

**WATERFORD CITY & COUNTY COUNCIL  
DEVELOPMENT CONTRIBUTION SCHEME  
2015-2021**

**Adopted 12<sup>th</sup> February 2015**



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## **1. INTRODUCTION**

Section 48 of the Planning & Development Act 2000 (as amended) enables the Planning Authority when granting planning permission under Section 34 of the Act, to include conditions requiring the payment of a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority, and that is provided, or that is intended to be provided, by or on behalf of the Local Authority, regardless of other sources of funding for the infrastructure and facilities.

In addition a Planning Authority may require the payment of a Special Contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by a local authority in respect of public infrastructure and facilities which benefit the proposed development.

Subsections (2) & (3) of Section 48 of the Planning & Development Act 2000 (as amended) specifies that a scheme shall:

- Set out the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme;
- Make provision for payment of different contributions in respect of different classes or descriptions of development;
- Allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme;
- Indicate the contribution to be paid in respect of different classes of public infrastructure and facilities which are provided, or to be provided by the local authority 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; and
- Facilitate the phased payment of contributions and may require the giving of security to ensure payment of contributions.

A steering group was established in order to advance this Development Contribution Scheme. This involved input and valuable contributions to the scheme from all Directorates.

## **2. DEFINITIONS**

Section 48 of the Planning & Development Act 2000 (as amended) gives the following meaning to "*public infrastructure and facilities*":

- a) The acquisition of land;
- b) The provision of open spaces, recreational and community facilities and amenities and landscaping works;

- c) The provision of roads, car parks, car parking places, sewers, waste water and water treatment facilities, service connections, watermains and flood relief work;
- d) The provision of bus corridors and lanes, bus interchange facilities (including car parks for these facilities) infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures;
- e) The refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, sewers, waste water and water treatment facilities, service connections or watermains;
- f) The provision of high-capacity telecommunications infrastructure, such as broadband;
- g) The provision of school sites; and
- h) Any matters ancillary to paragraphs (a) to (g).

"Scheme" means a development contribution scheme made under Section 48 of the Planning & Development Act as amended.

"Special contribution" means a special contribution referred to in Section 48 (2) (c) of the Planning & Development Act 2000 (as amended).

In the preparation of the Development Contribution Scheme planning authorities are required to have regard to the Development Contribution Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January 2013 under Circular Letter PL1/2013 and also to take account of the non-statutory guidance previously issued in Departmental Circulars PD 4/2003 and PD 5/2007.

### **3. TYPES OF DEVELOPMENT CONTRIBUTIONS**

The Act provides for three types of development contributions that may be attached as conditions of planning permissions:

- a) General Development Contributions (Section 48 – Principal Contribution Scheme);
- b) Supplementary Development Contributions (Section 49); and
- c) Special Development Contributions (Section 48(2) (c)).

Both General and Supplementary Contributions are based on a scheme adopted by members of a local authority.

#### **(a) General Development Contribution Schemes - Section 48 of P & D Act 2000 (as amended)**

These contribution schemes apply in respect of public infrastructure and facilities provided by or on behalf of the local authority that benefit development in the local authority's functional area. Section 48 (1) of the Planning and Development Act 2000 (as amended) outlines that a planning authority, when making a grant of permission may include a condition requiring the payment of a contribution in respect of public infrastructure and facilities. This section also indicates that such contributions may be related to works benefiting development in the area of the planning authority.

**(b) Supplementary Development Contributions - Section 49 of P & D Act 2000 (as amended)**

Section 49 of the Act provides for the making of a Supplementary Development Contribution Scheme in order to facilitate a particular public infrastructure service or project which is provided by a local authority or a private developer on behalf of and pursuant to an agreement with a local authority, and which will directly benefit the development on which the levy is imposed.

