for a period of no less than **3 months** prior to the occupation thereof by a Qualifying Occupier commencing a new Qualifying Business; and
  - c. meets any of the other criteria identified in this scheme.
3. **The subject site for retail use** must be an established and permitted:
  - a. Existing *ground unit* located on lands
    - i. zoned Prime Retail Area on the date of the commencement of the scheme; or
    - ii. zoned Town Centre lands on the date of the commencement of the scheme; or
    - iii. zoned village Centre on the date of the commencement of the scheme; or
    - iv. appropriately zoned for the proposed use Outside of Town or Village Centres on the date of the commencement of the scheme.
  - b. Existing first floor unit located on lands
    - i. zoned Prime Retail Area on the date of the commencement of the scheme; or
    - ii. zoned town centre lands on the date of the commencement of the scheme; or
    - iii. zoned village Centre on the date of the commencement of the scheme; or

- iv. appropriately zoned for the proposed use outside of Town or Village Centres on the date of the commencement of the scheme.
- 4. The subject site for 'office-based business or services'** must be an established and permitted:
- a. Existing *ground unit* located on lands
    - i. zoned Prime Retail Area on the date of the commencement of the scheme; or
    - ii. zoned town centre lands on the date of the commencement of the scheme; or
    - iii. zoned village Centre on the date of the commencement of the scheme; or
    - iv. appropriately zoned for the proposed use outside of Town or Village Centres on the date of the commencement of the scheme.
  - b. Existing first floor unit located on lands
    - i. zoned Prime Retail Area on the date of the commencement of the scheme; or
    - ii. zoned town centre lands on the date of the commencement of the scheme; or
    - iii. zoned village Centre on the date of the commencement of the scheme; or
    - iv. appropriately zoned for the proposed use outside of Town or Village Centres on the date of the commencement of the scheme.

- 5. "Qualifying Occupier"** means a person carrying on a new Qualifying Business/Use in the functional area and who has not, within a period of 2 years prior to the commencement of the relevant Qualifying Business, carried out such a Qualifying Business from a property situated in the functional area.

For the purpose of this Scheme, a person is connected with an applicant for Grant Aid if he/she is: -

- a) a spouse, parent, grand-parent, brother, sister or child of such applicant; or
- b) a person acting in the capacity of a trustee of any trust, the principal beneficiaries of which are the applicant, his spouse or any of his children or any "body corporate" which he controls; or
- c) a partner of the applicant; or
- d) acts under the control or direction of such person; or
- e) a body corporate which is controlled by the applicant or any person listed at 4.a to 4.d above.

6. This scheme shall exclusively apply to Qualifying Applicants/ Occupiers commencing a new Qualifying Business/Use in a Qualifying Premises in the functional area.
7. Subject to compliance with the terms of the Scheme, a Qualifying Occupier commencing a new Qualifying Business/Use in a Qualifying Premises in the functional area and who has paid his or her commercial rates due in full for the financial year in question (calculated pro-rata on a daily basis as appropriate where the Qualifying Occupier has occupied the premises in question for part of a year only), may avail of a grant under the scheme.
8. The applicant/occupier of the premises alleged to be a Qualifying Premises shall provide documentary evidence satisfactory to the Council for the purpose of verifying that the premises in question were vacant and advertised as available for letting for a minimum period of **3 months** prior to the commencement of occupation by the Qualifying Occupier for the purpose of the Qualifying Business/Use.
9. Subject to compliance with the provisions of this Scheme, the grant paid shall be calculated in accordance with Schedule 1, to Qualifying Occupiers/Applicants who comply with the requirements of the Scheme
10. Operational Calendar: The Commercial Vacancy Incentive Scheme will operate from the 1<sup>st</sup> of January to the 31<sup>st</sup> of December. For applicants who commence business within the calendar year, any deficit relating to Year 1 of the grant can be applied for in Year 4.
11. Individuals/businesses paying rates/charges by instalment must have the payment process completed by the 1<sup>st</sup> of November.
12. Time Commences/Claim Period: The Claim Period commences on the 1<sup>st</sup> June 2021

### **13. Anti-Avoidance**

In addition to any other grounds, the Council shall be entitled to **refuse** a grant under this Scheme where the Council is satisfied that:

- a. The business in question is not a new business set up in the functional area;
- b. The applicant or persons connected with the applicant have previously carried on such registered business or a similar business in the functional area within the period of 2 years prior to the application [but this shall not prevent the Council from allowing such a grant where the Council is satisfied that

such businesses are each separate bona fides undertakings unconnected with each other];

- c. The premises in question were not genuinely vacant and available for sale or letting at a reasonable rent during the period **3 months** prior to the commencement of occupation and trade by the applicant;
  - d. The premises were not bona fides open for trade for the entire year in question (save for normal holiday periods not exceeding 4 weeks in any calendar year);
  - e. An applicant for a grant shall make full and open disclosure of all relevant facts and details when making such application. Without prejudice to the generality of the foregoing, the applicant shall make full and open disclosure of details of all similar businesses carried on by the applicant or persons connected with the applicant in the functional area within the period of 2 years prior to the date of the application.
  - f. If an applicant provides false or misleading information in connection with an application for a grant the application shall be refused and that person or business shall be disbarred from making any future application under this scheme.
  - g. If a grant is paid on the basis of false or misleading information any monies paid by the Council must be refunded in full, the application will be considered void and that person or business shall be disbarred from making any future application under this scheme.
  - h. An entitlement to a grant under this Scheme is personal to the Qualifying Occupier entitled thereto and shall not be capable of being assigned to any third party. Any provision in an agreement or lease for the assignment for such entitlements shall be void.
- 14.**A decision on the validity of an application for a grant shall be an executive function and shall be made by the Administrative Officer (AO) for the Commercial Vacancy Incentive Scheme.
- 15.**When making a decision, the AO will consider the impact of the proposed business on the character of the retail area, and if in the opinion of the AO, a business would detract from the character of the street, that business shall not be grant aided.
- 16.**Exceptional Areas of Development.
- a. From time to time each Municipal Districts can specify designated areas that fall outside of the PRA but are under

redevelopment within the town centre for inclusion in this grant scheme under the Prime Retail Area categorisation.

- 17.** Only premises in the prescribed areas shall be eligible to apply for a grant.
- 18.** It is a condition of the scheme that any individual or business availing of a grant does not have other local authority charges owing to the Council.
- 19.** An application for a grant under this Scheme shall be made no later than 6 calendar months of the end of the calendar year to which the claim relates and shall thereafter expire for the year in question
- 20.** It is a condition of the scheme that the Grant Payment will only be available for drawdown after 4 months of Trading; this will be subject to all rates and charges for the applicant year being discharged in full.
- 21.** This Commercial Vacancy Incentive Scheme is inviting applications for Year 1 grant aid from June 2021 with applicants approved for year 1 grant aid being further considered on an annual basis for 3 years and a Year 4 application considered to ensure a full 3-year benefit can be gained by successful applicants -up to the date of the 4th Anniversary of trading.

## **Schedule 1.**

### **Location Zones**

The qualifying location are categorised under the following defined Zones:

- A. Prime Retail Area Zone [and Exceptional areas of development]
- B. Town Centre Zone and County Tipperary Villages Zone
- C. County-wide Zone

#### **A. Prime Retail Area Zone.**

To qualify for the Prime Retail Area Commercial Vacancy Incentive Scheme, the subject unit must:

be located on lands zoned Prime Retail Area use within the administrative area of Tipperary County Council.

#### **Exceptional Areas of Development.**

From time to time each Municipal Districts can specify designated areas that fall outside of the Prime Retail Area but are under redevelopment within the town centre for inclusion in this grant scheme under the Prime Retail Area categorisation.

#### **B. Town Centre Zone and County Tipperary Villages Zone.**

To qualify for the Town Centre Zone and County Tipperary Villages Zone Commercial Vacancy Incentive Scheme, the subject unit must:

be located on lands zoned for Town Centre within the administrative area of Tipperary County Council [See Appendix ii] Or

be located in one of the 35 Service Centres as defined in the County Tipperary Settlement Hierarchy within the administrative area of Tipperary County Council [See appendix iii]

### **C. County-wide Zone.**

To qualify for the Commercial Vacancy Incentive Scheme, the subject unit must:

be located on lands appropriately zoned for the proposed use within the administrative area of Tipperary County Council<sup>i ii</sup> and **not** within the 9 Prime Retail Areas, the 9 Town Centre Zone, or one of the 35 Service Centres as defined in the County Tipperary Settlement Hierarchy within the administrative area of Tipperary County Council.