In general the same rules of procedure apply to the adoption of a Supplementary Development Contribution Scheme, as to the adoption of a General Contribution Scheme. However, the scheme must in addition specify the area or areas within the functional areas of the planning authority where the scheme will apply and the particular public infrastructure project or service for which the scheme is being applied. In the area for which the scheme is adopted these contributions will be payable in addition to those payable under Section 48. The relevant Departmental Circular identified such infrastructure services or projects as rail, light rail, or other public transport infrastructure (i.e. the LUAS). Waterford City and County Council has no projects on hand at this time to warrant the making of a supplementary development contribution scheme.

**(c) Special Development Contributions - Section 48(2)(c) of P & D Act 2000 (as amended)**

This provides for a Special Development Contribution where exceptional costs not covered by the general contribution scheme are incurred by a local authority in the provision of a specific public infrastructure or facility. Such special development contributions do not have to be adopted by the Council. The Planning Authority may require the payment of a Special Development Contribution in addition to a contribution under the General Scheme. These contributions apply only to development which will benefit directly from the public infrastructure facility in question such as a new road junction.

**(d) Classes of Public Infrastructure**

Development Contribution Schemes provide funding for four general classes of public infrastructure or facilities.

**1. Transport**

To include the provision of roads, refurbishment, upgrading, enlargement or replacement of roads, car parks, provision of bus corridors and other infrastructure to facilitate public transport, cycle and pedestrian facilities, traffic calming measures and smarter travel projects not covered by National Transport Authority grants.

**2. Recreation & Amenities**

To include the provision of open spaces, amenities, playgrounds, walkways and landscaping works.

**3. Community Facilities**

To include the provision of recreational & community facilities.

**4. Surface Water**

To include the refurbishment, upgrading, enlargement or replacement of drains.

**Note:** Water Supply and Waste Water Services are now the under the remit of Irish water (reference Appendix A).

#### 4. REVIEW OF THE PREVIOUS SCHEME 2008-2013

The capital programmes prepared for the previous City and County scheme were reviewed. Over €18m was collected under the City and County schemes from 2008-2013.

	<b>Roads/ Traffic Management</b>	<b>Recreation, Community &amp; Amenity</b>	<b>Water/ Drainage</b>	<b>Total</b>
<b>County</b>	€4m	€2.3m	€3.6m	€9.9m
<b>City</b>	€4.3m	€1.7m	€2.6m	€8.6m
<b>Total</b>				€18.5m

An examination/analysis of the following was undertaken:

1. Residential planning applications granted on a County and City wide basis (over the period 2010-2013 inclusive) which enables estimations for residential units over the life of the Scheme to be calculated. (See projected figures set out in Appendix B).
2. Non-Residential development granted on a County and City wide basis (over the period 2010-2013 inclusive) in terms of floor area and classes of development and from this an estimation of the amount of non-residential floorspace per annum which is likely to be developed over the life of the scheme subject to favourable improving economic conditions. (Projected figures are set out in Appendix B).

#### 5. BASIS FOR DETERMINATION OF THE DEVELOPMENT CONTRIBUTION SCHEME

The following methodology was used as the basis for determining the development contribution scheme.

1. Estimation of all development potential over the period of scheme based on assumption of improving economic conditions – (Appendix B).
2. Transport, community and amenity projects and costings prepared by Directorates (projects outlined in Appendix A). The projects listed are infrastructure which have been identified in relevant objectives of the Development Plan or local area plan or include infrastructure that is essential to realizing the objectives of the Development Plan. It should be noted that the projects listed at Appendix A are necessary for County & City future development but due to costs, many, will not be achievable under the proposed DCS and other projects may be substituted where applicable.
3. In previous schemes the ratio of residential contributions to non-residential contributions is in the order of 75% to 25% respectively i.e. (3:1). The same ratio is being retained for the 2015-2021 Scheme. A target investment from the new DCS Scheme is of the order of €12ml. Therefore, the residential contributions will account for €9ml. and non-residential will amount to approximately €3ml.

## 6. DEVELOPMENT CONTRIBUTION CHARGES

### (A) RESIDENTIAL DEVELOPMENT

Residential	Rate per unit up to 125sqm	Rate per unit 125sqm to 200sqm	Rate per unit 200sqm +
Surface water (15%)	€450	€750	€1,350
Recreation and Amenity (5%)	€150	€250	€450
Community Facilities 40%	€1,200	€2,000	€3,600
Transport 40%	€1,200	€2,000	€3,600
<b>Totals</b>	<b>€3,000</b>	<b>€5,000</b>	<b>€9,000</b>

(Surface water contributions will apply for both urban and rural residential developments as works to drains, channels and water courses will need to be carried out to facilitate development)

Other Residential Charges	
Conversion of residential units	Where an existing residential unit is converted to apartments or flats a residential charge will be levied based on the number of additional housing units being provided.

### (B) NON-RESIDENTIAL DEVELOPMENT

Non-Residential Built Development	Rate per sqm
Surface water	€2.70
Recreation & Amenity	€0.90
Community Facilities	€7.20
Transport	€7.20
<b>Total</b>	<b>€18</b>

(Surface water contributions will apply for both urban and rural non-residential developments as works to drains, channels and water courses will need to be carried out to facilitate development)

Other Non-Residential Development	
Advertising structure	€15 per sqm
Agricultural Development	€5.00 per sqm
Caravan parks/mobile homes	Each mobile home unit will be considered to be 50 sqm and the relevant non-residential rate will apply.
Development of a commercial car park	€400 per car parking space
Golf course/pitch and putt, sports pitches , race courses and horse training arenas	€500 per hectare Ancillary buildings will be charged at the non-residential rate
Landfill site	€0.20 per cubic metre for Transport €0.20 per cubic metre for Recreation & Amenity
Quarrying	€10, 000 per hectare

Telecommunication masts	€10, 000
Waste recovery facility	€7, 000 per hectare
Renewable Energy Developments (i.e. wind & hydro)	€1000 per 0.1MW & €0.50 per metre of transmission line to connect to National Grid
Renewable energy installations (i.e. other than wind & hydro)	Standard non-residential rate to be applied as follows: 95% of the relevant rate for 1MW-5MW 90% of the relevant rate for 6MW -10MW 85% of the relevant rate for 10MW-20MW 75% of the relevant rate for greater than 20MW
Development not in any of the above classes	€40 per sqm

### (C) RATES APPLICABLE TO BOTH RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS

#### (1) Car parking

Contributions are payable in respect of car parking where the developer is unable to meet the car parking standards as set out in the relevant Development Plan.

The contribution per parking space is as follows.

Contribution for car parking spaces	€2, 100
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#### (2) Temporary Permissions

Reduced rates for temporary permissions to be calculated as follows:

- 33% or normal rate for permissions of up to 3 years
- 50% of normal rate for permissions of up to 5 years
- 66% of normal rate for permissions of up to 10 years.
- Full contributions applicable for permissions of 10 years or over.

## 7. EXEMPTIONS

Exemptions and reduced rates in the current schemes were reviewed and a number of additional exemptions and reductions are proposed having regard to the need to stimulate economic activity and also the Development Contribution Guidelines issued by the Department of the Environment, Community and Local Government.

### General Exemptions

- 1) Developments by voluntary not for profit clubs, non-statutory groups/organizations for non-commercial community related developments.
- 2) Restoration/refurbishment of buildings on the record of protected structures including the conversion to apartments.
- 3) Permission for a change of use in the designated City centre, and also the Town Centres of Dungarvan and Tramore where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure.



- 4) The appropriate refurbishment/redevelopment of buildings within the designated Living City Initiative Areas shall be exempt from development contributions.