### **Zoning Criteria**

Adoption of a new County Development Plan by Tipperary County Council will supersede the zoning status of the date of commencement of the scheme and become the new base for consideration of compliance under PRA, Town Centre, Village, and County Wide.

### **Grant Financial Details**

#### **A. Prime Retail Area Zone Grant.**

**[Also, from time to time Exceptional Areas of Development]**

To qualify for the Prime Retail Area Commercial Vacancy Incentive Scheme, the subject unit must be located on lands zoned Prime Retail Area use within the administrative area of Tipperary County Council. The following is a breakdown of the grant payable to the successful applicant over the course of three years.

**Year 1** Grant payable equivalent to **90%** of rate demand for subject year

**Year 2** Grant payable equivalent to **40%** of rate demand for subject year

**Year 3** Grant payable equivalent to **20%** of rate demand for subject year

The grant is subject to a maximum of €5,000 per grant in any year

The grant is subject to the proposed use having an active street frontage with clear glazing into the unit at ground floor level and internal activity visible from the street<sup>iii</sup>.

In each case, payment of the grant will be subject to the ratepayer having discharged the residual Commercial Rates liability for the year in question (i.e. 10% in Year 1, 60% in Year 2, and 80% in Year 3). The Grant will then be applied retrospectively to the accounts of eligible ratepayers at year-end each year in order to discharge the Commercial Rates liability in full.

Each year a new application must be submitted and the required information must be attached in order to be appraised and a decision made on the specific year in question.

## **Grant Financial Details**

### **B. Town Centre Zone or County Tipperary Villages Zone Grant.**

To qualify for the Town Centre Zone or County Tipperary Villages Commercial Vacancy Incentive Scheme, the subject unit must be located on lands zoned for Town Centre or be located in one of the 35 Service Centres as defined in the County Tipperary Settlement Hierarchy within the administrative area of Tipperary County Council

**Year 1** Grant payable equivalent to **50%** of rate paid for subject year

**Year 2** Grant payable equivalent to **35%** of rate paid for subject year

**Year 3** Grant payable equivalent to **25%** of rate paid for subject year

The grant is subject to a maximum of €5,000 per grant in any year.

The grant is subject to the proposed use having an active street frontage with clear glazing into the unit at ground floor level and internal activity visible from the street<sup>iv</sup>.

In each case, payment of the grant will be subject to the ratepayer having discharged the residual Commercial Rates liability for the year in question (i.e. 50% in Year 1, 65% in Year 2, and 75% in Year 3). The Grant will then



be applied retrospectively to the accounts of eligible ratepayers at year-end each year in order to discharge the Commercial Rates liability in full.

Each year a new application must be submitted and the required information must be attached in order to be appraised and a decision made on the specific year in question.

## **Grant Financial Details.**

### **C. Countywide Zone Grant.**

To qualify for the Countywide Commercial Vacancy Incentive Scheme, the subject unit must be located in an established and permitted property in accordance with the zoning objectives of the County Development Plan/Local Area Plans or Town Development Plans<sup>v</sup>.

The following is a breakdown of the grant payable to the successful applicant over the course of three years.

**Year 1** Grant payable equivalent to **40%** of rate paid for subject year

**Year 2** Grant payable equivalent to **30%** of rate paid for subject year

**Year 3** Grant payable equivalent to **20%** of rate paid for subject year

The Grant is subject to a maximum of €5,000 per grant in any year.

In each case, payment of the grant will be subject to the ratepayer having discharged the residual Commercial Rates liability for the year in question (i.e. 60% in Year 1, 70% in Year 2, and 80% in Year 3).

Each year a new application must be submitted and the required information must be attached in order to be appraised and a decision made on the specific year in question.

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<sup>i</sup> <http://www.tipperarycoco.ie>

<sup>ii</sup> <http://www.tipperarycoco.ie>

<sup>iii</sup> Except in cases where the property to which the application relates to is an existing permitted development and complies with the appropriate planning permission/consent or is compatible with the exempted development classes of use set out in the Planning & Development Regulations, 2001, as amended and any amendment thereof.

<sup>iv</sup> Except in cases where the property to which the application relates to is an existing permitted development and complies with the appropriate planning permission/consent or is compatible with the exempted development classes of use set out in the Planning & Development Regulations, 2001, as amended and any amendment thereof.

<sup>v</sup> <http://www.tipperarycoco.ie>