#### Residential Exemptions (also refer to General Exemptions)

- 5) Social housing and affordable housing units, including those which are provided in accordance with an agreement made under Part V of the Act (as amended under the Planning & Development (Amendment) Act, 2002) or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council.
- 6) Developments for individuals who have made an application for the Housing Adaptation Grant for People with a Disability or who have a disability, as certified by a specialist consultant.
- 7) Relocation of a dwelling on a site. Contributions not applicable as there is no material change in the structure simply the location. If the structure has been materially altered then contributions would be applicable.
- 8) Residential garages & sheds (i.e. ancillary to dwelling) – Exempt from contributions. This includes attached garages. However if permission is subsequently granted to convert the garage/shed to habitable accommodation then the appropriate levy for residential development would be applicable.

#### Non-Residential Exemptions (also refer to General Exemptions)

- 9) Broadband infrastructure (i.e. masts, dishes and antennae).
- 10) Domestic wind turbines.
- 11) Renewable energy development which is not supplying electricity to the national grid.
- 12) New aviation related enterprises at Waterford Regional Airport and adjoining airport related zoned lands. Aviation related enterprise included airport operation facilities and uses complementary to the operation of the airport. (i.e. future runways/taxiways, hangar facilities, business park use within the lands zoned as airport/airport related activities primarily related to the airport servicing, management or maintenance activities within the airport.
- 13) Non-fee paying primary schools and secondary schools and other educational institutions possessing charitable status. (For clarification purposes, student accommodation is afforded exemptions and reductions under separate headings of the scheme).
- 14) Burial grounds.
- 15) Uncovered storage ancillary to a development.

#### Agricultural Exemptions (also refer to General Exemptions)

- 16) Agricultural development which is deemed necessary to comply with European Directives as certified by an agricultural advisor/agricultural consultant.
- 17) Replacement buildings shall be exempted subject to no intensification or increase in animal numbers taking place.

18) Agricultural developments – The first 500sqm of agricultural development following the adoption of the new Development Contribution Scheme is exempt from levies.

## 8. REDUCTIONS

The following categories of development will attract a reduction in respect of development contributions:

### General Reductions

- 1) Frontage developments/streetscape development in the centre of the City, towns and villages, the development of which represent an infill/gap site which would enhance the streetscape will be subject to a 50% reduction.
- 2) In cases of redevelopment projects where it can be demonstrated that no additional demand on infrastructure will arise the equivalent floor area of the structure that is being replaced shall be exempt from development contributions. Any additional floor space shall be charged on a pro-rata basis per the appropriate rate for non-residential development (i.e. net additional floor area).
- 3) The refurbishment or redevelopment of derelict sites that are subject to derelict sites notices or are included on the derelict sites register shall be subject to a 50% reduction of the normal rates.
- 4) In exceptional circumstances the required development contributions may be reduced where this is warranted, having regard to the particular economic, social or cultural benefits of the development.

### Residential Reductions (also refer to General Reductions)

- 5) Conversion of residential units - Where an existing residential unit is converted to apartments or flats for the purposes of student accommodation a 50% reduction on the standard unit rate will apply.
- 6) Replacement dwelling – Where it can be demonstrated that the structure is serviced and was last used as a dwelling, the equivalent floor area of the house that is being replaced shall be exempt from development contributions. Any additional floor space shall be charged on a pro-rata basis per the appropriate rate for residential development.
- 7) Extension to an existing residential unit - The first 40sqm are exempt from development contributions whilst the remaining floor area, in excess of the first 40sqm, will be charged at €50 per sqm. (For clarity if an extension was previously constructed up to 40sqm under the Exempted Development Regulations 2001, as amended, then levies are applicable on the **entire new extension**).

## Non-Residential Reductions (also refer to General Reductions)

- 8) Developments grant aided or supported by the IDA, Enterprise Ireland or Udarás Na Gaeltachta, that would progress the Government's Jobs Initiative, will be subject to a 50% reduction on the normal rates.
- 9) Internationally traded services as set out in the Industrial Development (Services Industries) Order 2010 (Appendix C) and EI supported enterprise (employing 10 or more employees) – 50% reduction.
- 10) Warehouses (not retail warehousing) and covered industrial storage areas -50% reduction.
- 11) Town centre commercial uses unable to meet car parking standards
  - 1-5 spaces =50% reduction
  - 6-10 spaces 25% reduction
  - Greater than 10 spaces – no reduction

## 9. CHANGE OF USE

Applications for change of use outside of the designated City Centre and Dungarvan and Tramore Town Centre's shall be subject to a 50% reduction where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure.

## 10. RETENTION OF DEVELOPMENT

Applications for retention will be charged at the full rate under the scheme. No exemptions or reductions shall apply.

## 11. OUTLINE PLANNING PERMISSION

The amount of contribution to be levied is the contribution rate applicable at the time of the decision on the permission consequent stage and not at the date of the grant of outline permission.

## 12. PAYMENT OF CONTRIBUTIONS

- 1) Conditions requiring payment of the contributions provided for in the Scheme will be included in all relevant decisions to grant planning permissions made following the making of the Scheme by the Council.
- 2) The contributions under the Scheme shall be payable prior to commencement of development.
- 3) The Planning Authority may facilitate the phased payment of contributions payable under the Scheme. Outstanding amounts will be subject to CPI increases.
- 4) Consideration will be given to the provision of specific infrastructural works and facilities by a developer in lieu of payment of development contributions subject to the confirmed written agreement of the Planning Authority.

### **13. DURATION OF THE SCHEME**

This Development Contribution Scheme applies until 11<sup>th</sup> February 2021, unless the Planning Authority reviews the Scheme in the interim. Any review will have regard to circumstances prevailing at the time.

### **14. IRISH WATER**

The capital projects for Water Services have been included in the scheme under Appendix A. Notwithstanding the fact that the Council can no longer levy contributions for water services it is still necessary to take account of the proposed water capital projects that are to be advanced by Water Services Capital Section and that are necessary to be carried out over the lifetime of the scheme to ensure water needs are appropriately catered for.

### **15. APPEALS TO AN BORD PLEANÁLA**

An appeal may be brought to An Bord Pleanála where the applicant for planning permission under Section 34 of the Planning and Development Act 2000 (as amended) considers that the terms of the scheme have not been properly applied in respect of any conditions laid down by the Council.

## Appendix A

### List of Capital & Other Projects to be funded from the Scheme 2015-2021

(Decisions relating to the implementation prioritisation of the above projects remain the responsibility of the relevant Directorates within the Council.)

Project	Project
Abbey Road Improvement scheme	Green way
Airport Rd (link to regional road)	Installation of outdoor exercise equipment on Dungarvan/Ballinroad cycle path
Arts Centre Waterford City	Kilbarry civic amenity site upgrade
Ballinattin Road and Roundabout	Kilbarry Nature Park, fenced dog zone
Butlerstown Roundabout	Kilminnin Link Road
Capital grants scheme	L-3011 Knocknagranagh/Ballinroad Road improvement
Car Parking provision	Library and community facility at Carrickpherish
Cemeteries- developing of mapping system and GIS Database	Library buildings
Clonmel Road improvement	Mercyhurst
Coastal path	Mountain bike track/trail
Coastal protection	Munster Peaks
Comeragh Mountains looped walks upgrade	Other library capital projects
Community centre upgrades	Peoples park skate board extension
Community centres – new build (including youth centres)	Peoples playground
Community childcare facilities	Piers and harbours
Copper Coast Geopark	Playgrounds (10)
Cork Road Green Route	Portlaw relief road
Cycling provision	Public realm - City
Cycling routes new and upgrade	Sports facilities
Dark fibre	Tallow road link
Development of amenity area at Dungarvan landfill	Traffic management
Development of amenity area at Tramore landfill	Tramore Surfacewater
Disability access	Tramore centre
Dungarvan Surfacewater	Tramore dunes upgrade
Dunmore east looped walks upgrade	Underground cabling and public lighting
Dunmore East access and amenity development	Upgrade of bring centres
Economic Development Fund	Upgrade of dog shelter facility
Extension of bring centre network	Upgrading Surfacewater
Ferrybank dual carriageway landscaping	Viking Triangle building
Fire Station –Waterford City	Village and urban renewal
Footpath improvement scheme	Walking routes
General amenity works	Waterford Airport
Glen Road	WIFI, Dungarvan and Waterford Centres
Gold Coast improvement	Williamstown Road
Grattan Quay, Bilberry and Quarry Rd	Wyse Park

## Water Services Capital Projects 2014 Onwards

(Responsibility of Irish Water and not being charged under the Development Contribution Scheme)

<b>Water Services Capital Scheme</b>
Ardmore Water Supply Scheme
Ballyduff Upper Sewerage Scheme
Ballynacourty/Deelish Water Supply Scheme - Reservoir & Trunk Main
Ballynacourty/Deelish Water Supply Scheme - Distribution Mains
Bunmahon Sewerage Scheme
Carrick-on-Suir/Rathgormack Water Supply Scheme
Cheekpoint Sewerage Scheme
Dungarvan Water Supply Scheme
Dunmore East Water
East Waterford Water Supply Scheme - Adamstown to City Network Upgrade
Faithlegg Water Supply Scheme
Kilmacthomas Water Supply Scheme
Lismore Sewerage Scheme
Passage East Sewerage Scheme
Portlaw Sewerage Scheme
Portlaw Water Supply Scheme
Ring Helvick Water Supply Scheme
Small Rural Sewerage Scheme
Supply Scheme Phase 2 - Reservoir and Network
Tramore Sewerage Scheme Stage 2
Waterford Grouped Towns & Villages Sewerage Scheme Contracts 4 & 8
Water Conservation Stage 3 Mains Rehabilitation - City & County
Waterford City Sewerage Rehabilitation Scheme
Waterford City SS Sludge Treatment Centre
West Waterford Water Supply Scheme - Finisk Borehole
West Waterford Water Supply Scheme - Stages 2 & 3

## Appendix B

### Assessment of Development Potential

The Development Contribution guidelines indicate that the relevant development plan core strategy should provide the most appropriate basis from which to commence the estimation of the number of housing units. The core strategy indicates that 4300 units will be built per year up to 2019 (on average 850 per annum).

However, following an assessment of the residential units permitted over the last 4 years it is considered that in the current economic climate a cautious approach should be adopted and a lower projected housing figure should be used. It is necessary to take a pragmatic view of development potential over the period of the scheme, over ambitious assumptions for development will result in less funding streams and subsequently fewer infrastructure projects being realised. Should economic recovery and construction activity be quicker than anticipated this will be apparent from development contribution income streams. This increased fund will enable additional projects to be added to the prioritised lists.

Therefore based on the average residential units granted over the last 4 years (1215 units) and to allow for modest growth it is assumed that the additional housing units for the 5 years of the proposed scheme will be 2000 units. Similarly for non residential development, 150,000sqm was permitted and it is likely that there will be some improvement in this figure over the next number of years. Therefore the projected figure is 165, 000 sqm (an increase of 10%).

<b>Development per SQM</b>	<b>Residential</b>	<b>Non Residential</b>
Permitted Development 2010-2103 (inclusive)	1215 units	150,479.64 sqm (63, 216.83sqm City) (87, 262.81sqm County)
Estimated Development potential 2014-2019	2000 units	165, 000sqm

## **Appendix C**

### **Internationally Traded Services (Listed on the Industrial Development (Services Industries) Order 2010)**

- Data processing and electronic commerce.
- Technical and consulting services.
- Commercial laboratory services.
- Administrative/service centres, co-ordination and headquarters services.
- Research and development services.
- Media, multimedia and recording services.
- Entertainment and leisure services.
- Training services.
- Publishing services.
- International Financial services.
- Healthcare services.
- Construction related services.
- Environmental services.
- Supply Chain Management and Logistics Management services.
- Commercial international standards bodies.
- Technology test centres.
- Prototype laboratory services.
- Intellectual property services.
- Group Procurement.
- Shipping services.
- Education Services.